



**Australian Government**

**Comcare**

# SMOKING IN OR NEAR COMMONWEALTH WORKPLACES

This fact sheet provides advice to a person conducting business or undertaking (PCBU), workers in the Commonwealth jurisdiction and others who choose to smoke during working hours outside or near Commonwealth workplaces.

It also applies to those who may be exposed to environmental tobacco smoke (ETS)—also known as passive smoking—and alerts PCBUs, workers and others about the hazards associated with exposure to ETS and their legislative obligations under the Work Health and Safety Act 2011 (Cth) (WHS Act).

Tobacco smoking is the single largest preventable cause of disease and premature death in Australia.

The Australian Public Service adopted a smoke free work environment policy in 1988 which applies to all Commonwealth workplaces. As a result, smoking is banned in locations where smoke could enter the workplace or where ETS could affect persons entering or leaving a workplace. The APS Values and Code of Conduct in practice states that:

*Government workplaces have been 'smoke free' since 1988. APS employees and others working or visiting the APS are not permitted to smoke in the workplace. There are agency-specific policies that set out the responsibilities of APS employees in relation to smoking. There should be no disruption to work caused by employees leaving the workplace to smoke. To encourage the health of employees, some agencies support employee participation in 'quit-smoking' programmes and sponsor health promotion activities'. (APS Values and Code of Conduct in practice)*

## ENVIRONMENTAL TOBACCO SMOKE (ETS)

Exposure to ETS occurs from breathing in other people's tobacco smoke. ETS is emitted from the burning end of a cigarette, pipe or cigar and from the smoke that is exhaled by a smoker.

Evidence on the detrimental effects of ETS has built over many years. The National Health and Medical Research Council has reviewed scientific evidence concerning the possible health effects of exposure to ETS. It has concluded that exposure to ETS can cause lung cancer and may also cause coronary heart disease in adults.

## LEGISLATIVE OBLIGATIONS

Under Section 19 of the WHS Act, a PCBU must ensure—so far as is reasonably practicable—the health and safety at work of their workers, and that the health and safety of other persons at the workplace is not put at risk from the work carried out as part of the conduct of the business or undertaking. The health and safety of workers and other persons may be adversely affected by the inhalation of ETS, meaning that a PCBU may be in breach of their obligations if a worker or other person is exposed to ETS. Exposure to ETS can occur when workers are entering and exiting the building when smokers are nearby, or can occur inside buildings if ETS enters through doors, air conditioning or air intakes.

Section 20(2) also requires a person with management or control of a workplace (PMCW) to ensure—so far as is reasonably practicable—that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person. This means that the PMCW must ensure that workers and others are able to enter and exit a workplace without exposure to ETS.

## RISK MANAGEMENT

Part 3.1 of the Model Work Health and Safety Regulations 2011 provides practical guidance to PCBUs, and other duty holders, on applying risk management principles. It can be a useful reference when conducting a risk assessment.

To fulfil their duty of care, a PCBU should assess the magnitude of any identified risk of smoking and ETS to workers and third parties. Risk management involves:

- > **identifying** the hazard
- > **assessing** the risk associated with the hazard
- > **controlling** the risk
- > **reviewing** the process.

To be effective, risk management requires the commitment and cooperation of all parties involved and should become an integral part of an organisation's culture, business practices and processes.

To minimise risks a PCBU should:

- > ensure workers do not smoke in places where their smoke could enter a building, where other workers and third parties enter or exit the building, and in frequently used transit areas
- > use signage to indicate smoke free areas or smoking zones
- > develop an educational support program warning workers of the dangers of smoking
- > encourage workers to stop smoking by accessing quit smoking courses through Quit Now.

Where a PCBU is one of several tenants in a building they may need to negotiate as part of a building lease that smoking be banned in certain areas. Where workers are limited to smoking in particular areas outside a building the PCBU should ensure those areas are well ventilated to eliminate the risk of exposure to any ETS.

## FURTHER INFORMATION

For further information please contact Comcare on 1300 366 979 or by email: [ohs.help@comcare.gov.au](mailto:ohs.help@comcare.gov.au)

You can also find further information through the following organisations:

- > [Quit](#)
- > [Department of Health and Ageing](#)
- > [Safe Work Australia](#)
- > [Australian Institute of Health and Welfare](#)
- > [World Health Organization](#).