

	NON-SMOKING POLICY	Version No:	V01.01
		Issued:	25/09/2017
		Next Review:	25/09/2019

1. Background

Section 19(1) of the Work Health Safety Act 2012 (“the Act”) provides that an employer must:-

in respect of each employee employed or engaged by the employer, ensure so far as is reasonably practicable that the employee is, while at work, safe from injury and risks to health and, in particular:-

- (a) must provide and maintain so far as is reasonably practicable:-
 - (i) a safe working environment;
 - (ii) safe systems of work;
 - (iii) plant and substances in a safe condition; and
- (b) must provide adequate facilities of a prescribed kind for the welfare of employees at any workplace that is under the control and management of the employer; and
- (c) must provide such information, instruction, training and supervision as are reasonably necessary to ensure that each employee is safe from injury and risks to health.

Section 20(1) of the Act provides that every employer must:-

prepare and maintain, in consultation with:-

- (i) health and safety committees; and
- (ii) the employer's employees; and
- (iii) any health and safety representative who represents those employees; and
- (iv) on the application of an employee—a registered association of which that employee is a member; and
- (v) if the employer so decides—any other registered association nominated by the employer of which the employer is a member

Policies relating to occupational health, safety and welfare at the workplace; and

- (i) prepare and keep up to date a written statement setting out with reasonable particularity the arrangements, practices and procedures at the workplace protecting the health and safety of the employer's employees at the workplace; and
- (ii) take reasonable steps to bring the contents of that statement to the notice of those employees.

Section 21 of the Act provides that an employee must:-

- (1) take reasonable care to protect the employee's own health and safety at work;
- (1a) take reasonable care to avoid adversely affecting the health or safety or other person through an act or omission at work.
- (1b) so far as is reasonable (but without derogating from subsection (1) or (1a) or from any common law right):-
 - (a) use equipment provided for health and safety purposes; and
 - (b) obey reasonable instruction that the employer may give in relation to health or safety at work;

Part 4 Section 46 of the Tobacco Products Regulation Act 1997 provides that:

- (1) Smoking is banned in enclosed public places, workplaces or shared areas.
- (2) If a person smokes in contravention of subsection (1), the person is guilty of an offence.
- (3) If smoking occurs in an enclosed public place in contravention of subsection (1), the occupier of the place is guilty of an offence.
- (4) If smoking occurs in an enclosed workplace in contravention of subsection (1), the employer with responsibility for the workplace under the Work Health Safety Act 2012 is guilty of an offence.

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- (5) It is a defence to an offence against subsection (3) or (4) if the defendant proves:
- (a) that he or she did not provide an ashtray, matches, a lighter or any other thing designed to facilitate smoking where the contravention occurred; and
 - (b) that: (i) he or she was not aware, and could not reasonably be expected to have been aware, that the contravention was occurring; or (ii) he or she requested the person smoking to stop smoking and informed the person that the person was committing an offence

2 Overview

The District Council of Mount Remarkable ('the Council') is committed to the promotion of the work health & safety and well-being of all employees.

Council regards smoking as a health hazard for both smokers and non-smokers, and therefore is an unsafe and unacceptable workplace practice. Under the provisions of Section 19(1) and 20(1) of the Act, Council has a clear responsibility to take all reasonable action to ensure the health, safety and well-being of its employees is maintained.

Council believes that in order to properly discharge its responsibilities under the Act, it must necessarily place substantial restrictions upon smoking.

3 Policy Position

Smoking is prohibited in all buildings, confined areas, vehicles and plant, owned or hired, by Council. 'Buildings' includes sheds, verandahs, alcoves, patios, courtyards, etc which are fully enclosed or which are at least partially covered by a ceiling and have one or more walls.

Smoking within the Council Depot yard is prohibited – provision has been made at the gates to the yard.

4 Objectives of the Policy

Council recognises that smoking has the potential to create problems in the workplace. The objective of this policy is to improve the quality of air in Council workplaces, in order to maintain a healthy and active workforce.

This Policy should not be seen as an anti-smoking campaign and the issue is not who smokes, but where smoking occurs.

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5 Council Responsibilities

Council and Management will be responsible for implementing and policing the following:

5.1 Education

- Ensuring that all employees are made aware of their obligations under this Policy and the risks associated with smoking and of being in an atmosphere containing tobacco smoke and its by-products;
- Posting of signage notifying all persons that Council buildings, confined areas, vehicles and plant are smoke free areas and that smoking is not permitted;
- Ensuring that all employees politely and firmly inform customers and visitors who are smoking of this Policy and its purpose.

5.2 Implementation

- Enforcing the Policy position that smoking is prohibited in all Council buildings, confined areas, vehicles and plant, whether hired or owned;
- Supporting smokers through the provision of information about 'stop smoking' programs and associated support literature;

5.3 Consultation

- Ensuring that all employees are involved in the review of this Policy document;
- Ensuring that all employees are adequately informed of this Policy document, its content and its review date;
- Ensuring that the effectiveness of this Policy is reviewed by the Committee on a regular basis.

6 Employee Responsibilities

All employees of Council are responsible for:

- Ensuring that they comply with guidelines and directions issued under the authority of this Policy;
- Obeying any reasonable instruction that is given in relation to health and safety at work;
- Protecting their own health and safety, and that of others, while at work;
- Raising any grievance regarding this matter through the appropriate channels as outlined in this Policy;
- Assisting Council and Management with any positive suggestions.

SIGNED:

CEO

Chairperson, Health Safety Committee

Date: / /

Date: / /