First ban imposed on club smoking

By JIM O'ROURKE
Workplace Reporter

A BOWLING club where a staff member was sacked for wearing a gas mask to protect himself from second-hand smoke has become the first club ordered to go smoke-free by the NSW Government.

The Moama Bowling Club, near Echuca on the NSW-Victorian border, has been issued with a notice by WorkCover to ban patrons from smoking by January to protect employees.

WorkCover said when making the order it also took into account the case of bar worker Marlene Sharp, who was awarded $450,000 by the NSW Supreme Court after proving her throat cancer was caused by working in a smoke-filled bar at Port Kembla RSL Club for 11 years.

In April, Steven Kane was sacked from the Moama club for wearing a respirator face mask to work behind the bar.

The 42-year-old father of three was dismissed, management said, for not following a lawful directive to wear the correct staff uniform.

The club had just ended an 18-month smoke-free trial, but reintroduced smoking for patrons on March 24.

At the time, the then chief executive, Phillip Johnson, said club profits dropped significantly during the smoking ban.

After his sacking, Mr Kane lodged an unfair dismissal action in the NSW Industrial Relations Commission, arguing the club had allegedly breached the Occupational Health and Safety Act by not providing a safe workplace.

"My ultimate goal is to get my job back," he said.
"It would be great if this sort of ban was spread across the state.""  

Senior WorkCover official Peter Harley said it issued an improvement notice to the bowling club after investigating a complaint by a former employee about being exposed to environmental tobacco smoke.

"Moama is the first club to get an improvement notice of this type," Mr Harley said.

Current club chief executive Boots Plowman declined to comment because the matter was yet to be decided.