

IP Australia's No Smoking Policy

Revision History

Date	Changes
06/07/2006	Policy reviewed.
12/11/2007	Sirius and Corinna St maps removed.
May 09	Policy reviewed
June 09	Policy amended
July 2009	Policy amended and endorsed

1. Introduction

The *Occupational Health and Safety Act 1991* requires IP Australia to protect employees and contractors from workplace hazards, including potentially harmful air contaminants. There is now clear evidence that active and passive smoking is not healthy and causes a range of serious illnesses and in some cases, death.

Clause 47.1 of the IP Australia and Union Collective Agreement 2008-2010 provides for a smoke free workplace and articulates the ongoing commitment to provide support to employees who wish to quit smoking.

IP Australia's "No Smoking Policy" ensures that, as an employer, IP Australia continues to address its duty of care responsibilities in respect of employees and contractors regarding active and passive smoking.

The term "employee" used throughout this policy is taken to mean all ongoing and non-ongoing employees. Contractors employed by IP Australia are also required to comply with the Policy.

2. Objectives

The objective of the policy is to meet our duty of care responsibilities as an employer by:

- protecting all employees and visitors from exposure to tobacco smoke;
- maintaining a totally smoke free working environment; and
- supporting employees to improve their health and wellbeing;

3. Policy

IP Australia will provide a smoke free work environment for all its employees.

Smoking by all employees is banned whilst on duty. Official meal breaks (that is, lunch or dinner breaks as agreed with their manager and recorded in the employee's flex attendance sheet or attendance diary) are exempt from this directive.

No employee will be permitted to smoke within fifteen (15) metres of any part of IP Australia premises at any time, including during official meal breaks. The map at Attachment A displays the non-smoking zones around the current building occupied by IP Australia in the ACT. Whilst maps of buildings currently occupied by State Office and MPEC employees are not included, employees will not be permitted to smoke within fifteen (15) metres of any part of those buildings.

For the purposes of this policy IP Australia premises include any location at which employees are engaged on duty, including at their place of residence or while on duty interstate or overseas, except that any meal breaks taken at a place of residence are not treated as IP Australia premises under this policy for the duration of the meal break.

The ban on smoking in and around IP Australia's premises extends to employees and contractors performing duties after normal hours, and members of the public visiting IP Australia's premises. This policy also applies to premises where a building is shared with a number of other Departments or organisations.

Smoking is banned at all times in IP Australia's vehicles.

4. Support programs

We value our employees and recognise they can best fulfil their statutory duties when healthy. IP Australia supports its employees who wish to quit smoking and will offer the following assistance:

- Courses or seminars;
- Nicotine Replacement Therapies (Patches, Gum, Inhalers, Lozenges);
- Hypnotherapy;
- Acupuncture; or
- Any other reasonable request.

In addition, the following leave and financial assistance is offered to employees:

- paid leave may be granted (of up to 8 hours) to attend a course or seminar under clause 81 of the Collective Agreement (Miscellaneous Leave); and
- reimbursement of costs associated with quit smoking initiatives (maximum of \$400).

To access this support an "[Application for assistance to stop smoking at work](#)" form must be completed and forwarded to Support Services, HRMS.

5. Contact points

Further information on quit smoking programs can be obtained from the Human Resource Management Section or the organisations listed below. For further information on the policy itself, please contact the Health and Wellbeing Coordinator on ext 2073.

6. Where to go for help

Employee Assistance Program	1300 360 364
The Cancer Council ACT	6257 9999 or http://www.actcancer.org
Quit Victoria	http://www.quit.org.au
Quitline	131 848

7. Role of Managers

Informing their employees

All employees are expected to comply with the policy and managers play a key role in communicating the expectations to employees and in dealing with breaches.

Managers also have a responsibility to ensure that affected employees are provided with details of available support programs, either from IP Australia sources or other organisations that can provide support, information and advice.

Managers must ensure on a regular basis that their employees and any contractors for whom they are responsible are aware of the policy, how breaches will be dealt with and the support that is available. The appropriate outcomes sought from the discussion should be that employees are made aware:

- of the policy;
- of the support programs offered by IP Australia to assist employees to comply with the policy;
- that any instances of a breach in the policy will result in action under the APS Code of Conduct; and
- the range of sanctions that are available under the APS Code of Conduct.

Dealing with Breaches

Where a manager becomes aware of an alleged breach of the policy, they should initially speak with the employee as soon as possible after the alleged breach has been reported. In the normal course, the matter will be dealt with in accordance with the Procedures for Determining Breaches of the Code of Conduct in IP Australia (the Procedures).

Managers must seek advice from HR on the conduct of this process. In the normal course, a first breach will result in a reprimand. If this is the decision, the employee will be issued with a formal warning which will be placed on their personnel file.

Any subsequent alleged breaches will again be dealt with in accordance with the Procedures for Determining Breaches of the Code of Conduct in IP Australia. Managers must seek advice from HR on the process to be followed. Termination of employment is a likely consequence if it is found that an employee has breached the policy on a second occasion.

Contractors who breach the policy will be dealt with under the terms of their contract.

8. Review of Action

Any action taken under the Code of Conduct may be reviewed. Employees will be advised of their review options at the time the action is notified.

9. Additional Information

Legislation

- *Public Service Act 1999*
- *Occupational Health and Safety Act 1991*
- *Freedom of Information Act 1988*
- *Privacy Act 1988*

Policies

- Procedures for Determining a Breach of the Code of Conduct

Behaviours

- IP Australia's Professional Behaviours

10. Further information

- Manager, Support Services
- Director, HR Services
- Chief HR Officer
- General Manager, CSG

ATTACHMENT A

DISCOVERY BUILDING

