

'SMOKING' POLICY

PREPARED FOR

CEDERBERG MUNICIPALITY

Introduction

The Municipality wants to ensure that the health of employees 'and the public is not compromised through exposure to tobacco smoke and therefore supports no smoking in the municipal buildings / facilities.

The Municipality will rely strongly on the co-operation of managers and employees to adhere to the No-Smoking Policy.

The Municipality will ensure that:

- ④ employees are protected from tobacco smoke in the workplace;
- ④ restrictions and prohibitions upon smoking are implemented in a manner which accommodates the preferences and needs of non-smokers who wish not to be exposed to tobacco smoke.
- ④ Smoking is strictly prohibited in all workplaces where council activities are performed, including offices, toilets, tearooms, vehicles, etc.
- ④ smoking shall only be permitted in the designated smoking areas or rooms.

It shall be the line manager's responsibility to ensure that productivity is not compromised through smoking habits.

Disciplinary action shall be instituted against anyone not adhering to the No-Smoking Policy.

'SUBSTANCE ABUSE' POLICY

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1. AIM AND PURPOSE

The Employer recognises that an employee, who admits to alcohol or drug dependence, should be offered support and rehabilitation. The Employer's policy is to support processes that will allow for rehabilitation, and to ensure a uniform and consistent approach to dealing with incapacity caused by substance abuse. It is also to provide guidelines for dealing with employees who are found to be under the influence of alcohol or drugs whilst performing their duties.

It should be noted however that being under the influence of alcohol or drugs whilst performing duties is a serious disciplinary breach. The Employer cannot condone such breaches and, where dependence is not proved, the disciplinary procedure will be invoked.

2. DEFINITIONS

- 2.1** The types of substance referred to in **substance abuse** include inter alia alcohol, solvents, prescription drugs such as analgesics, cough syrups, diet preparations and stimulants, which may not be taken with direct medical supervision, as well as illicit drugs, such as marijuana, cocaine, ecstasy, tik etc.
- 2.2** For the purpose of this policy **workplace** is deemed to include all Employer property, as well as any situation, inside or outside of normal working hours, where the employee is identified as part of, or acting as a representative of the Employer, e.g. off-site work functions, public relations functions, etc.

3. GENERAL PRINCIPLES

The Employer does not condone the use by any employee of illegal substances, including drugs and narcotics.

- 0 In addition any employee who is under the influence of alcohol or drugs at the workplace is a potential danger not only to him/ herself, but also to fellow employees and clients of the Employer.
- 0 The Employer may assist an employee who is willing to accept diagnosis and/ or co-operate with treatment procedures. Such assistance may include counselling and accommodation with time off, within reasonable limits, for rehabilitation.
- 0 An employee who is undergoing treatment for substance abuse, either through the employer's EAP programme or through private programmes, shall not be exempt from normal disciplinary action arising out of any substance abuse related offences, including being under the influence of alcohol or drugs whilst on duty, abusing sick leave, time keeping abuses.

4. GUIDELINES FOR MANAGING SUBSTANCE ABUSE

In the eventuality that management suspects that an employee maybe under the influence or involved in taking drugs/alcohol at work, the following procedure will apply:

4.1 Prohibit ongoing work

If management or any member of staff is of the opinion that an employee has diminished responsibilities as a result of being under the influence of drugs/alcohol whilst at work, the employee will be prohibited from continuing work.

Under no circumstances should the employee take' responsibility for performing his duties when under the influence of any intoxicating substance. Special attention should be given to those employees who drive vehicles, operate machinery and plant.

2 Proof of Debilitation

Attempts must be made to establish the employee's inability to perform his/her duties due to drug/alcohol influence and/or consumption at work.

The employee's physical appearance, e.g. blood shot eyes, slurred speech, unsteady on his and her feet, smell of alcohol on breath and impaired co-ordination are all important indicators. Should the employee not give reasonable and acceptable explanation for these physical signs, it must be recorded and used as evidence in an enquiry. There should be at least two indicators of being under the influence of alcohol present.

The supervisor / manager needs to obtain a second opinion to support his/her perception that the employee appears to be under the influence of drugs / alcohol. The second opinion can come from a fellow employee. Where management has breathalyser facilities, the employee is requested to undergo the test. Wherever possible, a shop steward / union representative / fellow employee should be present when such a test is performed.

Should an employee refuse to take a breathalyser test, he/she must give reasons for his/ her refusal: He/ she must be warned that an adverse inference will be drawn from the refusal. In addition, he/she must be warned that such refusal can, in itself, result in disciplinary action being taken. A medical examination may be arranged where blood and/or urine tests may be undertaken (consent of the employee must be obtained in writing where possible).

The breathalyser is not able to record drug usage therefore the Doctor's urine/blood tests are needed. If a Doctor's test is not possible the opinion of an independent observer of the employee's physical appearance will support management in its suspicion of alcohol/drug influence.

5. DISCIPLINARY PROCEDURES

Disciplinary procedures are followed when the employee's conduct and/ or performance is unsatisfactory due to substance abuse. Such conduct may include abuse of sick leave, time keeping abuses, consuming or being under the influence of alcohol or drugs whilst on duty.

The employee will be given notice in terms of the Disciplinary Procedure, to attend an enquiry in which her alleged offence will be heard. The enquiry may only take place once the employee is sober - i.e. the enquiry cannot take place immediately in the case of an employee who is being charged with being under the influence of alcohol or drugs.

In the event that an employee admits to a substance dependency during the course of the disciplinary enquiry, the chairperson may take this into account in relation to the penalty imposed on the employee. In the event that the penalty is not dismissal, the employee shall be referred to the EAP programme for treatment and rehabilitation.

Attendance at such a programme shall not exonerate the employee from further disciplinary action should similar offences arise during the period of treatment.

6. INCAPACITY PROCEDURES

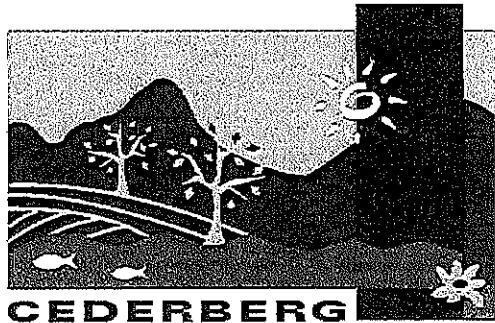
Should an employee admit to a substance abuse problem during the course of counseling for incapacity/poor performance, the employee shall be referred to EAP for treatment and rehabilitation.

This treatment shall form part of the intervention in improving the employee's performance and agreed performance targets and time frames shall be set for the employee.

BM20/7 -05 CEDERBERG MUNISIPALITEIT: MIVNIGS WERKSPLEKBELEID Verw.:

BESLUIT

Dat daar eers met SALGA 'n gesprek gevoer word oor die moontlikheid dat 'n kollektiewe ooreenkoms aanvaar word en dat die item terugverwys word na die Burgemeesterskomitee.



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CEDERBERG MUNISIPALITEIT

TEENBEDROG- EN KORRUPSIEBELEID

DOEL VAN DIE BELEID

- Die doel van die beleid is om die po sissie van Cederberg Municipaliteit aan te toon ten opsigte van bedrog en korruksie, sowel as om die bestaande stelsels, beleide, prosedures, reels en regulasies te versterk wat daarop gemik is om alle aktiwiteite wat verband hou met bedrog, korruksie en oneerlike aktiwiteite te verhoed, op te spoor, te reageer op en die impak daarvan te verminder.
- Derhalwe wil die munisipaliteit ook by wyse van die beleid, sy kultuur van *geen verdraagsaamheid* ten opsigte van bedrog en korruksie en gepaardgaande aktiwiteite, onderstreep en bevestig.
- Die beleid dien as beskrywing van ons kernwaardes.
- Om 'n raamwerk te voorsien vir die identifisering van etiese en afulvaarbare gedrag van amptenare, wat as die agente van die munisipaliteit optree.
- Om die konteks vir etiese gebruik van ouoriteit daar te stel.
- Die versterking van bestaande wetgewing, nasionale beleid en regulasies wat gemik is op die voorkoming en uitskakeling van korruksie, bedrog, diefstal, wanadministrasie en enige ander vorm van oneerlikheid.
- Om te verseker dat die Raad en publieke eiendom te aile tye beskerm word en daarmee gehandel word ooreenkomsdig die beleid.

DIE OMVANG VAN DIE BELEID

- Die beleid is van toepassing op alle amptenare, tydelike werkers, Raadslede; sowel as alle gevalle van bedrog en poging tot bedrog of wat die potensiaal het om 'n negatiewe impak op die munisipaliteit te he.

BELEIDFILOSOFIE BEGINSELS EN DEFINISIES

WAT IS BEDROG?

- *Dit is opsetlike en onwettige wanvoorstelling, wat daartoe lei of aanleiding kan gee tot werklike of potensiële benadeling/ bevoordeling van ander;*

WAT IS KORRUPSIE?

- *Om aan te bied of te gee; Om 'n voordeel Te verkry of poog Om Te verkry wat nie wetlik aan 'n persoon verskuldig is nie, in verhouding tot die persoon se magte en pligte; Om 'n aktiwiteit te verrig of nie te verrig nie, wat teenstrydig is met die persoon se magte en pligte.*

WAT IS DIEFSTAL?

- *Die wederegtelike toe-eiening van 'n ander se eiendom met die doel om die eiennaar sy eiendomsreg te ontneem.*

AKTIWITEITE VAN BEDROG EN KORRUPSIE:

- *Wanadministrasie en finansiele wanbestuur in hantering of verslaglewering van fondse, finansiele transaksies en ander bates;*
- *Onreëlmatighede in die toekenning van behuisig;*
- *Die ongemagtigde bekendmaking van vertroulike inligting/informasie aan buite partye/ instansies/ persone;*
- *Alle aanstellings sal sonder enige onregmatige bevoordeling geskied;*
- *(Vertroulike inligting sluit in: feite, data, kennis nie algemeen bekend nie. Die verpligting om vertroulike inligting van die munisipaliteit te bewaar is deurlopend, selfs nadat die werkgewer -werknemer verhouding beeindig is.)*
- *Onreëlmatighede in die afskryf van oninvorderbare skulde;*
- *Gevalle waar individue, instansies op 'n korrupte/ skelm wyse geld by die voorbeeld*
 - *Geld te maak uit vertroulike inligting*
 - *Onreëlmatighede in die toekenning van tenders, kontrakte vir goedere en of dienste*
 - *Verskaffers wat fakture indien vir betaling vir werk, goedere, diens nie gelewer nie*
 - *Inkomste bedrog*
 - *Diefstal van Fondse.*
- *In gevalle waar die munisipaliteit se toerusting en bates vir persoonlike gebruik aangewend word deur byvoorbeeld -*
 - *Persoonlike gebruik van voertuie wat aan die munisipaliteit behoort O Diefstal van drukkers se inkhouers*
 - *Die vernietiging, ongemagtigde verwydering en misbruik van rekords en toerusting.*
- *Amptenare van die munisipaliteit wat aktiwiteite onderneem wat teenstrydig/ onwettig is volgens die reëls, regulasies en beleide en wat benede aanvaarbare standaard en praktyke is, asook onbetaamlike optrede, byvoorbeeld -*
 - *Die ontvangs van geskenke of gunste vir die lewering van diens - in gevalle waar die waarde van bogenoemde teenstrydig is met die Kode. Waarde van geskenke moet verklaar word by Interne Oudit.*
 - *Om gevalle van korrupsie en bedrog nie aan te meld nie; te weier om aan te meld of nie enige stappe, optrede te neem nie.*
- *Bedrog konstituerende aksies sliut ook in -*
 - *Vervalsing of wysiging aan enige Raadsdokument*
 - *Vervalsing of wysiging van 'n tjek, bankwissel of enige ander finansiële dokument*
 - *Wanbesteding/wanaanwending van fondse, sekeruteite, voorrade of ander bates*
 - *Enige oneerlike of bedrieglike daad.*

MAGTIGING VIR VERDAGTE BEDROG ONDERSOEKE

Ingevolge hierdie beleid word die Ondersoekbeampte, na beraadslaging met die Munisipale Bestuurder, magtiging verleen om:

- Beheer/ toegang te verkry tot alle persele
- Ondersoek, kopieer en of verwydering van alle of gedeeltes van die inhoud van leërs, lessenaars, kabinette en ander bergingsfasiliteite ter plaatse sonder enige voorafgaande kennis, of toe stemming van enigiemand, wat hierdie items of fasiliteite beheer/ gebruik.

PROSEDURES VAN VERSLAGLEWERING EN RAPPORTERING

WAT MOET DIE WERKNEMER DOEN INDIEN HY/SY BEDROG/KORRUPSIE WIL RAPPORTEER?

- 1) Alle werknemers, amptenare, bestuurders, direkteure en raadslede moet alle aantygings van en insidente van bedrog en korruksie aanmeld by die Interne Ouditeur.
- 2) Die Interne Ouditeur sal dan die saak ondersoek en konsulteer met senior bestuur, insake stappe wat gevolg moet word om die aangeleentheid uit te klaar.
- 3) Indien die werknemers, amptenare, bestuurders, direkteure en raadslede rede het om te glo dat die Interne Ouditeur by bedrog en korrupte aktiwiteite betrokke is, moet hulle dit rapporteer aan hulle onmiddelike hoof of volgende vlak van bestuur, wie dit dan aan die Munisipale Bestuurder moet rapporteer.
- 4) Indien 'n werknemer, amptenaar, bestuurder, direkteur en raadslid annoniem wil bly kan hulle 'n skrywe rig aan die Interne Ouditeur by: Cederberg Munisipaliteit, P/sak X 2, Clanwilliam; of hom kontak by die volgende nommer: 082 889 8200.
- 5) Lede van die algemene publiek word ook aangemoedig om enige bedrog of korrupte aktiwiteite by die Interne Ouditeur aan te meld.

HOE SAL DIE GEVAL VAN BEDROG OF KORRUPSIE HANTEER WORD?

- 1) Die optrede en aksies wat gevolg sal word sal grootliks bepaal word deur die aard/ omvang van die aantyging of incident.
- 2) Die aangeleentheid kan intern ondersoek word of by die SAPD aangemeld word vir ondersoek.
- 3) Enige geval van bedrog of korruksie dem 'n werknemer, amptenaar, bestuurder, direkteur of raadslid sal deeglik ondersoek word en tot die volle omvang van die wet, wat kan insluit
 - a. Om dissiplinere optrede te neem na ondersoek van die aangeleentheid,
 - b. Om 'n siviele aksie te onderneem,
 - c. Om 'n kriminele saak by die SAPD te open,
 - d. Enige ander toepaslike ofwettige oplossing beskikbaar.

- 4) Die Interne Ouditeur sal na ontvangs van die klag, 'n skrywe rig aan die klaer met die volgende as inhoud
 - a. Bevestiging dat die klag ontvang is,
 - b. Aanduiding van hoe die proses verder hanteer sal word,
 - c. 'n Aanduiding van die tydsduur van die ondersoek.
- 5) Na afloop van die ondersoek sal die uitslag skriftelik aan die klaer bekend gemaak word, onderhewig aan wetlike beperkinge.

VERTROULIKEID

- Alle inligting of informasie wat ontvang word in verband met insidente van bedrog of korruksie sal vertroulik hanteer word;
- Die vordering van 'n ondersoek sal vertroulik gehou word, behalwe in gevalle waar mense 'n wetlike reg daar toe het;
- Die rede hiervoor is dat individue se reputasies beskerm moet word, alvorens daar enige skuldbevv'Ys is.
- Geen werknemer, amptenaar, bestuurder, direkteur en raadslid mag enige inligting aangaande 'n ondersoek of die uitkoms van 'n ondersoek aan die media bekend maak, sonder vooraf toe stemming deur die Municipale Bestuurder nie.

BESKERMING VAN "WHISTLE BLOWERS"

- Die doel hiervan is dat werknemers, amptenare, bestuurders, direkteure en raadslede, sonder vrese vir vervolging/ intimidasie gevalle van bedrog en korruksie kan anmeld.
- Geen persoon sal vervolg word indien hy/sy in goeder trou 'n verdagte of werklike incident van korruksie/ bedrog aanmeld/rapporteer nie.
Werknemers, amptenare, bestuurders, direkteure en raadslede moet egter daarop let dat in gevallen van kwaadwillige valse aantygings, streng dissiplinere stappe teen die persoon geneem sal word

KORREKTIEWE OPTREDES

In alle gevallen van bedrog, korruksie, diefstal en wanadministrasie, word daar van Senior Bestuur vereis om onmiddellik die effektiwiteit van kontrolemaatreels wat verbreek is, te hersien. Waar moontlik moet die effektiwiteit van kontroles verbeter word om te verhoed dat soortgelyke onreelmatighede weer plaasvind.

VERWANTE BELEIDE EN WETGEWING

Hierdie plan/beleid omvat die Provinciale en Nasionale beleid en wetgewing ten opsigte van die Voorkoming en Bestryding van Korrupte Aktiwiteite Wet, Wet nr.12 van 2004.

AANVAARDING VAN DIE BELEID:

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Munisipale Bestuurder

.....

Datum

.....

Burgemeester

.....

Datum

.....

Vakbond verteenwoordigers

.....

Datum