

EMAKHAZENI LOCAL MUNICIPALITY



SMOKING POLICY



Smoking Policy

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1 Introduction

The Municipality acknowledges that tobacco use is extremely injurious to the health of employees who are smokers and non-smokers. Therefore in accordance with the Tobacco Products Amendment Act of 1999 and the Municipality’s commitment to the physical, mental and social well-being of all employees, the Municipality commits to a smoke-free workplace. This policy serves as a guide to the implementation of the Act and also to ensure that individual rights are not infringed.

2 Purpose

The objective of this policy is to:

- a) Provide a healthy and comfortable working environment for all employees.
- b) Accommodate the needs of both smokers and non-smokers based on mutual tolerance, respect and common courtesy.
- c) Promote health awareness.

3 Scope of Application

This policy is applicable to all the Employees of Emakhazeni Municipality and to any visitors to the Emakhazeni Municipality premises.

4 Definition

- “Employer”:** The word employer is used to cover both the individual person who may be the employer in legal terms, as well as the organisation which is responsible for implementing Municipal Service human resource management policies.
- “Public place”:** means any indoor or enclosed area which is open to the public or any part of the public.
- “Tobacco product”:** means any product manufactured from tobacco and intended for use by smoking, inhalation, chewing, sniffing or sucking

5 Smoking Policy Guidelines

5.1 Terms and Conditions for Smoking Policy

- 5.1.1 No smoking will be allowed in any communal area or property occupied by the Emakhazeni Municipality. This includes toilets, corridors, lifts, staircases, foyer, or other common areas frequented by employees during the course of their employment, which are not specifically designated as smoking areas.
- 5.1.2 The Municipal Manager will endeavour to allocate designated smoking areas to the staff members who smoke, which should not infringe on the rights of non-smokers. To ensure

this, the designated areas will have sufficient ventilation so that the smoke does not affect the non-smokers or the rights of non-smokers. In the absence of such designated smoking areas indoors, outdoor areas, which do not affect non-smokers, may be utilised.

- 5.1.3 The smoking area will be private, outside of the public eye and ashtrays will be made available in such areas or rooms. Smokers are encouraged to use only tea and lunch breaks to smoke in the designated areas. If this is not possible, times must be arranged with supervisors as to when they may take smoke breaks. Employees' work should not be affected by their frequent absence from their workstations.

5.1.3.1 Non smoking areas and smoking areas must be clearly

- 5.1.4 No Employee is allowed to smoke in municipal vehicles.
- 5.1.5 In all cases the right of a non-smoker to an environment that is not harmful to his/her well-being takes precedence over the smokers' desire to smoke.
- 5.1.6 If it were accepted that an employee's inability to control his/her smoking habit is such that it is disrupting the operations of the employer, then it would be fair and appropriate to offer assistance to such an employee to help him/her overcome or reduce his/her habit.
- 5.1.7 When dealing with incapacity problems, professional and anti-smoking counselling, advice or training will be considered.

Smoking may be regarded as an act of misconduct where it is carried out in areas not designated for smoking and in disregard of the provisions of this policy.

6 Roles and Responsibilities

6.1 The Role of the Human Resource Function:

- a) Ensure that the policy on smoking is implemented and adhered to by the Municipality;
- b) Ensure that employees comply with the legislative prescripts, implementing strict measures for employees not adhering to the smoking policy;
- c) Allocate designated smoking areas to the staff members who smoke, which should not infringe on the rights of non-smokers;
- d) Recommend and approve anti-smoking counselling/advisors in cases where it is necessary.

6.2 The Role of the Line Manager

The role of the Line Manager is to:

- a) Ensure that employees adhere to the terms and conditions of the smoking policy within the department; and
- b) Ensure that right procedures are taken when dealing with employees who contravene the smoking policy in the department.
- c) Ensure that employees are made aware of the dangers associated with smoking and the inconvenience and irritation endured by non-smokers.
- d) Ensure that employees comply with the legislative prescripts.



6.3 The employee

It is the responsibility of employees to:

- a) Ensure compliance with the legislative and other prescripts with regard to smoking in public buildings and the workplace.

7 Monitoring, Evaluation and Reporting

Corporate Service will monitor and evaluate the implementation and the efficacy of the No Smoking Policy