

SIYATHEMBA LOCAL MUNICIPALITY SMOKING POLICY

1. INTRODUCTION

The Municipality has a responsibility to all employees to establish and maintain a healthy working environment in which the needs of both non-smokers and smokers are balanced in a reasonable manner.

However, in this regard the Municipality needs to adhere to the requirements of applicable legislation. This policy document on smoking in the work place provides the parameters for dealing with smoking in the work place, but are always subject to any legal requirements which have to be complied with.

All parties should be prepared to commit themselves to a coherent and consistent policy on smoking in the work place by taking into consideration the rights of employees who smoke and those who don't.

2. PURPOSE

The purpose of this policy on smoking in the work place is to protect the rights of both smokers and non-smokers and to protect all employees, as well as visitors and clients, on the premises of the Municipality against any threats to health and safety.

3. LEGAL FRAMEWORK

The Municipality as employer is aware of the duties as well as prohibitions imposed by relevant legislation regarding the health and safety of all employees at the work place.

The Tobacco Products Control Amendment Act, 1999 came into operation on 1 October 2000, including a schedule relating to smoking of tobacco products in public places. According to this schedule smoking of tobacco products is permitted in specific public places of which work places are one.

The following issues also need to be highlighted.

- An employer in control of a public place, may designate a portion of a public place (i.e. work place) as a smoking area, provided that such area does not exceed 25% of the total floor area of the work place.
- The designated smoking area must be separated from the rest of the work place by a solid partition and an entrance door on which the sign "SMOKING AREA" is displayed, written in black letters on a white background.
- Furthermore, the ventilation of the designated smoking area must allow air from the smoking area to be exhausted directly to the outside and may not be re-circulated to any other area within the work place.

- Another provision for an employer who designate a portion of the work place as a smoking area, is that the message: "SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMEN AND NONSMOKERS. FOR HELP TO QUIT PHONE (011) 720 3145" must be displayed at the entrance to the designated smoking area, written in black letters on a white background.
- Notices and signs indicating areas where smoking is permitted and where it is not permitted must be permanently displayed and signs indicating that smoking is not permitted must carry the warning: "ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE SHALL BE PROSECUTED AND MAY BE LIABLE TO A FINE".
- Employers must have a written policy on smoking in the work place and the policy must be applied within three (3) months from the date of coming into operation of the Tobacco Products Control Amendment Act, 1999.
- According to the above mentioned schedule to the said act, any employer in control of any public place or part of any public place (i.e. work place), **may totally prohibit smoking in that place.**

4. **SCOPE**

This policy apply to and are binding on all management members and employees in the Municipality, with due consideration to the specific building and existing rules and regulations of the owner of the building.

5. **DEFINITIONS**

- "Smoke" means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant.
- "Tobacco product" means any product manufactured from tobacco and intended for use by smoking.
- "Work place" means any indoor or enclosed area in which employees perform the duties of their employment, and **includes** any Municipality, open plan area, boardroom, training room, reception area, corridor, lobby, stairwell, elevator, bathroom, cafeteria, kitchen or other common area frequented by such employees during the course of their employment; and **excludes** any area specifically designated by the employer as a smoking area.

6. **SMOKING AREAS**

- The Municipality as employer must ensure that no person and/or employee smokes anywhere other than in the designated smoking area in that specific work place.
- It is suggested that senior management, preferably in consultation with

employees, designate specific areas as smoking areas at the specific work place. These designated areas must comply with the legal requirements stipulated in paragraph 3 above and must be clearly communicated to all employees in the specific work place. Total prohibition of smoking in the work place may also be considered.

7. OBLIGATIONS OF MANAGEMENT AND EMPLOYEES

- The success of this policy on smoking in the work place will depend upon the thoughtfulness, consideration and co-operation of employees that smoke and non-smokers.
- According to the legislative framework on smoking in the work place, management must ensure that employees who do not want to be exposed to tobacco smoke in the work place, are protected from tobacco smoke in that specific work place. Employees may object to tobacco smoke in the work place without retaliation of any kind.
- Management should manage the time utilized for smoking with great care to ensure that it does not have a negative effect on productivity levels, required working hours, operational requirements and work processes. If an employee who smokes is spending an inordinate amount of time away from work in order to smoke, management should address the situation appropriately to ensure that the prescribed working hours is complied with.
- Management as well as employees share in the same responsibility for adhering to and enforcing the policy, in order to comply with the applicable legislation.