

The Paraplegic and Quadriplegic Association of SA Inc



Smokefree Workplace Policy and Procedures

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is committed to ensuring all employees, casual support workers, collectors, volunteers, contractors and visitors, so far as is reasonably practicable, understand their obligations in relation to where and when they are permitted to smoke. PQSA encourages everyone to voluntarily contribute to a healthy and safe work environment.

Approved by: 	Date: September 2018
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Support Services and HomeCare+.

Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

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

- a) ceiling or roof
- b) wall, sides or other vertical coverings, so that when the workplaces' existing closable openings are closed, the workplace is completely or is at least seventy (70) percent enclosed

Equipment – for the purpose of this policy, applies to any electrical devices such as mobile phones, laptops, global positioning system (GPS), banners and furniture either owned or under the control of PQSA

Health – refers to the physical and psychological health of a worker

PQSA buildings – a building owned by or under the control of PQSA by either freehold title, lease or rental agreement and includes points of entry, windows, stairways and air conditioning vents and ducts

Officer - within the meaning of section 9 of the *Corporations Act 2001* (Cth) other than a partner in a partnership; or " *A person who holds a position of rank or authority; Corporations – a director, secretary, or executive officer or the corporation, or a receiver, a receiver and manager, an administrator....*"

PQSA property – any property owned by or under the control of PQSA whether by freehold title or by lease or by rental agreement and includes any portions of such property.

Vehicle - a motor vehicle owned or leased by PQSA and used for PQSA purposes and to transport either PQSA employees, collectors, volunteers, contractors or visitors.

Reasonably Practicable – in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:

- (a) The likelihood of the hazard or risk concerned occurring
- (b) The degree of harm that might result from the hazard or the risk
- (c) What the person concerned knows, or ought to reasonably know, about –
 - (i) The hazard or the risk
 - (ii) Ways of eliminating or minimizing the risk
- (d) The availability and suitability of ways to eliminate or minimize the risk
- (e) After assessing the extent of the risk and the available ways of eliminating or minimizing the risk, the cost associated with available ways of eliminating or minimizing the risk, including whether the cost is grossly disproportionate to the risk.

Smoking – for the purpose of this policy, is the action of creating smoke through inhaling and exhaling any product containing tobacco or other substances and/or electronic devices.

Workplace – is a place 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.

Worker – is a person who carries out work in any capacity including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labor hire company, an outworker, apprentice or trainee, or a student gaining work experience or volunteer.

RESPONSIBILITIES

It is the responsibility of PQSA to communicate the contents of this Policy to all workers on a regular basis.

Officers – must exercise due diligence to ensure all individuals under their management comply with this policy and its associated procedures.

Managers/Supervisors are responsible for promoting and ensuring compliance with the Smoke-Free Policy and report any breaches accordingly.

Workers - The health and safety onus is not solely the responsibility of the employer; workers and individuals have a responsibility for their own health and safety. Under the Work Health and Safety (WHS) Act (SA) s28-29 (1) and (2), while at work a worker or other person in the workplace must take reasonable care for his or her own safety; and, must comply with all reasonable instructions given by PQSA.

POLICY

Workplace exposure to passive smoking is a significant health and safety risk. It is the legal responsibility of PQSA to provide a safe working environment free of foreseeable and avoidable risks to health and safety for workers and others who may enter the workplace. This obligation is enshrined in the Work Health and Safety (SA) 2012 s19 Primary Duty of Care.

The objectives of the Smoke-Free policy are to ensure PQSA:

- ◆ abides by legislative requirements such as the *WHS Act 2012* the *WHS Regulations 2012* and the *Tobacco Products Regulation Act 1997*
- ◆ protects the health of all workers and clients in accordance with the Workplace Health and Safety Policy
- ◆ protects the health of children (persons under the age of 18 years) either in our care or the family or friends of a person being supported by PQSA.
- ◆ protects PQSA against legal action
- ◆ reduces the risk of fire.

Smoking is prohibited:

- ◆ in all PQSA controlled buildings
- ◆ within ten (10) metres of access points to buildings such as doors, windows, air-conditioning vents and ducts
- ◆ within ten (10) metres of any of PQSA equipment
- ◆ in all PQSA vehicles
- ◆ in all PQSA car parks
- ◆ in other areas designated “No Smoking” by signage
- ◆ in client’s homes, gardens and driveways within the fencing parameter.

The smoking behaviours of individuals applying for employment or promotion is not a factor in selection procedures.

PROCEDURES

The Hierarchy of Duty of Care is to ensure the safety of:

- 1st. Yourself
- 2nd Co-workers and clients
- 3rd Plant and equipment.

*Smoking is **ONLY** permitted during scheduled unpaid regular breaks, such as meal breaks and cannot be in designated prohibited areas. **There is no provision in any employment contract or agreement that allocates paid smoking breaks.***

All workers, who smoke in the workplace, will be requested to stop. If they continue to smoke after this request they will face disciplinary action.

Where a member of the public is smoking in the workplace they shall be asked to stop. If they continue they should be asked to leave the workplace by a Manager or Supervisor.

All workers have the right to report breaches through the Hazard Reporting systems. Complaints arising will be dealt with by the Manager, Human Resources and could result in disciplinary action.

Assistance to Quit Smoking is available from:

- ◆ The Manager, Human Resources
- ◆ Quit Line – Telephone 13 78 48 <http://www.quitnow.info.aucancersa.org.au/quitline-sa>

Breaches of the Policy

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment.

RELATED LEGISLATION

- ◆ Work Health and Safety Act 2012
- ◆ Work Health and Safety Regulations 2012
- ◆ Tobacco Products Regulation Act 1997
- ◆ Tobacco Products Regulations 2004

SUPPORTING PQSA DOCUMENTATION

- ◆ Workplace Health and Safety Policy and Procedure

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.

