

SMOKE FREE AND VAPE FREE WORKPLACE POLICY

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Policy Type:	Organisation
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Responsible Officer:	Coordinator Safety and Wellbeing
Owner:	People and Culture
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<i>AS/NZS ISO 45001 Occupational Health and Safety Management Systems – Requirements with Guidance for Use</i> <i>Occupational Health and Safety Act 2004 (Vic)</i> <i>Tobacco Act 1987 (Vic)</i> <i>Tobacco Amendment Act 2016 (Vic)</i>
DOCSETID:	3413002

1. PURPOSE

The purpose of this policy is to:

- 1.1 Protect the health of City of Greater Bendigo (the City) Individuals and members of the community by eliminating exposure to second-hand tobacco smoke and e-cigarette vapour in and around City buildings, enclosed workplaces, outdoor worksites and vehicles;
- 1.2 Support Individuals who have quit or are trying to quit smoking or vaping; and
- 1.3 Further 'de-normalise' smoking and vaping in the community. The less people see smoking and vaping in public places, the less they will tend to think that smoking and vaping are acceptable rather than harmful.

2. BACKGROUND

As outlined in the Quit – Going Smokefree Guide for Workplaces, smoking is the single leading cause of preventable death and disease in Australia. Smoking kills two in three of all lifetime smokers and accounts for around 4,400 deaths in Victoria annually. Smoking costs the Victorian economy approximately \$3.7 billion each year in tangible costs and \$5.8 billion each year in

intangible costs. Intangible costs include reduced workplace productivity due to absenteeism and “smoking breaks” (Quit Victoria, Going Smokefree, A guide for Workplace Oct 2022).

Furthermore, smokefree environments help people quit and stay quit, reduce the risk of harmful health effects from exposure, improve local amenity, and protect the environment.

3. SCOPE

This policy applies to all Individuals.

4. DEFINITIONS

In this Policy:

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

City buildings means buildings owned by or under the control of the City by virtue of free-hold title, a lease or rental agreement and includes points of entry, windows, bridges, stairways and air-conditioning vents and ducts and includes portions of such buildings or property.

Designated Smoking Area means an outdoor area at a workplace or worksite that has been determined and approved where smoking is permitted.

E-cigarette means a device (other than a device that is prescribed to be not an e-cigarette for the purposes of the Act) that is designed to generate or release an aerosol or vapour (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product.

Enclosed workplace means a workplace that has, whether permanently or temporarily:

(a) a ceiling or roof; and

(b) wall, sides or other vertical coverings, so that when a workplace's existing closable openings are closed, the workplace is completely or substantially enclosed as stated in the act more than 75% enclosed.

Individual means an employee, volunteer or contractor engaged by the City.

Smoke means (a) smoke, hold or otherwise have control over, an ignited or heated tobacco product; or (b) use an e-cigarette to generate or release an aerosol or vapour.

Vehicle(s) means all passenger and light commercial vehicles and plant owned or leased by the City and whether or not used in a private capacity.

Workplace means any premises or area where individuals work, whether or not they receive any payment for that work.

Outdoor Worksite means a worksite where Individuals work, whether or not they receive any payment for that work.

Vape/Vaping means the action or practice of inhaling and exhaling vapour containing nicotine and flavouring produced by a device designed for this purpose.

5. PRINCIPLES

The principles of the Smoke Free and Vape Free Workplace Policy are to:

- Demonstrate the City's commitment as a leading advocate for public health protection and health promotion, by highlighting the health hazards of second-hand smoke through the adoption, advertising, education and enforcement of a comprehensive policy; and
- Promote and maintain the health and wellbeing of all individuals by prohibiting smoking within 4 metres of doorways, windows and air conditioning vents and ducts of City buildings, thus reducing the likelihood of passers by inhaling second-hand smoke. Second-hand smoke is also known as Environmental Tobacco Smoke (ETS).

6. POLICY

- 6.1 The City is committed to protecting the health, safety and welfare of all individuals by ensuring they are not exposed to potentially harmful situations. As per the OHS Act 2004, all Individuals have a right to perform their work in an environment that is safe and without risks to health from exposure to environmental tobacco smoke.
- 6.2 From 1 August 2017, the *Tobacco Amendment Act 2016* amended the *Tobacco Act 1987* to regulate all e-cigarettes in the same way as tobacco products. This means that e-cigarettes cannot be used in areas where smoking is banned.
- 6.3 The City will take a proactive approach to the issue of smoking with a focus on information, support, education and enforcement. The City will ensure appropriate promotion of the policy to all workers through OHS meetings, team meetings, contract documents, use of SharePoint and noticeboards.
- 6.4 As a result of relevant legislation and consultation, it is City policy that smoking (with the exception of an approved Designated Smoking Area) is prohibited:
 - In all City owned and controlled buildings;
 - In all City owned and controlled vehicles;
 - Within four (4) metres of access points to City buildings including doorways, driveways windows and air-conditioning vents and ducts;
 - Where 'No Smoking' signs are displayed;
 - While attending clients and/or servicing the public;
 - In an enclosed workplace (as defined by the *Tobacco Act 1987* – refer to definitions in this document);
 - Within five (5) metres of any individual at an outdoor worksite where work-related tasks are being performed; and
 - Within ten (10) metres of children's play equipment open to the public.

- 6.5 The City may provide approved Designated Smoking Areas where required. Where these facilities are provided, this will be communicated to Individuals and smoking is to be restricted to these areas only. Individuals must ensure that cigarette butts are extinguished and appropriately disposed of so as, to eliminate fires and littering.
- 6.6 The City will provide support through the provision of an Employee Assistance Program (EAP), promoting the Quitline and making health information available.
- 6.7 The City will ensure that an educative approach is applied, in the first instance, where breaches of this policy occur.
- 6.8 Management, in conjunction with People and Culture, shall act upon instances of more than one breach of this policy. This may result in disciplinary action being taken.

7. Roles and Responsibilities

Who	Roles and responsibilities
Executive Management Team	To promote the policy, to ensure legislative requirements are met and to ensure that all Individuals adhere to the policy.
People and Culture Manager	To promote the policy, ensure legislative requirements are met; research is undertaken; education provided where required; coordinate consultation; and review and update of policy.
Coordinator Safety and Wellbeing	To promote the policy, ensure legislative requirements are met; research is undertaken; education and programs are provided as required; coordinate consultation; and review and update of policy.
Unit Managers/ Coordinators	To promote and educate Individuals on this policy and to enforce the policy.
Individuals	Responsible for adhering to this policy.

8. RELATED DOCUMENTS

Individuals are encouraged to access the related internal documents that are available on SharePoint and/or external resources, which are available as per the below.

These include:

- City of Greater Bendigo *Employee Code of Conduct*
- City of Greater Bendigo *Health and Safety Policy*

Further information or advice on this policy should be directed to Safety and Wellbeing. Other references include:

- Government Buildings: smoke-free and vape-free
- Quit Victoria

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the

Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, a change to the name of a Federal or State Government department, and a

minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>Oct 2015</i>		<i>People & Culture</i>	<i>Initial</i>	<i>1</i>	<i>Oct 2019</i>
<i>Oct 2019</i>	<i>NL</i>	<i>People & Culture</i>	<i>Review</i>	<i>2</i>	<i>Oct 2023</i>
<i>June 2024</i>	<i>AC</i>	<i>People & Culture</i>	<i>Review</i>	<i>3</i>	<i>June 2028</i>