

Blouberg Local Municipality

Smoking Policy

TABLE OF CONTENTS

1. Preamble	3
2. Purpose	3
3. Definitions.....	3
4. Application of the Policy	4
5. Purpose of the Smoking Policy.....	4
6. Policy Provisions.....	5
7. Educating employees and assisting smokers.....	6
8. Breach of Smoking Policy.....	7
9. Grievance Procedure.....	7

1. Preamble

There is increasing need to restrict smoking in the workplace for medical, legal and financial reasons, including recognition of the health effects of passive smoking; the need to manage the risk of liability from disease caused by passive smoking; and of encouraging smoking cessation as part of health promotion in the workplace.

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 nonsmokers.

To comply with the new legislation a policy with regards to smoking must be adopted by the Blouberg Local Municipality. The success of this policy will depend on the consideration and co-operation of all employees. All employees share the responsibility of adhering to and enforcing this policy. All reasonable efforts will be made to help individuals meet the requirements of the Smoking Policy.

2. Purpose

Blouberg Local Municipality has a legal duty to protect its employees. In an attempt to consider and accommodate the needs of smokers and non-smokers and to provide all employees with a safe and healthy working environment, the Municipality envisages a policy that would discourage smoking. This policy is not meant to punish the smokers but to protect and improve the health of all employees.

Smoking will not be allowed inside the Blouberg Local Municipality buildings, vehicles and plant. Visitors who transgress the smoking policy should in a courteous manner be made aware of the existence of the smoking policy and should be requested to act accordingly.

3. Definitions

Designated area: means an area designated as a smoking area where people are allowed to smoke.

Non Designated area: means all areas that are not designated as smoking areas where people can smoke *must be regarded as 'No Smoking' areas*.

Employee: means all employees of the Blouberg Local Municipality and includes temporary employees, students and interns.

Smoke: means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and "smoked" and "smoking" have corresponding meaning.

Tobacco Product: means any product manufactured from tobacco and intended for use by smoking, inhalation, chewing, sniffing or sucking.

Workplace means:

- a. Any indoor or closed area in which employees perform the duties of their employment; and
- b. Includes any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area frequently used by such employees during the course of their employment;
- c. Any vehicle, plant and equipment.

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

4. Application of the Policy

Employees of the Municipality, Councillors, clients, and visitors are required to comply with the provisions of this policy. The success of this policy will depend on the consideration and co-operation of all smokers and non smokers. All managers as well as Supervisors are responsible for ensuring that this policy is implemented.

5. Purpose of the Smoking Policy

It is the responsibility of the Bloubrg Local Municipality to keep its employees abreast of information regarding hazards in the work place and to take reasonable steps to protect them from those hazards.

The purpose of the policy is to implement the provisions of the Occupational Health & Safety Act (Act 85 of 1993), the Tobacco Products Control Act (Act 83 of 1993) and Tobacco Products Control Amendment Act (Act No. 12 of 1999) and their regulations through:

- a) Ensuring that a healthy workplace environment is maintained and that the health of non-smokers is not adversely affected by exposure to the smoke of tobacco;
- b) Educating, giving advice and guidance to employees on the harmful effects of the smoke and pledging support to those employees who decide to give up smoking;
- c) Minimising the harmful effects of passive smoking on those employees that are not smoking by designating all municipal buildings smoking free areas;
- d) Provision of a safe healthy working environment and protection of the health and safety of persons at the work place;

e) Regulating smoking in all municipal workplaces.

6. Policy Provisions

6.1 All buildings or properties occupied by Blouberg Local Municipality, motor vehicles and plant of the Municipality are declared no smoking areas. Smoking will not be allowed in any communal area or property occupied by the Municipality. This includes toilets, corridors, lifts, staircases, foyers, offices or other common areas frequented by employees during the course of their employment and excludes all designated smoking areas.

6.2 Employees may either smoke outside the buildings or designated smoking areas or take smoke breaks during tea, lunch or breaks agreed to with their managers. Employees' work must not be affected by their absence from their work stations because of smoke breaks.

6.3 The general Managers or his/her delegate should, where feasible, designate smoking areas to staff who are smokers in a manner that will not infringe upon the rights of non-smokers.

6.4 The designated smoking areas if available should be private, outside the public eye and ashtrays should be made available in such areas or rooms. The smoking areas should be properly marked.

6.5 The designated smoking areas should have sufficient ventilation so that smoke does not affect the non-smokers in the vicinity of such areas.

6.6 Smokers are encouraged to use only tea and lunch breaks to smoke in the designated areas. The normal duties of employees should not be affected by their frequent absence from their work stations due to smoke breaks.

6.7 The rights of a non-smoker to an environment that is not harmful to his/her health or well-being will always take precedence over another employees' desire to smoke.

6.8 In the event that an employee is unable to control his/her smoking habit such that it disrupts the operations of the Municipality, then the Municipality must offer assistance to such employee to enable him/her to overcome or reduce his/her habit.

6.9 When dealing with the incapacity problem stated in 6.8 professional and antismoking counselling, advice or training should be considered.

6.10 Smoking shall be regarded as an act of misconduct when it is undertaken in non-designated smoking areas and in disregard of the provisions of this policy.

6.11 In the event that the Municipality leases accommodation for its employees, the provisions of this policy will also apply to such leased accommodation.

6.12 The sale of tobacco products on property of the Municipality will not be permitted.

6.13 To ensure implementation of the Smoking Policy, the Municipality shall display appropriate 'No Smoking' signs in designated areas in accordance with the requirements of the Tobacco Amendment Control Act 1999. Each 'No Smoking' sign displayed in areas where smoking is prohibited shall carry the internationally recognised symbol which is a red circle containing a lit cigarette with a line drawn diagonally through the circle.

7. Educating employees and assisting smokers

7.1 The Municipality is obliged to educate smokers about the harmful effects of smoking and give advice, guidance and support if employees decide to give up smoking. The Municipality is therefore committed in educating its employees and assisting employees that are smoking. The education programme shall include the following:

- a) Smoking Policy's purpose and benefits in the workplace
- b) The harmful effects of smoking on health
- c) Requirements of the Tobacco Products Control Amendment Act (Act NO. 12 of 1999) and research evidence endorsed by World Health Organisation (WHO) on the unhealthy effects of passive smoking due to breathing in of smoking peoples' tobacco smoke.

7.2 The Municipality recognises that some staff members who smoke may have some difficulty in adjusting, particularly those who have been smoking for a long time. It should be noted that smokers are being asked to refrain from smoking in the workplace, not to stop smoking altogether. In an effort to assist individuals in adjusting to this change, counselling should be available.

7.3 Employees of the Municipality who wish to stop smoking are also encouraged to contact the Cancer Association of South Africa Toll free Number 0800 226622 or the Tobacco or Health Information line at 011-720 3145 for further advice. The Employee Wellness Programme should also provide smoking cessation support.

8. Breach of Smoking Policy

8.1 The Blouberg Local Municipality recognises the right of every person to make a choice whether or not to smoke, however the Municipality has an obligation to protect the rights of non-smokers and to provide an environment that is not harmful to their health and well-being. These rights shall take precedence over another employees' desire to smoke.

8.2 Employees who do not or refuse to comply with this policy shall be dealt with in the following fashion:

Disciplinary action in line with the SALGBC Collective Agreement will be preferred against any staff member who do not or refuses to comply with the provisions of the smoking policy.

8.3 It is the responsibility of every Manager, Supervisor and employee of the Municipality to enforce this policy.

8.4 Visitors who transgress the smoking policy should in a courteous manner be made aware of the existence of the smoking policy and should be requested to act accordingly. Failure to comply must then be reported to the security desk to have the visitor removed from the premises.

9. Grievance Procedure

In the event of a conflict of interests between smoker and non-smokers the parties should endeavour to solve the matter informally.

Should the persons concerned not be able to reach an agreement informally, the right of the non-smoker to protect his/her health will be given preference.

In the event of the conflict not being able to be resolved informally an aggrieved employee may file a grievance in terms of the formal grievance procedure of the Municipality.

Municipality Manager

Blouberg Local Municipality

Signature: *Morheba MS*

Date: