

# LEPELLE-NKUMPI MUNICIPALITY



# SMOKING POLICY

## **TABLE OF CONTENTS**

### **PREAMBLE**

- 1. DEFINITION OF TERMS**
- 2. REGULATORY FRAME WORK**
- 3. OBJECTIVES**
- 4. SCOPE OF APPLICABILITY**
- 5. PROCEDURES**
- 6. ROLES AND RESPONSIBILITIES**
- 7. IMPLEMENTATION AND MONITORING**
- 8. POLICY REVIEW**

## **PREAMBLE**

The Municipality is obliged in terms of the occupational health and safety Act (Act 85 of 1993) and the Tobacco Product Control Act (Act 83 of 1993) to provide a healthy workplace environment, and to protect the health of all employees, councilors and visiting public at the workplaces

This policy should be interpreted as a strategy for improving the general health of employees and not as a punitive action against smokers.

### **1. DEFINITIONS OF TERMS.**

- **OHS ACT:** Occupational, Health and Safety Act(Act 85 of 1993)
- **DEH:** Department of Health.
- **TCAA:** Tobacco Control Amendment Act 12 of 1999
- **Public Place:** Any indoor or enclosed area which is open to the public or any part of the public and includes a workplace and a public conveyance.
- **Workplace:** Any area in which employees perform their duties of employment including, corridor, lobby, stairwell, elevator, cafeteria, bathrooms or other common area frequented by employees during the course of their employment.
- **Tobacco product:** Any product manufactured from tobacco and intended for use by smoking, inhaling, holding or sucking.
- **Smoke:** To inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant.

### **2. REGULATORY FRAMEWORK**

The mandate for the development and implementation of this policy arises from the following legislations:

- Occupational, Health and Safety Act, 85 of 1993: sec 8(1) ‘ an employer shall provide and maintain the workplace that is safe and without risk to health of employees’

- Tobacco Control Amendment Act, 12 of 1999 “an employer, owner, licensee, lessee or person in control of public place is responsible for ensuring compliance with the tobacco law”
- Section 29 of the Constitution of South Africa “ every person has the right to an environment which is not detrimental to his or her health or well being”

### **3. OBJECTIVES**

The Occupational, Health and Safety Act compel employer to provide a safe and healthy workplace for all employees. Regulation relating to smoking of tobacco products in public places allows for the employer to totally prohibit smoking in these places.

The main objective of this policy is:

- To implement the provision of the OHS Act and Tobacco Product Control Act and regulations promulgated there-under.
- To ensure that employees understand that smoking in their place of work is governed in part by the Tobacco Product Control Act.
- To protect the environment, non-smoking employees and clients or public at large.
- To ensure that indoor air is of good quality
- To regulate smoking in all municipal workplaces

### **4. SCOPE OF APPLICABILITY**

This policy will apply to all Lepelle-Nkumpi Municipality employees including Councilors and everyone visiting its premises i.e. clients, contractors and service providers.

### **5. PROCEDURES**

- In order for this policy to succeed all areas must be designated to show smoking and non-smoking.
- The designated smoking area must be away from entrances, walkways, stairs, corridors, windows and reception area.

- Smoking break is limited to 3 minutes.
- Employees should not smoke outside directly in front of the entrance to the building.
- This restriction also applies to all Council vehicles, conveying employees to and from the workplace.
- Designated smoking area should be in a place where visitors or clients should not walk through when visiting Council.
- The designated smoking area should be kept clean at all the time.
- Cigarettes butt should not be littered all over but be disposed in a container provided for this purpose.

## **6. ROLES AND RESPONSIBILITIES**

It is the responsibility of everyone in Council especially those who smoke to ensure that this policy is adhered to. Education and training must be provided by the employer to make employees aware of the Tobacco Product Control Act.

Should any person at any time be found behaving contrary to this policy will be liable for prosecution. The admission of guilt form will be signed by the transgressor.

Everyone is expected to fulfill all reasonable responsibilities in this regard.

The Manager or supervisor accepts overall responsibilities for the implementation and monitoring of the policy

## **7. IMPLEMENTATION AND MONITORING.**

All reasonable efforts will be made to help individuals meets 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. POLICY REVIEW**

This policy will be reviewed and amended each time any Act or condition of service or other agreements deem it necessary.

**APPROVAL BY:**

**DATE:**