

POLICY:-	
Policy Title:	Smoking and Vaping in the Workplace
File Reference:	F10/618-06
Date Policy was adopted by Council initially:	28 July 2005
Resolution Number:	212/05
Other Review Dates:	24 August 2006, 16 April 2009 and 20 May 2010, 21 November 2019, 20 May 2021
Resolution Number:	238/06, 138/09, 199/10, 342/19, 70/21
Current Policy adopted by Council:	18 July 2024
Resolution Number:	115/24
Next Policy Review Date:	2027

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Chief Executive Officer
Committee/s (if any) consulted in the development of this Policy:	WHS Committee
Responsibility for implementation:	Chief Executive Officer
Responsibility for review of Policy:	Manager Human Resources

SCOPE

This policy covers all elected Councillors, Council staff, Council committees, volunteers, contractors working for or on behalf of Council and members of public using or visiting Council worksites.

OBJECTIVES

1. Upper Lachlan Shire Council is committed to ensuring staff are provided with a safe and healthy environment that is free from the potential effect of tobacco smoke and Vapour. This includes environmental tobacco smoke (passive smoking) and second-hand vape aerosols.
2. To encourage the reduction of active smoking and vaping.
3. To promote a safe and healthy working environment for all Upper Lachlan Shire Council employees.

POLICY

Smoking is defined as the "act of lighting, smoking or carrying a lighted or smouldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

Smoking and vaping is prohibited in all Council **buildings, structures and vehicles**; this includes:-

- All enclosed areas in general use;
- All lobbies, foyers and corridors;
- All offices (including office carpark at Crookwell), depot buildings and workshops;
- Common rooms, tea rooms, site caravans and staff rooms;
- All vehicles and plant and equipment;
- Amenities buildings and toilets;
- Both the Crookwell and Gunning swimming pool buildings and enclosures;
- Within 10m of air intakes, external doors in regular use and windows regularly opened;
- Within 10 metres of Council buildings, places of work and areas adjacent to buildings where cigarette smoke/vape will accumulate or drift back into the building);
- Areas that may be frequented by members of the general public;
- Staff working in areas where they are likely to affect others who come into the area;
- At all grounds within and around Council depots and administration buildings. (With the exception of sites that have designated smoking areas)

Upper Lachlan Shire Council is under no legal requirements to provide smoking/vaping breaks during work hours for its staff members. Staff members wishing to have smoke/vaping breaks must ensure this does not impact the day to day deliverables of their role. Smoking/Vaping arrangements can be revoked at any time by supervisors, Managers and / or Department Director.

When granting approval for employee smoke/vaping breaks supervisors will keep in mind how these regular smoke/Vaping breaks will affect the morale of the non-smoking staff not receiving the regular breaks and staff taking smoking breaks shall ensure there is no impact on operational business requirements.

Recruitment processes for all staff will include reference to the policy on smoking/vaping. However, the smoking/vaping behaviour of applicants for employment or promotion is not a factor in selection processes.

Where possible, Council will provide designated Smoking areas and Vaping areas for its Depots and Buildings that meet the above mentioned criteria. All new staff will be shown the location of designated smoking/vaping areas.

Where ever possible, workers when smoking/Vaping should do so out of the view of the public

Note: (Smokers/Vapers are not entitled to smoke in unapproved areas even if all staff in that particular area wish to smoke/vape).

No employee shall suffer any form of retaliation for raising a complaint or asking a question about this policy.

Quit Smoking sources for staff to utilise

The QUIT Line

Telephone: 137 848

NSW Cancer Institute NSW

(I Can Quit)

www.icanquit.com.au

Cancer Council New South Wales

www.cancercouncil.com.au

Members of Public

This policy is to be extended to the general public entering any Council property that meets the definition of this policy. Council staff can refuse service to any member of the public whilst they are smoking/vaping. Members of public who wish to smoke/vape in areas other than designated smoking/vaping areas outlined in this policy will be asked politely to leave or to put the cigarette out.

Council may revoke any usage arrangements or terminate lease agreements if committees and public groups refuse to follow this policy.

Breaches of Policy

Staff

It is unacceptable behaviour to smoke/vape in any of the areas other than designated smoking/vaping areas outlined in this policy and any complaints arising from staff smoking/vaping in non-designated areas will be directed to Supervisor, Managers and/or the Department Director.

Staff members who fail to comply with the policy will be counselled and warned appropriately and disciplinary action will be implemented in accordance with Local Government (State) Award provisions.

Upper Lachlan Shire Council staff cannot be disciplined whilst they are smoking/vaping away from the workplace during their own time.

Variation

Council reserves the right to vary or revoke this policy.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (State) Award 2023;
- WHS Act 2011;
- WHS Regulation 2017;
- WHS Policy;
- Council Smoke Free – Playgrounds, Playing Fields and Sporting Grounds Policy;
- Council Code of Conduct;
- Council Grievance Policy;
- Council Disciplinary Policy.