

Response from **Non-Smokers' Movement of Australia Inc.**,

(formed in 1977, fighting for everybody's right to breathe clean air, free from the toxins in second-hand tobacco smoke, and against Big Tobacco's influence on Australia's Governments.)

Quote from Safe Work Australia **"Everyone has the right to a safe and healthy workplace.** The intention of the model work health and safety (WHS) laws is to support that right by providing workers in Australia with a consistent standard of health and safety protection **wherever they work and whatever work they do.** The model WHS laws are founded on the principle that workers and others should be **given the highest level of protection through the elimination or minimisation of risks arising from work**, so far as is reasonably practicable. Anyone who can influence health and safety should use that influence to achieve the best possible WHS outcomes for workers and those affected by work. The model WHS laws provide the framework for a harmonised approach to the regulation of WHS in each Australian jurisdiction. Developed in 2009-10 following a comprehensive and independent national review, the model WHS laws have been implemented by the Commonwealth, the Australian Capital Territory, New South Wales, the Northern Territory, and Queensland (on 1 January 2012) and South Australia and Tasmania (on 1 January 2013). Victoria and Western Australia are yet to implement the model."

Response from the **Non-Smokers' Movement of Australia Inc.**

Work Health and Safety's response to smoke-free legislation is minimal, considering the dangers of second-hand tobacco smoke in work-places all around Australia. So-called Smoke-free Environment Legislation is far too slow and allows smoking to continue where it is knowingly causing damage to workers and the public.

Our concern at NSMA is that Legislation which allows unsafe work-practices simply allows WorkPlaces to employ vulnerable workers who don't or won't speak up.

The Legislation should not be allowed if it is UNSAFE.

Every Health Minister states; “There is no safe level of exposure to second-hand tobacco smoke” and yet, at every turn, workers and patrons continue to be exposed, in work-places all over Australia, especially in so-called “hospitality” workplaces.

Examples of Unsafe Workplaces, subject to Second-hand Smoke Toxins

1. Workers bring drinks, snacks and clean ashtrays and service poker machines in shonky “unenclosed”/ 75% enclosed gaming rooms in most PUBS AND CLUBS in NSW. These rooms are separated from the main gaming rooms by heavy duty self-closing doors which mostly protect other patrons from the toxic second-hand smoke, but the workers (approximately 100,000 in NSW) are faced with the toxins RIGHT IN THEIR FACES, from smokers who sit continuously at machines, being encouraged to stay there in their “gambling trance” – not being forced to go to the “true outside” to smoke.

Workers are extremely reluctant to speak up about these atrocious and discriminatory conditions as they often need part-time work in hours to suit their family or studies. Many would be unaware of the potential long-term damage to their lungs and hearts.

(This so-called definition of “unenclosed”/75% enclosed was cooked up back in 2003/2004 by a joint committee, in secret, of “hospitality industry” heavies from Hotels and Clubs Associations, members of Labour and Coalition parties, and Union representatives who were afraid of losing members’ jobs if they didn’t give in. They all knew these conditions weren’t safe, but they were desperate to keep smokers indoors and comfortable, in the face of upcoming changes in legislation which should have sent smoking to the true outdoors.)

2. Workers in OUTDOOR CAFES in NSW are, at some cafes, confronted with toxic second-hand tobacco smoke where the outdoor area is designated by the proprietor as a DRINKING ONLY/NO EATING section – this is condoned in the so-called Smoke-free Environment Act. Even worse, in these situations, INFANTS AND SMALL CHILDREN CAN LEGALLY ENTER - the smoke drifts around them with no restriction. All patrons AND workers are entitled to WHS protection from toxins.

3. Many THEATRE patrons in Australia are unaware that smoking on stage is allowed if it is deemed “part of the performance”. This is due to an allowable

exemption The toxins spread around the stage and out into the theatre and there is also potentially huge fire risk due to tight spaces and hurried activities. Everything else in a theatre production is fake – there is no need for real tobacco or even real smoke. This ridiculous exemption, allowing smoking on the stage, applies in most States of Australia. A warning by proprietors is totally ridiculous – the conditions are UNSAFE.

4. Health workers, cleaners and maintenance staff and visiting tradespeople are not protected from second-hand smoke toxins in RETIREMENT VILLAGES and in MULTI-UNIT SOCIAL HOUSING/PUBLIC HOUSING complexes unless the village/complex has been declared totally smoke-free – we know of only one such establishment in Australia. Second-hand smoke toxins drift around and seeps inside buildings, causing long-term damage to workers, neighbouring residents and visitors.

Smokers claim the right to use tobacco in their own homes, but the toxins from their smoke cause damage to the health of their neighbours, just like loud noises.

Smokers now have easy, affordable access to many alternative nicotine replacement products (patches, gums and sprays) which neither cause damage to themselves nor to others nearby.

There is no legal obligation for a proprietor to provide a smoking space or area, anywhere.

Please see below some information regarding NOHSC in **2003**

GUIDANCE NOTE ON THE ELIMINATION OF ENVIRONMENTAL TOBACCO
SMOKE IN THE WORKPLACE [NOHSC:3019(2003)] PREFACE

The National Occupational Health and Safety Commission has agreed that, given the health risks of environmental tobacco smoke, all Australian workplaces should be made completely smoke-free as soon as possible, i.e.,

environmental tobacco smoke should be excluded. The position statement of the Commission is:

Position Statement, October 2002

Environmental Tobacco Smoke in the Workplace

The National Occupational Health and Safety Commission recommends that exposure to environmental tobacco smoke should be excluded in all Australian workplaces. This exclusion should be implemented as soon as possible. The recommendation takes account of:

- a. the Air Quality Guidelines for Europe of the World Health Organisation¹ which conclude that there is no evidence for a safe exposure level of environmental tobacco smoke and that at typical environmental exposure levels, environmental tobacco smoke is carcinogenic, increases the risk of fatal and non-fatal cardiovascular disease in non-smokers and carries substantial mortality and morbidity from other serious health effects as a result of acute and chronic disorders;
- b. the conclusions of the National Health and Medical Research Council² that exposure to environmental tobacco smoke causes lung cancer in adults, causes lower respiratory tract illness in children, contributes to the symptoms of asthma in children and may also cause coronary heart disease in adults;
- c. the position adopted in the National Tobacco Strategy³ endorsed by the Ministerial Council on Drug Strategy as well as the National Response to Passive Smoking⁴ that the establishment of smoke free environments should be the norm; and
- d. the increasing prohibition in Australian jurisdictions of smoking in workplaces;
- e. and the continued work of Health Ministers in this area.

1 Air quality guidelines for Europe, 2nd ed. Copenhagen, WHO Regional Office for Europe, 2000 (WHO Regional Publications, European Series, No. 91).
http://www.who.dk/InformationSources/Publications/Catalogue/20010910_6

2 The Health Effects of Passive Smoking – A Scientific Information Paper, National Health and Medical Research Council, November 1997.

3 National Tobacco Strategy 1999-2002-03 – A Framework for Action, Commonwealth Department of Health and Aged Care, 1999.

4 National Response to Passive Smoking in Enclosed Public Places and Workplaces – A Background Paper, National