

DOB ENTERPRISES PTY LTD

DOB Smoke Free Policy
IMS-529-00-POL

Revision History

Date	Rev	Modified By	Changes Made, Review History	Reviewed by	Approved by
19.02.18	0	Sunette Opperman	Creation	S Rupert	S Rupert



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Smoke-free Workplace Policy

There is strong scientific evidence that passive smoking is hazardous to health. In accordance with its legal obligations to protect the health and safety of those who work at or visit this site, DOB Enterprises Pty Ltd has developed the following smoke-free workplace policy:

DOB is committed to providing a safe working environment for its workers, clients, visitors and contractors.

It is our aim to provide a smoke-free workplace to protect all workers, contractors and visitors from the effects of environmental cigarette smoke.

DOB management is responsible for:

- Providing a workplace which is safe and not detrimental to the health of our workers, clients, visitors and contractors
- Ensure that all workers and visitors can enter and exit the buildings and sites without risk to their health
- Directing people who choose to smoke to designated smoking areas

Smoking is prohibited on DOB premises, including:

- Covered or partially covered areas
- DOB vehicles
- Within 10 metres of exterior doorways
- Anywhere inside the building / premises
- Near exterior air vents or ducts, or open windows
- Near or around DOB clients, client premises or client property.

Smoking is permitted by DOB in the following circumstances:

- In designated smoking areas
- During designated worker break times
- Outside the workplace in designated areas

Adherence to this policy is a condition of employment. Workers who breach this policy will face disciplinary action and in some cases, prosecution under the State Tobacco Acts and relevant WHS legislation.

Smoking bans

As from 01 January 2019 smoking is prohibited within the confines of all DOB Enterprises Pty Ltd, T/as MBC Recruitment, MBC Health, MBC Nursing Agency, MBC Labour Hire and Watchout Training & Traffic Control's buildings, work sites, client sites and vehicles. There will be NO Smoking within 10 metres of any Company building, worksite or motor vehicle.

Smoking during work hours of 9:00am to 5:00pm Monday to Friday (or however applicable to rostered work hours and days) will be permitted during meal break of 30 minutes with the option of having a morning and/or afternoon tea/coffee break or a smoke break, if approved by a Manager and must not exceed the 10 minutes.



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Assistance to smoking staff

Professional help including quit smoking advice and information is available for staff who may require assistance to adapt to the policy, please call the Quitline 137848.

Disciplinary procedures

Staff adherence to this policy is a condition of employment. Any breach of the policy will lead to normal disciplinary procedures being applied. It should be noted that employees who fail to look after the health and safety of other people by not complying with the policy can be personally liable for a fine of up to \$3,300 under the NSW Occupational Health and Safety Act 2000.

Employees will not be disciplined for smoking away from the workplace, in their own time.

Guidelines set by Fairwork Australia

Are smoke breaks required by law?

No. There is no specific entitlement to take smoke breaks under the *Fair Work Act 2009* (Cth) (**FW Act**). Modern awards and enterprise agreements may set out entitlements to meal and 'rest' breaks but not smoke breaks.

Is discriminating against smokers unlawful?

No. Being a smoker or smoking is not named as a protected attribute in federal or state discrimination law.

It is possible that a sufficiently serious addiction to smoking may be considered a disability under anti-discrimination legislation in the future.

Can an employer say where and when an employee is allowed to smoke at work?

Yes. There is no right to take smoke breaks and it is up to the employer how they manage this issue. Employers can make their workplace "smoke free" if they choose to do so.



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