



**NO SMOKING
IN THIS AREA**

Thank you for respecting the health of others.

Smoke-free workplaces

A guide for workplaces in South Australia



Government
of South Australia

SA Health



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Smoke-free workplaces

Tobacco smoking is the leading cause of preventable disease and death in Australia. Workplace exposure to passive smoking is a significant occupational health and safety hazard. Exposure to passive smoking can produce symptoms of ill health, particularly for people with pre-existing medical conditions, such as respiratory or cardiovascular conditions. There is no recognised safe level of exposure to tobacco smoke. To find out more on the risks of tobacco smoking and second hand smoke, visit '[Risks of Smoking](#)' on the SA Health website www.sahealth.sa.gov.au.

Smoking is banned in all enclosed workplaces and in some unenclosed areas that are also places of work under the *Tobacco Products Regulation Act 1997*. Outdoor public areas which have now become smoke-free include covered transport waiting areas such as taxi ranks and outdoor dining areas. These measures help protect the general public from second hand smoke.

This guide has been developed to assist workplaces to meet legal requirements and to support workplaces wishing to go beyond the legislative requirements to develop a smoke-free policy that includes unregulated outdoor areas.

Benefits of a smoke-free workplace

- > It can enhance the health, safety and productivity of the workforce. Non smokers are less likely to miss work due to illness. There is also substantial evidence that smokers are more likely to suffer injury in the workplace than non-smokers. ¹
- > Employees and visitors are protected from the hazards of second hand smoke. Adults exposed to passive smoking report a higher incidence of chest illness, and are more likely to miss work. ²
- > Smoke-free workplaces cater for the majority of people who don't smoke – more than 80 percent of South Australians don't smoke.
- > A smoke-free workplace helps smokers who are trying to quit or cut down. The sight or smell of others smoking can be a major trigger to smoke for those trying to cut down or stop smoking.

This guide will help you:

- > understand South Australia's smoke-free workplace legislation
- > develop a smoke-free policy that works
- > access information and resources.

¹ Scollo, MM and Winstanley, MH [editors]. Tobacco in Australia: Facts and Issues. Fourth Edition. Melbourne: Cancer Council Victoria; 2012. Available from: www.TobaccoInAustralia.org.au

² National Health and Medical Research Council. The health effects of passive smoking. A scientific information paper. Canberra: Australian Government Publishing Service; 1997.

What the law requires*

Smoking is banned in **enclosed** public places, workplaces, shared areas *and* in some unenclosed areas. - *Tobacco Products Regulation Act 1997*.

All employers must ensure, so far as is reasonably practical, that their workers are safe from injury and risks to health while at work - *Work Health and Safety Act 2012*.

If smoking occurs in an enclosed workplace, it is in contravention of the *Tobacco Products Regulation Act 1997*.

Employer penalties

- > The employer with responsibility for the workplace is guilty of an offence.
- > The maximum penalty is \$1,250 and the expiation fee is \$160.

Employee penalties

- > The employee smoking is guilty of an offence.
- > The maximum penalty is \$200 and the expiation fee is \$75.

What is a workplace?

Under the *Tobacco Products Regulation Act 1997*, a 'workplace' has the same meaning as under the *Work Health and Safety Act 2012*:

A workplace is a place of work where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

However, it does not include:

- > a place occupied as a residential premises; or
- > a place (other than a vehicle) where only a single self-employed person is working; or
- > a vehicle that is used for work purposes by only one person; or
- > any other place of a kind prescribed by regulation.

* This information is provided for guidance only and should be read in conjunction with the relevant legislation.

Interpreting the legislation

How do I know if an area is enclosed?

An area is considered enclosed if it is fully enclosed or is at least partially covered by a ceiling and has walls such that the total area of the ceiling and wall surfaces exceeds 70 percent of the total notional ceiling and wall area.

- (a) **ceiling** includes any structure or device (whether fixed or movable) that prevents or impedes upward airflow, but does not include anything prescribed by regulation;
- (b) **wall** includes any structure or device (whether fixed or movable) that prevents or impedes lateral airflow, but does not include anything prescribed by regulation;
- (c) the total notional ceiling and wall area is the sum of—
 - (i) what would be the total area of the wall surfaces if—
 - (A) the walls were continuous, any gap in the walls being filled by a surface of the minimum area required for the purpose; and
 - (B) the walls were of a uniform height equal to the lowest height of the ceiling; and
 - (ii) what would be the floor area of the space within the walls if the walls were continuous as referred to in subparagraph (i).

Note: Shade cloth and umbrellas should be included when calculating the ceiling or wall space of an area as they impede air flow.

Does the legislation cover workers who visit people who smoke in their homes?

The legislation does not apply to private homes. However, some workplace policies may choose to include a requirement that clients not smoke in the worker's presence to protect personnel when they are conducting home visits. Such requirements comply with employers' Duty of Care obligations.

What about places like hostels or nursing homes – can people still smoke inside?

The legislation does not restrict smoking in residents' own rooms and in their individual living areas. Smoking is not allowed in any shared areas such as foyers, corridors and communal lounges.

Workplaces may have their own smoke-free policies to further restrict where smoking occurs.

Can I smoke inside if I am self-employed and work alone?

Smoking is permitted only if you never have customers or employees in your premises.

Is smoking banned at entrances to workplace buildings?

Legislation does not restrict smoking at unenclosed entrances. To prevent smoke drifting into the buildings, workplaces can include restrictions on smoking near entrances in their smoke-free policy.

What about smoking in work vehicles?

Smoking is prohibited in work vehicles when they are used by more than one employee.

How is the legislation enforced?

The legislation is enforced by authorised officers from SA Health and supported by officers from SafeWork SA. Telephone SA Health, Health Protections Operations on 08 8226 7100 for further information.

** This information is provided for guidance only and should be read in conjunction with the relevant legislation.*

Going smoke-free: Making a policy that works

A smoke-free policy is a formal, written document addressing all the issues relating to smoking in the workplace.

Keep the workforce involved and informed

Involving employees in the development and implementation of the policy will assist with its success.

- > Involve representatives from all areas of the workforce.
- > Formulate a draft policy and seek feedback from all employees (smokers and non-smokers).

Be clear about non-smoking and smoking areas

Decide on the areas that will be non-smoking, for example:

- > No smoking on the entire site.
- > No smoking near doorways, air conditioning intakes or windows.
- > No smoking anywhere except for designated outdoor smoking areas.
- > Use signage to eliminate confusion about where people can or cannot smoke.

Support workers who are interested in quitting smoking

Supporting workers who are interested in quitting smoking can increase the success of a smoke-free policy.

- > Provide information about the many forms of assistance available.
 - Quitline provides a range of support services including the free Quitline telephone counselling service: 137 848, internet and online chat support and resources: www.cancersa.org.au/quitline.
 - The Australian Government website: www.quitnow.gov.au.
- > Organise a workplace quit smoking group or host a 'Quit Smoking: where do I start? Workshop'. Contact Quitline in South Australia on 137 848 or email: quitline@cancersa.org.au to organise a workshop at your workplace.
- > Enable employees to access quit smoking assistance during work time.
- > Subsidise the cost of quit smoking medications such as nicotine replacement therapy.

Designated outdoor smoking areas

If a designated outdoor smoking area is provided the following should be considered:

- > The area must not be enclosed (see explanation on page 3).
- > To avoid smoke drifting into buildings, the smoking area should be at least seven metres from doorways, windows and air-conditioning intakes.
- > Provide butt bins to reduce litter.
- > Make it clear that smoking is not allowed elsewhere and provide appropriate signage.

Support, promote and reinforce the policy

- > Communicate clearly with all employees about every aspect of the smoke-free policy, for example, at workplace meetings, on noticeboards, in newsletters, on payslips.
- > Make physical changes like putting up signs as soon as possible.
- > Nominate a person responsible for dealing with questions and issues that may arise.
- > Inform all new employees of the smoke-free policy and ensure conditions of employment stipulate that the policy must be adhered to.
- > Monitor adherence to the policy. Ensure people are clear about when and where they can and cannot smoke.
- > Continuously reinforce the policy to ensure ongoing compliance.

Example of a smoke-free policy

Name of company

SMOKE-FREE POLICY

Rationale

Tobacco smoking is the leading cause of preventable disease and death in Australia. Workplace exposure to passive smoking is a significant workplace hazard. Exposure to passive smoking can produce symptoms of ill health, particularly for people with pre-existing medical conditions, such as respiratory or cardiovascular conditions. There is no recognised safe level of tobacco smoke exposure.

Under the *Work Health and Safety Act 2012* the 'name of company' has a legal commitment to provide a safe and healthy workplace for all employees, visitors and customers.

Under the *Tobacco Products Regulation Act 1997* smoking is prohibited in all enclosed workplaces and some unenclosed areas.

Aim

To minimise the exposure of employees, contractors, volunteers, visitors and customers to the hazards of tobacco smoke.

Scope

All persons at the workplace are expected to comply with the policy. This includes all employees, contractors, volunteers, visitors and customers.

Commencement Date: Day Month Year

Communication

The smoke-free policy is to be communicated to all personnel.

All persons applying for positions at the company will be informed of the smoke-free policy.

Appropriate signage will be displayed in both no-smoking and smoking areas.

Quit Smoking Support

Personnel wishing to address their own smoking will be provided with the following assistance to do so...

Smoke-free Environment

Smoking is prohibited in the following areas ... **OR** Smoking is **only** permitted in the following designated areas ...

Employee Responsibility

Smoking is **only** permitted during scheduled breaks (eg lunchtime)

Enquiries

Enquiries regarding the policy on smoking should be directed to: ...

Compliance

All personnel are required to abide by the conditions of this policy. In the event that these conditions are not adhered to, appropriate action will be taken.

Signed:.....

Date:.....

Print name:.....

Position:.....

Definitions

Passive smoking is the inhalation of second hand tobacco smoke, which is a combination of side-stream smoke from a burning cigarette and mainstream smoke exhaled by a smoker.

Smoke means to smoke, hold, or otherwise have control over, an ignited tobacco product.

Smoke-free means that no smoking is permitted.

Tobacco product includes a cigarette, cigar, cigarette or pipe tobacco or any product that does not contain tobacco but is designed for smoking.

Further information and resources

For information and advice about the legislation and to obtain free smoke-free signage, contact:

Health Protection Operations, SA Health

Website: www.sahealth.sa.gov.au/tobaccolaws

Email: HealthProtectionOperations@health.sa.gov.au

Ph: 08 8226 7100

SA Health's no smoking signage and resources can be provided free of charge. To view the resources available and access the 'No smoking signage order form' Click [here](#) or go to the SA Health website www.sahealth.sa.gov.au and search Tobacco signage.

For information about quit smoking assistance and resources contact:

Quitline

Quitline telephone support: 137 848

Website: www.cancersa.org.au/quitline

Email: quitline@cancersa.org.au

For information about Occupational Health, Safety and Welfare, contact:

SafeWork SA

Website: www.safework.sa.gov.au

Email: help.safework@sa.gov.au

Phone: 1300 365 255 (South Australia only) or 08 8303 0400.

A copy of this publication is available on
the internet at: www.sahealth.sa.gov.au/tobaccolaws

Any enquiries or comments should be directed to:

Tobacco Control Unit
Drug and Alcohol Services South Australia
75 Magill Road
Stepney South Australia 5069
Tel: (08) 7425 5000

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Changes in circumstances after the date of publication of this brochure inevitably will result in this brochure becoming outdated in some respects. This may include information regarding the law itself, suggested policies or the smoking cessation strategies or products referred to. It is the responsibility of readers of this brochure to keep themselves updated with any changes or developments.

Drug and Alcohol Services South Australia
75 Magill Road, Stepney SA 5069
Telephone: 08 7425 5000

If you require this information in an alternative language or format please contact SA Health on the details provided above and they will make every effort to assist you.



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