

# WHS P006 Smoke Free Workplace Protocol

## Section 1 - Overview

(1) It is a requirement of the [Work Health and Safety Act 2011](#) that the activity of the University does not expose staff members, students and visitors to risks to their health, safety, and welfare.

(2) The NSW [Smoke Free Environment Act 2000](#) requires the occupier of public places to promote health by preventing the exposure to smoke from ignited tobacco (or similar) products.

## Section 2 - Scope

(3) The University has a responsibility to ensure that any place of work or enclosed space that is occupied by the University (as far as is practicable) does not expose staff, students or visitors to tobacco (or similar) smoke including E-cigarettes.

## Section 3 - Protocol

(4) Smoking of tobacco (or similar) products including E-cigarettes is not permitted in the following designated Smoke-Free Zones:

- a. any enclosed space where work is conducted;
- b. a seated dining area;
- c. within 4 metres of a seated dining area;
- d. within 10 metres of a place at an event where food is sold or supplied for eating at the event;
- e. within 10 metres of children's outdoor play equipment;
- f. all spectator areas at sports grounds and other recreational areas when they are being used for organised events (including training);
- g. within 4 metres of a window or an entrance to, or exit from, any building;
- h. within 10 metres of any air intake ventilation equipment provided for any building;
- i. within 4 metres of a dangerous goods storage area;
- j. within UNE vehicles (including marine vehicles); or
- k. any otherwise signposted Smoke-Free Zone.

(5) In addition to the areas identified above, smoking is not permitted when:

- a. preparing food;
- b. handling hazardous substances or dangerous goods;
- c. caring for children; or
- d. on an approved University activity (e.g. fieldwork activity) where other persons may be exposed to smoke.

(6) Supervisors will be responsible for ensuring the adherence to this protocol in places of work under their control.

- (7) Staff members, students, and visitors, before igniting a tobacco product and while smoking, will ensure that they do not expose other people in a Smoke-Free Zone to smoke.
- (8) Cigarette ash and butts must be disposed of in an appropriate receptacle.
- (9) The University does not encourage smoking and will provide information to assist staff to stop. Brochures and advice on recognised "quit" programs will be available from WHS Unit and UNE Medical Centre.
- (10) The University does not allow smoking on work time. A staff member may negotiate breaks for smoking with their manager where this does not interfere with the operations of the business on, the understanding that time taken in breaks will be made up.
- (11) Upon becoming aware that this protocol has been breached, the relevant supervisor or Health & Safety Representative (HSR) will inform the smoker that an offence is being committed and direct the smoker to:
- a. extinguish the tobacco product immediately and leave the Smoke-Free Zone; or
  - b. move a reasonable distance away from the designated Smoke-Free Zone.
- (12) Where a Smoke-Free Zone has been exposed to smoke on repeated occasions, the relevant supervisor, Health & Safety Representative (HSR) or any other staff member will inform the WHS Unit.
- (13) Where there has been repeated breaching of this protocol, the University WHS Unit will investigate and take such action as is necessary to resolve the issue.
- (14) If any person does not comply with this protocol, the University may take action in accordance with the relevant disciplinary procedures or legislation.
- (15) Staff members wishing to obtain information about giving up smoking, can contact the WHS Unit, or the UNE Medical Centre.

## **Authority and Compliance**

- (16) The Director People and Culture as Rule Administrator, pursuant to the University's [Work Health and Safety \(WHS\) Rule](#), is authorised to make procedures and guidelines for the operation of this University Protocol. The procedures and guidelines must be compatible with the provisions of this Protocol.
- (17) University Representatives and Students must observe this Protocol in relation to University matters.
- (18) This Protocol operates as and from the Effective Date.
- (19) Previous Protocols relating to the provision of a smoke free workplace at UNE are replaced, and have no further operation from the Effective Date of this new Protocol.
- (20) Notwithstanding the other provisions of this University Protocol, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Protocol where the Vice-Chancellor and Chief Executive Officer determines the application of the Protocol would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be documented in writing and must state the reason for the exception.

## **Section 4 - Definitions Specific to this Protocol**

- (21) Enclosed space means an area having either a temporary or permanent ceiling or roof and/or two or more walls.

(22) Fieldwork activity means any activity under the control of the University, but not in a University building. N.B. staff/students on "practicum" (or other workplace-based training) will be subject to the rules of those workplaces.

(23) Place of Work means any University owned or occupied premises or vehicle used for University business (including, but not limited to road or marine), or any University approved outdoor activity.

(24) Smoke-free Zone means an area in which smoking is prohibited.

(25) Smoker or smoking means a person in the act of holding, or otherwise having control over, an ignited tobacco (or similar) product including E-cigarettes.

(26) Tobacco products means cigarettes, cigars, bidis, kreteks, loose tobacco and E-cigarettes.

## Status and Details

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|---------------------------|--|
| <b>Status</b>             | Current  |
| <b>Effective Date</b>     | 12th December 2017                             |
| <b>Review Date</b>        | 12th December 2020                             |
| <b>Approval Authority</b> | Vice-Chancellor and Chief Executive Officer    |
| <b>Approval Date</b>      | 30th October 2017                              |
| <b>Expiry Date</b>        | To Be Advised                                  |
| <b>Unit Head</b>          | Kirsten Clayton<br>Director People and Culture |
| <b>Author</b>             | Craig Moore                                    |
| <b>Enquiries Contact</b>  | People and Culture<br>+61 2 6773 3705          |

## Glossary Terms and Definitions

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

**"University Representative"** - University Representative means a University employee (casual, fixed term and permanent) contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.