

1. Title: Queensland Government Smoking Policy

2. Effective Date: November 2006

3. Legislative provisions:

1. *Public Service Act 2008;*
2. *Workplace Health and Safety Act 1995;*
3. *Tobacco and Other Smoking Products Act 1998.*

4. Introduction:

In 1989, Cabinet approved a total ban on smoking in Queensland Government buildings, offices and motor vehicles. The ban came into effect on 1 July of that year and was operationalised through a guideline issued by the former Office of Public Service Personnel Management.

The impact of this Cabinet decision was significant across the Queensland public sector as it involved major change for government employees, but was introduced in light of credible research suggesting that smoking in the workplace had detrimental effects on non-smokers as well as smokers.

Since that time, smoke free workplaces and public places have largely been accepted as the norm in Australia. Research continues to both confirm and further define the harmful effects of exposure to environmental tobacco smoke (passive smoking) and case law highlights legal liability and duty of care obligations in relation to passive smoking.

Queensland Government has responded to these developments by the introduction of the *Tobacco and Other Smoking Products Act 1998*, with recent amendments significantly tightening limits on smoking in public places, such as establishing a minimum distance of four metres for smoking near a non-residential building entrance. Penalties for non-compliance apply under the legislation.

5. Policy statement:

- a. This policy updates the *Queensland Government Smoking Policy* issued by the Premier in March 2003.
- b. This policy applies to all employees of Queensland Government, as well as all other individuals visiting or conducting business in government owned or leased buildings and offices. This includes clients, visitors and volunteers.
- c. Further restrictions on smoking in enclosed places and in specified outdoor places, including Queensland Government buildings, offices and other areas including those specified below, took effect from 1 July 2006.

6. Responsibilities:

- a. Chief executives are responsible for:
 - i. ensuring the minimum standards of this policy are implemented within their agency;
 - ii. extending the provisions of this policy in line with accepted community standards;

- iii. ensuring that smoking bans implemented in shared premises and within regional areas of their portfolio are consistent with the smoking policies of other departments within the building or region; and
 - iv. negotiating with the building owner or landlord regarding the implementation of this policy, where buildings and offices are leased by a Queensland Government agency.
- b. Individuals and all Queensland Government employees are responsible for adhering to the minimum standards of this policy.

7. Scope of this policy (minimum standards):

All Queensland Government employees and other individuals as described in 3(b) are prohibited from smoking in the following areas:

- a. All non-residential enclosed spaces either owned or leased by the Queensland Government, including, but not limited to:
 - office spaces;
 - car parks;
 - basement areas;
 - stairwells;
 - fire escapes;
 - toilets;
 - lifts; and
 - lunchrooms and cafeterias
- b. Outdoor spaces, including but not limited to:
 - thoroughfares to government buildings, specifically within four metres of any part of an entrance or an exit to a building;
 - rooftops;
 - balconies;
 - external fire escapes;
 - access ramps; and
 - loading bays
- c. All Queensland Government motor vehicles.

8. Signs:

- a. Permanent external signs stating the smoke-free policy should be placed at entrances, access ramps, roof terraces, balconies and loading bays of all buildings. Further signs should be placed in other designated smoke-free areas as required.
- b. Where lifts are installed, at least one permanent internal wall sign shall be placed in the ground floor foyer of the building. Consideration may be given to the placement of signs in the lift foyers of other floors.
- c. Departments and the property managers of government buildings may order signs required for the building from the Department of Public Works and coordinate the placement of the signs.
- d. The cost of the signage will be met by the department occupying the space.

- e. Where buildings and offices are leased by a Queensland Government agency, negotiation should occur with the building owner or landlord regarding the placement of signs under this policy.

9. Applicants for government positions:

- a. Recruitment advertising, and/or position descriptions for all positions within the Queensland public sector should reference the smoke-free policy with the following wording:

"A non-smoking policy is effective in Queensland Government buildings, offices and motor vehicles."
- b. Applicants and new employees should be informed by the selection panel, or through reasonable induction processes, of the total ban on smoking in government buildings, offices and motor vehicles.

10. Compliance with government policy:

- a. Clients and visitors to government buildings and offices should be advised of the smoke-free policy and be requested to comply with this policy.
- b. Careful consideration should be given in situations where, because of the nature of the services provided, clients may present at an office in a distressed state. In these situations, decisions about the most appropriate course of action should be based on the individual circumstances of each case.
- c. As smoking breaks do not constitute recognised paid work, they should be taken in accordance with work unit meal break and rest pause arrangements.
- d. Managers are encouraged to promote existing codes of conduct and refer to them where employees' work performance is adversely affected.
- e. Discipline processes are to be viewed as a response only to be used where all other action fails, and should represent a response proportionate to the breach.

11. Assistance to smokers:

- a. Research suggests that an effective way of getting people to quit smoking is to incorporate assistance as part of a total health strategy for all employees. Health management programs that include aspects on diet, exercise, stress management and other issues promote overall healthy living.
- b. Chief executives of agencies are encouraged to provide assistance to smokers to help them quit smoking. The level of assistance provided by the chief executive is discretionary, but apart from any support available to all employees through the Employee Assistance Service, this could range from providing time off to smokers to attend 'quit smoking' courses, providing financial assistance for smokers to attend such courses, to reimbursement of costs for quit smoking aids, such as nicotine replacement therapy.
- c. Chief executives are encouraged to examine any existing health management strategies and programs delivered by their department in order to incorporate assistance for officers to quit smoking.

12. Further information:

For clarification and interpretation of the current policy:

- a. The human resource area of your department;
- b. Public Service Commission (PSC).

For assistance with giving up smoking:

- c. Quitline – 137 848.

Quitline is a telephone service established by Queensland Health. Trained counsellors are available to provide information, counselling, support and resources to help people successfully quit smoking.

Quitline is an anonymous and confidential service and is provided at the cost of a local call, 24 hours, 7 days a week.

For information on the *Tobacco and Other Smoking Products Act 1998*:

- d. Tobacco Hotline – 1800 005 998