

File Name	D6 Smoking Policy
Original Author(s)	Human Resources
Next Review Date	To be Confirmed

Configuration Record – Softcopy Document				
File Name	Author	Date submitted	Reviewer	Date submitted
HR Policy: Category D	J van Baalen	17 July 2017		

INDEX

1. INTRODUCTION	3
2. PURPOSE	3
3. SCOPE AND APPLICATION	4
4. OBJECTIVES	4
5. DEFINITIONS	5
6. LEGISLATIVE FRAMEWORK.....	8
7. PROHIBITIONS.....	9
8. DESIGNATED OUTDOOR SMOKING AREAS	9
9. REQUIREMENTS FOR A DESIGNATED OUTDOOR SMOKING AREA	11
10. PROCEDURE	12
12. ADMINISTRATION	13
13. DISCIPLINARY MEASURES	14
14. AMENDMENTS.....	14
15. EFFECTIVE DATE.....	14

1. INTRODUCTION

- 1.1 There is increasing recognition of the need to restrict smoking in the workplace for medical, legal and financial reasons, including recognition of the health effects of passive smoking, of the need to manage the risk of liability from diseases caused by passive smoking, and of encouraging smoking cessation as part of health promotion in the workforce.
- 1.2 Medical evidence clearly shows that smoking is harmful to the health of smokers. Medical research has also established that second-hand smoke is a significant health hazard to non-smokers, which, if not controlled, has short-term effects such as irritation to the eyes, throat and respiratory tract, as well as long-term effects including impaired lung function and lung cancer.
- 1.3 The objective of this smoking policy is to protect non-smokers from exposure to second-hand smoke, thereby enhancing the air quality of the work environment for employees of the Municipality.

2. PURPOSE

- 2.1 To establish a framework within which the use of tobacco products inside the premises and vehicles of the Cederberg Municipality can be regulated.
- 2.2 The Municipality has a legal duty to take reasonable care to protect its employees. In attempt to consider and accommodate the needs of smokers and non-smokers and to provide all our employees with a safe and healthy working environment the Municipality envisages a “phased” policy that would discourage smoking.
- 2.3 This policy is not meant to punish smokers, but to protect and improve the health of all employees.

3. SCOPE AND APPLICATION

- 3.1 This policy shall apply to all officials and all other persons who enter or use any premises, offices, vehicles or other facilities of the Cederberg Municipality.
- 3.2 The Municipality recognizes that all employees have the right to a safe and healthy workplace. In accordance with this recognition and in compliance with relevant legislation, the Municipality therefore has to regulate smoking in the workplace.

4. OBJECTIVES

- 4.1 To educate smokers about the harmful effect of smoking and give advice, guidance and support if employees decide to give up smoking.
- 4.2 To change the working environment to minimize the harmful effects of passive smoking on the non-smoker.
- 4.3 To provide employees with a healthy and efficient working environment and to avoid conflict in the workplace.
- 4.4 Education and information programs shall be provided to all staff with information on the effects of smoking on health.
- 4.5 Enable the Cederberg Municipality to comply with all statutory prescriptions in respect of smoking in the workplace.

5. DEFINITIONS

For the purpose of this policy unless the context otherwise indicates –

“Act” means the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended, and any expression to which a meaning has been assigned in the Act shall bear such meaning and unless inconsistent with the context.

“Employees” shall mean a person in the employment of the Cederberg Municipality, either in a permanent, contract of temporary capacity.

“Entrance” means the point of access to a public place and includes any adjoining covered surrounding area.

“Executive Management” shall mean the Municipal Manager and Heads of Department.

“Hazard” means a source of or exposure to danger.

“Heads of Department” shall mean all appointees in terms of section 56 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Incident” means an incident as contemplated in section 24 of the Occupational Health and Safety Act and Regulations, 1993 (Act No. 85 of 1993).

“Medical surveillance” means a planned programme of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner, or in prescribed cases, by an occupational medicine practitioner”.

"Municipal Manager" shall mean a person appointed by the Municipal Council as the Municipal Manager for the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

"Occupational health" means including occupational hygiene, occupational medicine and biological monitoring.

"Occupational health practitioner" means an occupational medicine practitioner or a person who holds a qualification in occupational health recognized as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974) or South African Nursing Council as referred to in the Nursing Act, 1978 (Act No. 50 of 1978).

"Occupational hygiene" means the anticipation, recognition, evaluation and control of conditions arising in or from the workplace which may cause illness or adverse health effects to persons,

"Outdoor eating or drinking area" means any outdoor area, including, but not limited to streets and sidewalks, which is available to or customarily used by the public or an employee, and which is designed, established, or regularly used for consuming food and or beverages.

"Outdoor event" means an organised public gathering attended by people in an outdoor public place for purposes of musical, dance, theatre, drama, entertainment, education, sport, performance or a community fair, parade, market or event.

"Reasonable distance" means a distance that ensures that any person present in an area in which smoking is prohibited is not exposed to smoke created by any person smoking outside the area. This distance shall be a minimum of five (5) metres.

“Risk” means the probability that injury or damage will occur.

“Safe” means free from any hazard.

"Service area" means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not such service includes the exchange of money including, but not limited to ATMs, telephone kiosks, ticket lines, bus stops, railway platforms and taxi ranks.

"Service line" means an outdoor queue in which one or more persons are waiting for or receiving service of any kind.

“Staff member” shall mean the employees of the Cederberg Municipality, including the Municipal Manager.

"Ventilation inlet" means the part of a mechanical ventilation system designed to allow air into the building.

"Window" means an operable window.

“Workplace” means a person's place of employment.

All terminology not defined under clause 5 of this policy shall bear the same meaning as in the applicable legislation.

6. LEGISLATIVE FRAMEWORK

This policy and its application must be in accordance with the following legislative prescripts:

- 6.1 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 6.2 Labour Relations Act, 1995 (Act No. 66 of 1995).
- 6.3 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 6.4 Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 6.5 Local Government Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- 6.6 Occupational Health and Safety Act and Regulations, 1993 (Act No. 85 of 1993).
- 6.7 Compensation for Occupational Injury and Diseases, 1993 (Act No. 130 of 1993).
- 6.8 Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974) or South African Nursing Council as referred to in the Nursing Act, 1978 (Act No. 50 of 1978).
- 6.9 Tobacco Products Control Act, 1993 (Act No. 83 of 1993).
- 6.10 All relevant Collective Agreements.

7. PROHIBITIONS

- 7.1 No person shall smoke any tobacco product within a 10 metre distance from a window of, ventilation inlet of, doorway to or entrance into a public place.
- 7.2 The Municipality shall ensure that no person smokes in violation of this policy.
- 7.3 The Municipality shall ensure no ashtrays are placed within any area where smoking is prohibited.
- 7.4 The Municipality shall conspicuously display a "No Smoking" sign at each entrance and in appropriate locations and in sufficient numbers to ensure that employees and the public are aware that smoking is not permitted in the area or place.
- 7.5 The sign referred to in paragraph 7.4 must adhere to the prescriptions of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993).

8. DESIGNATED OUTDOOR SMOKING AREAS

- 8.1 The Municipality may designate part of an outdoor area of the premises as an area in which smoking is permitted.
- 8.2 Smoking shall be permitted in that area only and in no other part of the public place.
- 8.3 The Municipality shall display a notice at the area stating that –
- 8.3.1 The area is a designated outdoor smoking area.
- 8.3.2 No person under 18 years old may be present in the area.

- 8.4 More than one designated outdoor smoking area may be permitted at the premises.
- 8.5 The parts of an outdoor area of the premises that may be designated outdoor smoking areas shall be clearly demarcated
- 8.6 A designated outdoor smoking area shall –
- 8.6.1 Not be adjacent to an entrance to the premises.
 - 8.6.2 Be in a position that minimises smoke from the area entering any area where smoking is prohibited.
 - 8.6.3 Be set aside exclusively as a smoking area.
 - 8.6.4 Not be adjacent to walkways and other areas where persons generally congregate or walk.
- 8.7 All designated smoking areas shall be separated from the remainder of the workplace by solid partitioning and an access door on which the prescribed signage in terms of legislation will be displayed.
- 8.8 The ventilation of the smoking areas shall be such as to permit the air of the smoking area to be discharged directly to the outside by means of artificial and effective ventilation, and that no smoke shall be re-circulated to any other area in the workplace.
- 8.9 The prescribed notice in terms of legislation shall be displayed at all smoking areas.

- 8.10 Notices and signs indicating areas where smoking is permitted and where it is prohibited shall be displayed permanently, and signs indicating that smoking is prohibited shall contain the warning as prescribed in the applicable legislation.”
- 8.11 Council recognises smokers’ right to smoke during working hours, but makes a serious appeal to all employees not to permit productivity to suffer as result thereof.
- 8.12 It is Council policy to subject any employee who disregards or abuses this policy to disciplinary procedures.
- 8.13 It is Council policy that smoking areas shall not be utilised for any other functional purpose and that no member of personnel may be obliged to enter such areas.

9. REQUIREMENTS FOR A DESIGNATED OUTDOOR SMOKING AREA

- 9.1 The Municipality shall ensure that, in the designated outdoor smoking area –
- 9.1.1 No person under the age of 18 years is present.
 - 9.1.2 No food or refreshment is served.
 - 9.1.3 No entertainment is provided.
 - 9.1.4 Ashtrays are installed and the area regularly cleaned.
 - 9.1.5 Smokers are discouraged from remaining in the area longer than is necessary to smoke a cigarette.

10. PROCEDURE

- 10.1 Smoking is prohibited in the workplace, unless that area is a designated “smoking area”.
- 10.2 A designated smoking area must be clearly marked as such and it must be properly ventilated.
- 10.3 Ventilation from designated “smoking areas” will be directed out of the building so as to ensure that this smoke-filled air is not circulated into other areas of the workplace.
- 10.4 The number, location and distribution of designated areas will be sole determined by the Municipality.
- 10.5 All designated smoking areas will be clearly marked with a sign stating that it is a “smoking area”.
- 10.6 The Municipality, on a regular basis, will monitor designated “smoking areas” for compliance to the policy.

11. IMPLEMENTATION

- 11.1 The Municipality will allow employees who do smoke, to take short breaks during the day to smoke in designated areas.
- 11.2 However, the specific times and number of smoke breaks will be limited and dependent upon the following factors:
 - 11.2.1 The effect on workflow and organisation of employees being absent from the workplace.

- 11.2.2 The requirements of the workplace and the work-processes in that particular area, including considerations relating to client liaison.
- 11.2.3 The impact of absence from the workplace on employees who remain in that workplace, particularly, if the employees, who remain at their workplaces, will have to perform tasks normally performed by those employees who are absent from their workplaces.
- 11.2.4 Smoke breaks may not result in informal and social gatherings of employees.
- 11.2.5 The Municipality recognises and acknowledges that employees have the right to work in a safe and healthy working environment and therefore the Municipality will attempt to minimise the exposure of non-smoking employees to designated “smoking areas”.
- 11.2.6 Despite this, consideration must also be given to the operational needs and requirements of the business of the Municipality.

12. ADMINISTRATION

- 10.1 The Occupational Health and Safety Officer will be responsible for facilitating the implementation of this policy and for monitoring adherence.
- 10.2 Departmental health and safety committees will be responsible for review of concerns, complaints, or questions about the application of this policy as referred to them by management or staff and make recommendations to the department to resolve any problems arising from this policy.

13. DISCIPLINARY MEASURES

Disciplinary action will be taken against any councillor or employee who violates the regulations of this policy.

14. AMENDMENTS

The Council may from time to time amend this policy, due to practical reasons or legislative requirements.

15. EFFECTIVE DATE

The Smoking Policy will become effective upon approval thereof by the Council of the Cederberg Municipality.

DRAFT