

 <p>Mackay REGIONAL COUNCIL</p>	ADMINISTRATIVE POLICY	
	Smoking Policy	
	POLICY NO	081
	DEPARTMENT	Organisational Services
	PROGRAM	People & Culture
APPROVED BY CEO	22 January 2019	

1.0 Scope

This policy applies to all Councillors, management team, employees and volunteers of Mackay Regional Council (MRC). All contractors engaged by MRC and undertaking works or services on behalf of MRC on MRC controlled workplaces are to be compliant with this policy.

2.0 Purpose

MRC has an obligation to provide a healthy and safe workplace for all employees, volunteers and contractors operating in a MRC workplace and to manage all foreseeable risks. The purpose of this policy outlines how that is to be achieved with regards to smoking in the workplace.

3.0 Reference

- *Tobacco and Other Smoking Products Act 1998*
- *Tobacco and Other Smoking Products Regulation 2010*
- *Workplace Health and Safety Act 2011*
- *Workplace Health and Safety Regulation 2011*
- *Tobacco and Other Smoking Products (Smoke-free Places) Amendment Act 2015*
- Code of Conduct

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Designated non-working periods shall mean those periods when work is unable to be undertaken due to unforeseen circumstances such as temporary inclement weather (ie. heavy rain shower or lightning), work procedure delays (ie. awaiting delivery of an item) or similar disruptions and the supervisor of the work directs a work break to be taken.

Dining area shall mean an area which has been designated for the consumption of food or drink or where food or drink is regularly consumed.

Enclosed areas shall mean a place having a ceiling or roof and two or more substantially impervious sheeted walls.

Electronic cigarettes shall also known as e-cigarettes, e-cigars, vape pens or personal vaporisers which heat liquid containing nicotine into a fine vapour for inhalation into the lungs.

Employee shall mean any person who performs work for Council, including trainees, work experience persons, volunteer staff, consultants and contractors and their employees. Where this Policy refers specifically to an employee of MRC rather than, for example, contractors and their employees, the expression “MRC employee” is used.

Management Team shall mean the Chief Executive Officer, Directors, Executive Officer, Chief Operating Officer, Chief Information Officer, Senior Legal Counsel and all Program Managers.

MRC shall mean Mackay Regional Council.

Outdoor workplace shall mean any designated workplace that is not either indoors or in an enclosed area. Such an area would be defined by safety cones, safety tape or bunting, temporary fencing or another defined limited access method.

Recognised work breaks shall mean approved and/or required (ie. fatigue management based) breaks as directed by the supervisor of the work.

Workplace shall mean any location designated as a MRC area of work, either temporary or permanent, where MRC employees, volunteers or contractors undertake work activities on behalf of MRC where MRC has the principal control of the work area.

5.0 Background

MRC recognises its statutory obligations to ensure the health and safety of its workforce, including volunteers, and complying with legislation related to smoking, specifically the *Tobacco and Other Smoking Products Act 1998*.

Additionally, MRC recognises that smoking in the workplace can have associated reputational risks particularly on perceptions of productivity and health/safety. There is also an inferred perception with regards to public health imperatives where workplaces are exposed to the general public.

MRC is committed to measures that reduce the exposure of the effects of passive smoking in the workplace and the risk of reputational damage regarding productivity.

6.0 Policy Statement

MRC accepts that people have the right to smoke tobacco products as a matter of choice.

MRC also has an obligation to minimise the risks presented by smoking in the workplace. In meeting this obligation MRC has the right to determine where and when smoking may occur in a MRC workplace.

MRC has determined that, during any working hours, smoking is only to occur during recognised work breaks or designated non-working periods.

MRC has determined that smoking is not to occur in the following MRC workplaces:

- All areas defined under the *Tobacco and Other Smoking Products (Smoke-free Places) Amendment Act 2015* as they apply to all places within Queensland;
- All enclosed areas and spaces;
- All dining areas;
- All vehicles and plant including an area of up to five metres surrounding that vehicle or plant;
- Any place, both indoor and outdoor, where MRC work is being undertaken;
- Any area within 10 metres of any skate park, under-age sporting event, or children's outdoor playground equipment;
- Any area within five metres of any school, early childhood education and care facility, residential aged care facility, or health facility boundary;
- Any area within 10 metres of any outdoor workplace except where a designated smoking area has been determined;
- Under amendments to the Tobacco Act, electronic cigarettes are subject to the same laws as regular cigarettes.

Areas may be defined as designated smoking areas. Such areas will:

- Comply with the restrictions defined above on where smoking is to occur;
- Be clearly marked or recognised as a smoking area;
- Contain a smoking refuse container that eliminates any risk of secondary ignition;
- Not be permitted for the use of taking meal breaks or for drinking/eating;
- Only be used during specific breaks.

MRC acknowledges that in limiting the areas where smoking may occur will specifically impact employees that smoke. As a part of the Health and Wellbeing initiatives, MRC supports employees who wish to decrease or cease their smoking through the provision of the following:

- Access to the EAP provider for smoking related mental health issues and quit smoking programs;
- Access to health assessments and support throughout the year for physical health issues;
- Access to the Queensland Government QuitHQ resources at <https://quithq.initiatives.qld.gov.au/>;

- Health promotions throughout the year that enable employees to focus on healthier living;
- Access to MRC funded quit smoking programs through the contracted health services provider as part of a professionally provided health plan.

7.0 Review of Policy

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by the CEO.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy			