

Work environment – **General information**

15.01.10

Tobacco smoke – Duty of care under the Act >

This information bulletin provides guidance to employers and workers regarding exposure to Environmental Tobacco Smoke (ETS).

Employer responsibilities

Section 55 of the [Workplace Health and Safety Act](#) requires an employer, so far as is practicable to provide and maintain a working environment at a workplace that is safe and without risk to the health or safety of the workers working at the workplace.

The primary objective in controlling employee exposure to ETS in the workplace must lie in eliminating ETS. Workplace arrangements should ensure, as far as reasonably practicable, that no-one in the workplace is exposed to ETS.

Workers responsibilities

A legislative obligation for health and safety at the workplace also applies to employees. Employees have a general duty of care to take reasonable action to minimise the effects of their acts on the health and safety of all persons at their place of work. There is a further obligation to cooperate with the employer, to comply with State/Territory and Commonwealth occupational health and safety legislation. Accordingly, smoking in enclosed workplaces, for example, should be prohibited and employees advised of the legal implications of their non-compliance.

Facts

Safe Work Australia, formerly the National Occupational Health and Safety Commission (NOHSC) of which NT WorkSafe is a member, has agreed that, given the health risks of environmental tobacco smoke, Australian workplaces should be completely smoke-free i.e. environmental tobacco smoke should be excluded.

The world's major public health agencies have concluded that environmental tobacco smoke (ETS) is a significant hazard to the health of non-smokers. There is no safe level of exposure to ETS. World Health Organisation (WHO) 1999 estimates indicate that four million people, or one person every eight seconds, globally dies from ETS related disease and illness

In Australia, 1998 figures indicate some 19,019 deaths attributable to tobacco, with 128 considered the direct result of ETS. Furthermore, WHO has estimated that some 9–13% of all cancer cases can be attributed to ETS in a non-smoking population of which 50% are exposed to ETS.

What is ETS

ETS is the complex mixture of chemicals and particles (particulate matter) released into the air whenever someone smokes a cigarette, cigar or pipe. ETS contains over 4,000 chemical compounds including sixty (60) known carcinogens.

ETS particles are deposited on, and absorbed by room surfaces, furnishings and treatments. As a result, ETS particles are slowly re-released into the air, even after smoking has stopped.

Subsequently, exposure to ETS, or its components, may occur when people enter areas where smoking has taken place. **Elimination of exposure to ETS must also eliminate exposure to ETS residues..**

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Passive smoking

Passive smoking means inhaling ETS. ETS is the complex mixture of chemicals and particles (particulate matter) released into the air whenever someone smokes a cigarette, cigar or pipe.

Ineffective primary controls

Designated Smoke-Free Areas

The creation of smoke-free indoor areas separated from designated smoking areas has only a **limited effect** on the concentration of ETS in non-smoking sections. Separation of smokers from non-smokers within a space does not affect either the smoke density or the ventilation rate, and so cannot reduce the average ETS concentration.

Ventilation Controls

Mechanical dilution ventilation is not an appropriate method for eliminating exposure to ETS for any given level of smoking. Exhaust hoods, over designated smoking tables, and ventilated ashtrays have been promoted as measures to reduce smoke dispersal and control ETS exposure. However, even under optimal conditions, residual ETS levels still exceed acceptable risk levels. Furthermore, limitations on ventilation/hood operation and installation often reduce actual performance well below the theoretical optimum conditions.

A risk of dilution ventilation is that ETS may be circulated to remote parts of a building from a smoking permitted area, thus extending the exposure. Operational problems include the need for regular maintenance, and the need for impracticably high airflows.

Furthermore, cleaning of ETS residues on air-conditioning and other equipment represents additional OH&S risks.

Good practice

Restriction of smoking to outdoor areas where drift to other areas cannot occur, particularly near doorways, windows and ventilation ducts, is a component of good practice in eliminating exposure to ETS.

Penalties

Under the *Workplace Health and Safety Act* penalties exist for breaching a duty of care by employers and employees in any capacity. This may include a monetary penalty or prosecution action.

In addition NT WorkSafe officers are appointed Authorised Officers under the [Tobacco Control Act](#) and can take action against non compliance, including the issuing of on the spot fines if appropriate.

Workplace arrangements should ensure, as far as practicable, that no one in the workplace is exposed to ETS.

Further information

Information on developing a no smoking policy can be found in:

- NT WorkSafe information bulletin [15.01.03](#) Work Environment – developing a no smoking policy
- [NOHSC: 3019 \(2003\)](#) – Guidance note on the elimination of environmental tobacco smoke in the workplace.

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