Going smoke-free

Recommendations for the workplace

Cancer Council NSW

Introduction

The health effects of passive smoking are well documented. Employers have clear legal obligations to ensure that indoor or enclosed working environments are free of tobacco smoke. Employers who allow smoking in their workplace are at risk of being sued either by employees or members of the public who suffer ill health as a result of being exposed to passive smoking.

This brochure outlines the key steps involved in introducing a smoke-free working environment. It is intended to guide managers and occupational health and safety staff in developing a smoke-free environment and implementing a smoke-free policy. The brochure also contains a sample smoke-free workplace policy.

Why a smoke-free environment and policy?

- **Health reasons:** Passive smoking is the breathing in of smoke that comes off the end of a burning cigarette or the smoke that is exhaled into the atmosphere by a smoker. This smoke is referred to as second-hand smoke (SHS), passive smoke or enviromental tobacco smoke. The health effects of passive smoking are now well documented. Long-term exposure to SHS can cause heart disease and lung cancer. Exposure to SHS can trigger asthma attacks in adults and cause asthma and trigger asthma attacks in children. Respiratory symptoms in adults commonly associated with passive smoking include sore throat and hoarseness, nasal symptoms, chronic cough and chronic phlegm.

- **Legal reasons:** There are a number of legal reasons for introducing a smoke-free workplace policy:
  - Under the NSW *Occupational Health and Safety Act 2000*, employers are required to ensure the health, safety and welfare of their employees at work. The Act also imposes a duty on employers to ensure that persons not in their employment and who are at their place of work are not exposed to risks to their health and safety.
  - The NSW *Smoke-free Environment Act 2000* prohibits smoking in a wide range of enclosed public places in NSW. These include those areas of professional, trade, commercial and other business premises to which the public have access.

- There have been a number of legal precedents in which employees who have suffered passive smoking-related illness as a result of exposure to SHS in their workplaces have received substantial compensation.

- **Economic reasons:** There are a number of financial benefits in going smoke-free. These include reduced cleaning and refurbishment costs, potential for reduced insurance costs, reduced risk of litigation and lower fire risk as well as savings from reduced absenteeism and increased productivity.

- **The inadequacy of air conditioning and filtering systems:** Whilst some systems can remove the visible smoke, none are capable of removing all particulate matter and gaseous Components of SHS. Current Australian ventilation standards do not address the health risks of SHS exposure. In addition, where a workplace is serviced by a single air-conditioning system, the value of having separate smoke-free areas is undermined when contaminated air is circulated to these areas. Going completely smoke-free is the only way to ensure that people are not exposed to SHS.

Implementing your smoke-free workplace policy

Following are a number of considerations and recommendations to assist you in the introduction of your smoke-free workplace policy, which should be documented and accessible to all staff. Being aware of these considerations will help to ensure that your policy is introduced with minimal interruption and maximum acceptance.

Consult with and inform staff and other interested groups

Maximum support for the policy will result from full consultation with all staff.

- Take advantage of staff representative groups, staff meetings, occupational health and safety committees and other workplace forums for this consultation.
- Involve relevant groups in the development and implementation of the policy e.g. human resource departments, occupational health and safety committees and unions.
- Ensure staff and supervisors understand why the policy is being implemented.
- Inform staff and supervisors in advance of the details of the policy including:
  - When the policy is to be introduced (immediate steps should be taken to implement the policy as soon as practicable after consultation).
  - The location of smoking and non-smoking areas.
  - The availability of quit smoking support for employees who smoke.
  - The company's position on smoking breaks.
  - Enforcement and disciplinary procedures for breaches of the policy.

Promote awareness of the policy

- Utilise internal meetings, newsletters, memos, intranet postings etc.
- If relevant, include a copy of the policy in employee orientation packs or in staff handbooks.

Preparing smoke-free areas

As required by law, all indoor and enclosed areas in the workplace, including company vehicles, should be smoke-free.

- Ensure that there are no ashtrays located in enclosed areas. In vehicles fitted with ashtrays, place a small "no-smoking" sticker over the ash tray.
- Display smoke-free signs (available from The Cancer Council) in prominent places, including in vehicles.

Smoking areas

- There is no legal obligation to provide designated smoking areas.

  However, if it is decided that these areas are to be provided, they need to be:
  - Located outdoors, clearly designated and well-ventilated with no possibility that the resultant smoke will contaminate indoor areas.
  - Located away from through traffic and where people may be required to work.
  - Provided with ash bins to reduce litter and damage to property.

Assistance for smokers

- Staff who want to quit smoking can be encouraged and supported by:
  - The provision of a Quit Kit (a free booklet containing information on how to quit – phone the Quit Line on 13 78 48 to obtain these).
  - Providing financial support for attendance at a quit smoking course. Attendance at a Quit course should not be compulsory.
    Again, contact the Quitline on 13 78 48 for further information.

Smoking breaks

- There is no legal obligation to provide smoking breaks. It is recommended that smoking breaks (that are in addition to the normal breaks taken by staff) be discouraged.
- However, if it is decided that smoking breaks will be allowed, smokers should not be allowed unlimited breaks from work in order to smoke. Such a situation can result in reduced productivity as well as increased stress among non-smoking staff.

Enforcement and disciplinary procedures

Clear procedures should be developed as follows:

- It should be made clear that compliance with the smoke-free policy is a condition of employment. Adherence to the policy should be monitored as would adherence to any other workplace policy.
- Normal staff disciplinary procedures should apply. The first response to non-compliance by staff should involve counselling, ensuring that the smoke-free policy and reasons for it are explained in detail.
- If customers breach the smoke-free policy, appropriate staff should be given the duty of politely informing or reminding the smoker that the premises have been designated smoke-free.

Other strategies for consideration

- If relevant, sales of tobacco products on the premises should be phased out.
- Job advertisements for new staff should state that the workplace has a smoke-free workplace policy.
- If your organisation shares a common air conditioning system with other organisations, encourage those organisations to adopt a smoke-free policy as well.
- Indicate on visitors' tags that the workplace is smoke-free.

Contacts

Cancer Council New South Wales
Ph: 02 9334 1900

The Cancer Council website provides information and resources on a range of smoking- related topics including SHS and the health and legal issues relating to workplace smoking. "No smoking" stickers are available free-of-charge from The Cancer Council.

Website: www.cancercouncil.com.au

The Quitline
Ph: 137 848

Contact the Quitline to obtain information and advice on quitting smoking.

WorkCover Authority of NSW
Ph: 02 9370 5000

WorkCover is responsible for the administration of occupational health, safety, rehabilitation and workers' compensation legislation and related services in NSW. It provides advice and information to both employers and employees on the NSW Occupational Health and Safety Act as it relates to workplace smoking. WorkCover will investigate formal complaints from employers, employees and the general public.

Website: www.workcover.nsw.gov.au

NSW Health
Ph: 02 9391 9000

The NSW Health Department administers and enforces the NSW Smoke-free Environment Act 2000. Under the Act smoking is prohibited in a wide range of public places. Among those places are the areas of professional, trade, commercial and other business premises to which the public have access.

Website: http://www.health.nsw.gov.au

Recommended reading

- NSW Health & The Cancer Council New South Wales. *Smoke-free NSW: A Guide to the Smoke-free Environment Act 2000*. Sydney, 2001.

  (The booklet and fact sheets that comprise this resource can be obtained by contacting the Better Health Centre on 02 9879 0443)

- WorkCover Authority of NSW and The Cancer Council NSW, *Passive Smoking in the Workplace – Policy and Control*. Sydney, 2000.

  (This pamphlet can be obtained by downloading it from http://www.workcover.nsw.gov.au).

- U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

- Lundborg P. Does smoking increase sick leave? Evidence using register data on Swedish workers. *Tobacco Control* 2007;16:114-118

- Halpern MT, Shikiar R, Rent AM, Khan ZM. Impact of smoking status on workplace absenteeism and productivity. *Tobacco Control*, 2001 10: 233-238

Sample Smoke-free Workplace Policy

There is strong scientific evidence that passive smoking is hazardous to health. In accordance with its legal obligations to protect the health and safety of those who work at or visit this site, (company name) has developed the following smoke-free workplace policy:

Smoking bans

As from (date) smoking is prohibited within the confines of all (company name) buildings and vehicles.

Optional Outdoor areas of the site will also be smoke-free except for the following designated smoking area:

(Name/location of area) _____

_____

Assistance to smoking staff

Professional help including quit smoking advice and information is available for staff who may require assistance to adapt to the policy. For further information, please contact (name and contact details of relevant person/s):

Name/contact _____

Name/contact _____

Disciplinary procedures

Staff adherence to this policy is a condition of employment. Any breach of the policy will lead to normal disciplinary procedures being applied.

It should be noted that employees who fail to look after the health and safety of other people by not complying with the policy can be personally liable for a fine of up to $3,300 under the NSW *Occupational Health and Safety Act 2000*.

Employees cannot be disciplined for smoking away from the workplace, in their own time.

Review of the policy

This policy will be reviewed in (month and year).

Staff members wishing to discuss any aspect of this policy are invited to contact
(staff/OH&S committee member/s):

Name/contact _____

Name/contact _____

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