

WHAT SHOULD THE OPTIMAL STRUCTURE AND CONTENT OF A MODEL OHS ACT BE?

GENERAL COMMENTS

General Comments:

These comments fall under this Review's Term of Reference Number 1, viz.

"The health and safety of Australian workers is a key concern of Australian governments of all levels. All workers have the right to a safe and healthy workplace and employers have the right to expect that workers and visitors to their workplaces will cooperate with occupational health and safety rules."

The Non-Smokers' Movement of Australia Inc. has been fighting since 1977, more than 30 years, for everybody's rights to clean air, free from the well-documented poisons in secondhand tobacco smoke.

Every government in Australia admits that there is "no safe level of secondhand smoke".

Our National Tobacco Strategy 2005-2009 says that if tobacco were introduced into Australia now, it would not be allowed.

Smoking and secondhand tobacco smoke serve no purpose in the workplace.

Secondhand tobacco smoke is known to cause preventable health harm, even in small amounts:

- respiratory conditions, COPD, emphysema, Chronic bronchitis, asthma
- heart attacks, strokes, other cardiovascular disease
- lung and some other cancers
- sexual, reproductive and pre-natal harm.

Harm can occur from exposure to secondhand tobacco smoke both indoors and, in many circumstances, outdoors.

Occupational Health and Safety Laws must protect all workers and the public from such harm.

All workers have the right to a safe and healthy work environment.

1. Secondhand tobacco smoke must be declared a Toxic Air Contaminant and Workplace hazard.

2. All workplaces, including "outdoors" must be declared smokefree.

3. Smokers should be directed to a limited number of strategically placed Designated Outdoor Smoking Areas. Such areas would be located well out of range building openings and away from workers and the public.

Occupational Health and Safety Regulations must fall within Australia's commitment to the World Health Organisation's Framework Convention on Tobacco Control and must make strong political commitment to reduce exposure to secondhand tobacco smoke.

Additionally, Australia must actively promote the adoption and implementation of effective legislative, administrative and/or other measures, for protection from exposure to tobacco smoke in indoor workplaces and, as appropriate, other public places.

In the case of such an easily preventable hazard, no legislation should be delayed because of a perceived negative economic impact. Secondhand smoke kills.

Hazard prevention is, of course, the only course, not compensation nor reparation.

Removing secondhand tobacco smoke from the workplace is a simple matter - install the non-smoking signs and enforce the regulations.

All Australian workers must be protected equally by Occupational Health and Safety laws.