SMOKING POLICY

Policy Number:	**Approved Date:**
Effective Date:	**Review Date:**

Why Have a Policy?
As an employer, the Municipality has a duty under the Tobacco Products Control Amendment Act (Act No. 12 of 1999) to ensure that the rights of employees who do not wish to be exposed to tobacco smoke in the workplace are protected. In terms of the Occupational Health and Safety Act no. 85 of 1993 the municipality is required to provide a safe working environment and protect the health and safety of persons at the workplace. Consequently, in the interest of the health and safety of all employees, the Municipality is moving towards a smoke-free working environment.

THE POLICY

1. PREAMBLE

The Municipality is obliged in terms of the Occupational Health & Safety Act (Act no 85 of 1993) and the Tobacco Products Control Act (Act 83 of 1993) to provide a healthy workplace environment, and to protect the health of all employees, Councillors and visiting public at the workplaces.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

• Tobacco Products Control Amendment Act (Act No. 12 of 1999)
• Government Notice R975, Notice relating to smoking of tobacco products in public places, dated 29 September 2000, in terms of the Tobacco Products Amendment Act, No 12 of 1999.
• Occupational Health and Safety Act no. 85 of 1993.

4. SCOPE AND APPLICATION

All employees, service providers and members of the public visiting Municipal buildings, premises and/or using municipal vehicles.

5. OBJECTIVES OF POLICY

- To implement the provisions of the Occupational Health & Safety Act (Act 85 of 1993) and the Tobacco Products Control Act (Act 83 of 1993) and regulations promulgated there under.
- To ensure that a healthy workplace environment is maintained and that the health of non-smokers is not adversely affected by exposure to tobacco smoke.
- To regulate smoking in all municipal workplaces.
- To ensure that indoor air is of good quality.

6. POLICY CONTENT

Indoor air quality is an important determinant of population health, wellbeing, and productivity. People nowadays spend most of their time in indoor spaces such as homes, workplaces, schools and in vehicles. Exposure to hazardous airborne agents such as cigarette smoke, present in many indoor spaces, might cause adverse effects such as allergies, irritation of the respiratory tract, some cancers, heart disease, peripheral vascular disease and respiratory diseases such as emphysema and chronic bronchitis. It is not just mainstream smoke (smoke drained through a cigarette and taken in by the smoker) but also side stream smoke (which arises from smouldering tobacco and passes directly into surrounding air) which is implicated in the above mentioned public health issues.

Non smokers are definitely harmed by second-hand tobacco smoke, and may develop the already mentioned adverse effects. Employees who already suffer from respiratory diseases or allergies may be at an increased risk in a smoke filled environment.

Smoking is prohibited within all municipal buildings and vehicles, except in specifically designated smoking areas as described in the Tobacco Products Amendment Act, No 12 of 1999, Section 2(b). Staff will be allowed to smoke in the designated areas only, of which the location, size and number will be determined by the Municipal Manager. The area must comply with the requirement as prescribed in the Government Notice R975, Notice relating to smoking of tobacco products in

public places, dated 29 September 2000, in terms of the Tobacco Products Amendment Act, No 12 of 1999.

This smoke free workplace policy applies to employees, Councillors, contract workers, clients and visitors.

Heads of Departments are required to oversee that no working hours are lost as a result of smoking by employees. Times must be arranged with supervisors as to when smokers may take some smoke break. Employees' work should not be affected by their absence from their work stations.

6.1 Designated Smoking Areas

Where a need for smoking exists among a group of employees, the Municipal Manager will identify suitable areas and that all smoking takes place at the back of all municipal buildings or areas. The Municipal Manager will issue guidelines for the designated smoking areas.

6.2. Assistance for Smokers

It is recognized that some staff members who smoke may have some difficulty in adjusting, particularly those who have been smoking for a long time. It should be noted that smokers are being asked to refrain from smoking in the workplace, not to stop smoking altogether. In an effort to assist individuals in adjusting to this change, counselling should be available.

7. IMPLEMENTATION AND MONITORING

All reasonable efforts will be made to help individuals meet the requirements of the smoke-free policy. Any breach of this policy may result in disciplinary action for employees and a fine to members of the public, as imposed by the Tobacco Products Amendment Act, No 12 of 1999.

8. COMMUNICATION

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

9. POLICY REVIEW

This policy will be reviewed and amended on an annual basis or each time any Act or Conditions of Service or other agreements deem it necessary. All proposed amendments will serve before the Local Labour Forum for recommendations and the Council for approval.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy.

12. PENALTIES

Non compliance of any of the stipulations contained in the Policy will be viewed as misconduct and will be dealt with in terms of the municipality's Disciplinary Code.

13. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum must be incorporated into the policy.

14. AUTHORITY

Formulated by:	Date:
Consulted: LL F:	Date:
MM Approval:	Date:
Council Approval:	Date: