

**Smoking in the Workplace**

**Procedure 5.5.49**

Policy No. and Title	5.5	Conditions of Employment Policy
Procedure	5.5.49	Smoking in the Workplace
Version	1	
Date Adopted	5 September 2012	

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**1 OBJECTIVES**

To establish a smoke free workplace, reduce and/or eliminate passive smoking in the work environment and to ensure compliance with Council's Work Health and Safety responsibility.

**2 INTRODUCTION**

- a) Council acknowledges that while the use of tobacco products is not an illegal activity, the obligations to ensure a safe workplace for all must take precedence. Although an activity, such as smoking, is legal, this does not translate into an absolute right to undertake the activity at the workplace; non-smokers have a right in their workplace, to not be exposed to harmful contaminants. These contaminants also include airborne contaminants. (Exposure is here after referred to as **passive smoking**.) In order for Council to fulfill its obligation for a safe workplace, the following procedure is to be adopted across the shire.
- b) This procedure applies to all workers while at work and/or in Council operated premises and plant.

**3 RESPONSIBILITIES**

**3.1 Management**

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

**3.2 Managers and supervisors**

Are responsible and will be held accountable for:

- a) Ensuring this procedure is effectively implemented within their respective work areas.
- b) Provide support to everyone under their direct control and hold them accountable for their specific responsibilities.
- c) Ensure that employees and visitors are not exposed to passive smoking.

**3.3 Employees and other workers**

Are responsible and will be held accountable for:

- a) Co-operating by complying with the requirements of this Procedure; and

- b) Ensuring the health and safety of fellow employees, contractors and visitors.

### **3.4 Council contractors/sub contractors and visitors**

Are responsible and will be held accountable for:

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

## **4 COUNCIL WORKPLACES**

Council workplaces include:

- a) All Council workplaces that are enclosed areas, irrespective of the number of employees at the workplace;
- b) Inside all Council owned and controlled buildings, irrespective of the use of the building;
- c) 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; and
- d) Inside all vehicles owned or leased by Council irrespective of the number of persons or views of the persons in the vehicle.

## **5 GUIDELINES**

### **5.1 Smoking will not be permitted without exception in the following places:**

- a) While operating any plant or equipment;
- b) Within any confined space;
- c) Adjacent to any products or materials of a flammable or explosive nature;
- d) Within 10 metres of all Kempsey Shire Council owned or managed buildings (including balconies, covered areas, public halls, toilets, sports centres, depots, airport terminals, Council wharves and jetties, waste facilities or the like);
- e) On playing fields, recreation areas, sporting grounds, and sporting facilities (i.e. swimming pools, outdoor sports centres) and the like. (Note: Smoking will be permitted within designated car parking areas at these locations only);
- f) At all events outdoor organised or sponsored by Council or held on land under Council control (except as permitted above);
- g) On beaches that are monitored as part of Council's Beach Watch Program. These include Crescent Head main beach, Hat Head main beach, Grassy Heads main beach, South West Rocks main beach and Horseshoe Bay; and

- h) In all bush land, memorials, cemeteries, shrines, parks and reserves.

**5.2 Smoking in Council's designated smoke areas is not permitted, except in the following circumstances:**

- a) During designated breaks; and
- b) Smoking is not undertaken within 10 metres of any doorways, windows or air conditioning intakes - where second hand smoke may enter any Council building; and
- c) Smoking is not undertaken within 10 metres of any outdoor meal area; and
- d) Smoking is not to be undertaken in contravention of Council's Outdoor Smoke Free procedure 1.2.13

**5.3 Designated Breaks**

- a) Employees who need to take cigarette breaks should do so in their designated breaks (morning tea and lunch break).
- b) Excessive smoking breaks may be regarded as absenteeism and performance management action may be taken.
- c) 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.
- d) 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 Council's Smoking in the Workplace and Outdoor Smoke Free procedures can be personally liable to a fine and may be subject to disciplinary action.
- e) 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).
- f) 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.

**5.4 Enforcing no smoking throughout Council (designated breaks excepted).**

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

## **6 ASSISTANCE TO STAFF**

- a) 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).

### **6.1 Financial Support**

- a) 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).

### **6.2 Counselling and Quit Program**

- a) 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.
- b) For contact and referral information about our Employee Assistance Program providers, please contact Team Leader Human Resources on Ext: 326.
- c) 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.
- d) The Quitline phone number is: 137 848.

## **VARIATION**

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.