

	District Council of Cleve	Version No:	1
		Issued:	19/05/15
		Next Review:	May 2018

Procedure Name: Smoke Free Workplace Procedure

1. Overview

The District Council of Cleve, as part of its ongoing commitment to a healthier and safer workplace, recognises its obligation to ensure that the health and safety of Workers at the workplace are identified, assessed and controlled.

Council accepts that tobacco smoking, particularly the smoking of cigarettes, is detrimental to health.

This procedure aims to:

- Demonstrate compliance with legislative requirements
- Achieve the highest levels of work health and safety performance by:
 - Providing managers and Workers with the information, instruction and training to enable them to manage smoking in the workplace effectively
 - Having systems in place to facilitate the monitoring and evaluation of the effectiveness of those controls.

The District Council of Cleve is committed to a consistent approach to smoking in the workplace that includes cooperation and consultation between management and Workers in the workplace.

2. Core Components

Council accepts that:

- There is a significant association between involuntary smoking and an increased risk of lung cancer, respiratory, and heart disease
- Tobacco smoke can aggravate the symptoms of those who are affected by existing heart and chronic lung diseases and asthma
- Tobacco smoke can be irritating, offensive and can cause physical discomfort to non-smokers including eye irritation, nasal irritation, headaches and coughing
- Smoking is prohibited by law in certain places such as:
 - (a) Where fire or explosion is a risk;
 - (b) Food handling and preparation areas;
 - (c) Where there are work health and safety risks,
 - (d) Hotels / clubs/ restaurants; and
 - (e) Playgrounds – smoking is banned within 10 metres of children's public playground equipment.
- Tobacco smoke is now regarded as a major pollutant of the indoor air environment



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- Typical indoor ventilation, including mechanical ventilation and air conditioners, is inadequate to totally remove tobacco pollutants
- It has a responsibility under the Work Health and Safety Act 2012 to "take all reasonable precautions to ensure the health and safety of workers". Council may be found liable under Common Law and the Return to Work Act 2015 if it fails to provide a safe and healthy environment for its staff.

3. Definitions

ETS	Environmental tobacco smoke, means the mixture of chemicals and particles released into the air whenever someone smokes a cigarette, cigar or pipe.
Passive smoking	Means the involuntary inhalation of ETS
PCBU	Person conducting a business or undertaking
Worker	a person who carries out work in any capacity for a PCBU, including (a) An employee, (b) A contractor or subcontractor and employees of the contractor or subcontractor, (c) An employee of a labour hire company who has been assigned to work in the person's business or undertaking, (d) An outworker, (e) An apprentice or trainee, (f) A student gaining work experience, (g) A volunteer, or (h) The person conducting the business or undertaking is also a worker if that person is an individual who carries out work in that business or undertaking.
Workplace	A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to go, while at work.
Common Law	A PCBU has a common law duty of care to take reasonable steps to protect its workers' health and safety, including the provision and maintenance of safe workplaces.

4. Aim

- 4.1 This procedure is to establish a smoke free workplace to provide and maintain a safe working environment for all Workers.

5. Times When Smoking Is Permitted

- 5.1 During working hours, workers are only permitted to smoke at the nominated morning and afternoon breaks and at lunchtime.

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6. Designated Smoking Areas

6.1 Smoking is not permitted within 10 metres from Council entrance or exit points. This includes the staff amenities building including lunchroom, toilets and offices, as well as Depot buildings including workshop, storerooms and carport.

7 Employer Responsibilities

7.1 Council is responsible for ensuring, through the Safety Committee, that:

- 7.1.1 Compliance of this procedure for all Workers is managed.
- 7.1.2 Smokers are not discriminated against in the offer of employment.
- 7.1.3 This procedure is included in the induction and training process for Workers.
- 7.1.4 Receptacles for disposal of smoking material are provided at entrances to work sites.
- 7.1.5 Grievances are dealt with in confidence by management.
- 7.1.6 Support services are available to Workers who smoke and access to them is provided in a timely manner.
- 7.1.7 All advertisements for employment will state that Council is a "Smoke Free Workplace".
- 7.1.8 Potential employees will be further advised of the procedure during employment interviews. The procedure will also be included in letters of appointment and again during any new employee's induction.

8. Employee Responsibilities

8.1. Employees are responsible for ensuring that they:

- 8.1.1 Comply with this procedure.
- 8.1.2 Obey all instructions issued to protect their own personal health and safety and the health and safety of others.
- 8.1.3 Co-operate with their Health and Safety Representative in having grievances or disputes resolved in a proper manner.

9 Rehabilitation

9.1 Workers wishing to stop smoking are encouraged to call the **Quitline on 131 848**. Part of the service offered by **Quitline** includes a structured call line that operates 24 hours per

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day. A program can be developed whereby the person wishing to stop smoking negotiates a suitable date and time with **Quitline**, and receives regular and ongoing sympathetic support by phone and/or one-to-one counselling if required and available.

10. Breach of Procedure

- 10.1. Non-compliance with this smoke free procedure will be viewed as a serious matter. While all efforts will be made to help individuals meet the requirements of this procedure, any disregard for the procedure will be viewed in the same way as any breach of the Work Health and Safety Act 2012, and standard disciplinary procedures will apply.

11. Review

- 11.1 The Smoke Free Workplace Procedure will be reviewed by the management team, in consultation with Workers or their representatives, every three (3) years or more frequently if legislation or Council requirements change. This will include a review of the following:
- 11.1.1 Legislative compliance issues.
 - 11.1.2 Changes in work performed.
 - 11.1.3 Any other relevant information.
- 11.2 Results of reviews may result in preventative and / or corrective actions being implemented and revision of this document.

12. References

- Work Health and Safety Act, 2012, Sections 19 and 20
Tobacco Products Regulation Act, 1997 (South Australia)
Tobacco Products Regulations, 2004 (South Australia)
Quit SA www.quitsa.org.au

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SIGNED:

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Chief Executive Officer

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Chairperson, Safety Committee

Date: 19/05/2015

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13. Review History

Document History:	Version No:	Issue Date:	Description of Change:
	1.0	19/05/2015	New Document