

INTERNAL POLICY

MOHOKARE LOCAL MUNICIPALITY	
SUBJECT: SMOKING IN THE WORKPLACE	POLICY NO:
DIRECTORATE: CORPORATE SERVICES	COUNCIL ITEM:
DATE APPROVED:	
EFFECTIVE DATE:	

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1. INTRODUCTION

The Mohokare 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.

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.

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.

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. It is also anticipated that the eventual ban on smoking in the workplace will yield supplementary benefits, such as providing leadership on this issue for other employers, and reducing the level of sick leave benefits required by employees.

2. AIM

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. This policy is not meant to punish the smokers but to protect and improve the health of all members and staff.

3. OBJECTIVE

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 has therefore regulated smoking in the workplace.

The objective of the Municipality further is strengthened by:

- 3.1 To educate smokers about the harmful effect of smoking and give advice, guidance and support if employees decide to give up smoking;
- 3.2 To change the working environment to minimize the harmful effects of passive smoking on the non-smoker;

- 3.3 To provide employees with a healthy and efficient working environment and to avoid conflict in the workplace;
- 3.4 Education and information programs shall be provided to all staff with information on the effects of smoking on health.

4. LEGAL FRAMEWORK

- 4.1 Legislation, in the form of Tobacco Products Control Act 83 of 1993, has been promulgated to regulated smoking in public places, including the workplace. In compliance with this law and its regulations, it is the policy of the Municipality that smoking is prohibited in all public areas, including all workplaces. Smoking is however, permissible in areas designated as “Smoking Areas” by the Municipality at its discretion.
- 4.2 Section 24 of the constitution of the Republic of South Africa states that “Every person has the right to an environment which is not harmful to their health and well-being”.
- 4.3 It is further noted that the Municipality has a duty under the Occupational Health and Safety Act 1993, to provide a safe working environment and to protect the health of all employees from illness and injury arising from the workplace.

5. DEFINITIONS

In this policy a word or phrase to which a meaning has been assigned has that meaning, unless the context otherwise indicates:

- a) '**nicotine**' means nicotine alkaloids;
- b) '**public place**' means any indoor, enclosed or partially enclosed area which is open to the public, and includes a workplace and a public conveyance;
- c) '**smoke**' means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and 'smoked' and 'smoking' have corresponding meanings;
- d) '**tobacco product**' means a product containing tobacco that is intended for human consumption, and includes, but is not limited to, any device, pipe, water pipe, papers, tubes, filters, portion pouches or similar objects manufactured for use in the consumption of tobacco;
- e) '**workplace**' - means any indoor, enclosed or partially enclosed area in which employees perform the duties of their employment;

- a. includes any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area frequented by such employees during the course of their employment; but
- b. excludes any private dwelling, and any portion of an area specifically designated by the employer as a smoking area and which complies with the prescribed requirements.

6. POLICY

- 6.1 The Municipality recognises that smoking causes harm to both smokers and non-smokers. In accordance with this recognition, the Municipality is committed to providing a safe, healthy and productive environment for all its employees and in doing so, will endeavor to control the exposure of employees in the workplace, to the harmful effects of tobacco products.
- 6.2 The ultimate objective of this policy is to protect non-smokers and in doing so enhance the air quality of the work environment for Municipality employees.
- 6.3 It is further anticipated that the introduction of this policy will yield supplementary benefits such as the reduction of sick leave required by employees.

7. SCOPE OF POLICY

This policy will apply to:

- 7.1 All employees, clients, visitors, and contractors of the Municipality and no exception to the policy will be made.
- 7.2 All buildings, premises, or enclosed spaces occupied, owned, leased or controlled by the Municipality.
- 7.3 All workplaces, which include all company buildings, corridors, lobbies, stairwells, elevators, cafeterias, washrooms, toilets or any other common areas frequented by employees.

8. PROCEDURE

Smoking is prohibited in the workplace, unless that area is a designated "smoking area". A designated smoking area must be clearly marked as such and it must be properly ventilated. 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.

- 8.1 The number, location and distribution of designated areas will be sole determined by the Municipality.
- 8.2 All designated smoking areas will be clearly marked with a sign stating that it is a “smoking area”.
- 8.3 The Municipality on a regular basis will monitor designated “smoking areas” for compliance to the policy.
- 8.4 The Municipality will allow employees who do smoke, to take short breaks during the day to smoke in designated areas. However, the specific times and number of smoke breaks will be dependent upon the following factors:
 - 8.4.1 The effect on workflow and organisation of employees being absent from the workplace;
 - 8.4.2 The requirements of the workplace and the work-processes in that particular area, including considerations relating to client liaison;
 - 8.4.3 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;
 - 8.4.4 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”. Despite this, consideration must also be given to the operational needs and requirements of the business of the Municipality. Bearing this in mind, non-smoking employees, who liaise with the public must acknowledge that in certain circumstances, they be required to perform their services in areas of the workplace, which are designated “smoking areas”

9. DISCIPLINARY MEASURES

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

10. ADMINISTRATION

10.1 The Department of Corporate Services 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.

10.3 Committees will review such referrals and make recommendations to the department to resolve any problems arising from this policy.

11. SMOKING ASSISTANCE

To assist employees who wish to stop smoking, the Municipality will provide smoking cessation workshops, provided that there is a sufficient demand for such workshops.

Information regarding smoking cessation programs is available from institutions such as the: -

- National Council Against Smoking;
- Cancer Association of South Africa;
- Heart Foundation;
- National Cancer Registry;
- Medical Research Council;
- Human Sciences Research Council; and
- South African Medical Association.