Prohibition of smoking in the workplace

While recognising that tobacco smoking is not an illegal activity and members of staff and the public may indulge in smoking activities; non-smokers have a right in their workplace, to not be exposed to harmful contaminants. These contaminants also include airborne contaminants (Exposure is hereafter referred to as passive smoking.) In order for Council to fulfil its obligation for a safe workplace, the following policy is to be adopted across the shire.

This procedure applies to all employees and contractors while at work at council operated premises and plant where a member of the public is smoking such that passive smoking becomes an issue, staff may make a reasonable and polite request for that person to either stop smoking or move away from the staff member. **Smoking is prohibited by all employees, and Council sub-contractors and visitors (except in circumstances defined below) at all Council workplaces.**

Council workplaces include

- All Council workplaces that are enclosed areas, irrespective of the number of employees at the workplace;
- Inside all Council owned and controlled buildings, irrespective of the use of the building;
- Outside storage areas or within the confines of any depot (enclosed open spaces); Note: Sewer Treatment Plants, Saleyards, and Waste Depots etc. are recognised as workplaces.
- Inside all vehicles owned or leased by Council irrespective of the number of persons or views of the persons in the vehicle;

Smoking in Council’s designated workplaces is not permitted, except during designated breaks, provided smoking is not undertaken within **10 metres** of any doorways, windows or air conditioning intakes - where second hand smoke may enter any Council building.

Smoking is not to be undertaken in contravention of Council’s Outdoor Smoke Free Policy document.

Employees cannot be disciplined because they smoke away from these workplaces, during their own time (or at times agreed between an employee and their supervisor). However any smoking or smoke breaks taken outside of the specified guidelines may lead to disciplinary action.

**Smoking will not be permitted**

- While operating any plant or equipment;
- Within any confined space;
- Adjacent to any products or materials of a flammable or explosive nature.
**Passive Smoke**

All smokers must ensure no other staff member is exposed to the smoke they produce. Employees who fail to look after the safety of other people at work by not complying with the Smoke Free Workplace Policy can be personally liable to a fine of up to $3,300 under the WHS Act 2011 and may be subject to disciplinary action.

**Disposal of cigarette butts**

Council employees must appropriately dispose of their cigarette butts in rubbish bins or other suitable cigarette butt bin. Employees are liable to fines under the POEO Act 1997 for littering (as is any other member of the public).

An employee who refuses to comply with a ‘no smoking’ direction may be subject to such disciplinary action as is permissible under the Award and Council’s disciplinary procedure.

**Duties & responsibilities**

**Leadership Executive Group**

Will ensure this Procedure is implemented within all Council work areas and will support all employees and contractors under Council’s direct control and hold them accountable for their specific responsibilities.

**Managers and supervisors**

Are responsible and will be held accountable for ensuring this procedure is effectively implemented within their respective work areas. Managers and Supervisors will also provide support to everyone under their direct control and hold them accountable for their specific responsibilities. They will also ensure that employees and visitors are not exposed to passive smoking.

**Employees and other workers**

Are responsible and will be held accountable for:

- Co-operating by complying with the requirements of this Procedure.
- Ensuring the health and safety of fellow employees, contractors and visitors.

**Council contractors/sub-contractors and visitors**

Are responsible and will be held accountable for:

- Co-operating by complying with the requirements of this Procedure.
- Ensuring the health and safety of fellow employees, contractors and visitors.

**Occupational Health and Safety Committee**

The Occupational Health and Safety Committee is responsible for answering any queries/questions concerning this procedure.
Enforcing no smoking throughout Council (designated breaks excepted)

Appropriate notices are to be circulated and displayed on notice boards located across all Council work sites.

Counselling or written reprimands may be issued for non-conformance to the Procedure as appropriate. These measures are designed to discourage employees from smoking during working hours in order to comply with Council’s legal obligations to ensure the health, safety and welfare of our employees and visitors to our workplaces.

Assistance to Staff

Council offers assistance to employees wishing to give up smoking. Assistance for employees is available outside working hours and can include a Quit Program, employee counselling assistance through our Employee Assistance Program, and may include contributions towards quit smoking aids including patches and tablets (see below for more details).

Financial Support

Council offers assistance to employees wishing to give up smoking. Receipts for “Stop Smoking Programs” (patches, tablets, etc.) to the value of $150.00 per employee (exclusive of GST) may be reimbursed. This assistance will be available on the production of receipts and as approved by the General Manager. (Contact Human Resources Section for further information).

Counselling and Quit Program

It is recognised these changes being made may create substantial difficulty for some smokers. Any employee can access counselling support from Council’s Employee Assistance Program Counselling Service for assistance in coping with or adjusting their smoking habits to meet the Council’s Procedures.

For contact and referral information about our Employee Assistance Program providers, please contact Council’s WHS Coordinator.

For the cost of a local call from anywhere in Australia, the Quitline provides advice and assistance to smokers who want to kick the smoking habit. It is open 24 hours a day; seven days a week, offering the assistance that a smoker may need to make a successful quit attempt.

The Quitline phone number is: 137 848.

Note

The success of this procedure depends on the thoughtfulness, consideration and co-operation of both smokers and non-smokers. All employees and contractors share in the responsibility for adhering to and enforcing this procedure.