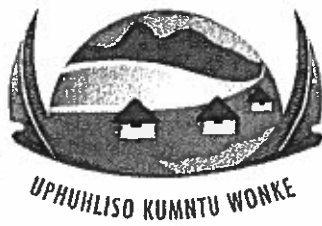


UMZIMVUBU LOCAL MUNICIPALITY



UMZIMVUBU
— LOCAL MUNICIPALITY —

SMOKING POLICY

10

MUNICIPAL SMOKING POLICY

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1. BACKGROUND

- 1.1 The Municipality acknowledges that tobacco use is extremely harmful to the health of both smokers and non-smokers, and warrants in the public interest, restrictive measures. Smoking is a widely accepted practice among adults, which makes it inappropriate to ban completely.
- 1.2 The Municipality considers that the extent of the effects of smoking on health calls for strong action to deter people from taking up smoking and to encourage existing smokers to give up smoking.
- 1.3 The municipality resolves to align its Occupational Health and Safety programme with the democratic values of the Constitution and to enhance and protect the fundamental rights of employees by discouraging the use, promotion and advertising of tobacco products in order to reduce the incidence of tobacco-related illness and death.
- 1.4 The Municipality takes, as its terms of reference, the Occupational Health and Safety Act (1993), the Tobacco Products Control Act (1993) and the Tobacco Products Control Amendment Act (1999).
- 1.5 This policy should be interpreted as a strategy for improving the general health of the employee and not as a punitive action against smokers. This is not a once-off event, but a well managed/driven process with a long term focus.

2. OBJECTIVE OF THIS POLICY

- 2.1 To establish a smoke-free environment for non-smoking employees, visitors and clients.
- 2.2 To ensure that smokers suffer no discrimination in the workplace.
- 2.3 To set guidelines for the application of the policy within the workplace which will ensure minor disruption and production loss.

3. APPLICATION OF THIS POLICY

- 3.1 The policy is applicable to all employees, Councillors, clients and visitors of the Municipality.

4. REGULATIONS

4.1 Prohibitions

4.1.1 Smoking is prohibited within the following areas:-

- 4.1.1.1 All workplaces other than designated smoking areas occupied by Municipal employees.

4.1.1.2 Storerooms, workrooms, utility rooms, conference and meeting rooms, rest rooms, toilets and corridors.

4.1.1.3 All Municipal Vehicles

4.1.2 Notices, signs or posters, indicating that smoking is not permitted, shall be prominently displayed.

4.2 Designated Smoking Areas

4.2.1 Smoking shall only be allowed in outdoor (minimum distance is 3 meters away from the municipal building) and designated smoking areas.

4.2.2 Council may provide designated smoking areas in each workplace or section of the workplace.

4.2.3 The designated smoking area shall in all respects comply with the Regulations published under Government Notice R. 975, of 29 September 2000, which provides: Such area does not exceed 25% of the total floor area of the building.

4.2.4 The designated smoking area is separated from the rest of the buildings by a solid partition with an entrance door on which the sign 'Smoking Area' is displayed.

4.2.5 The ventilation of the designated smoking area is such that air from the smoking area is directly exhausted and not re-circulated to any other area within the public place.

4.2.5.1 The message: "SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMEN AND NON-SMOKERS. FOR HELP TO QUIT PHONE 011 – 720 3145" is displayed at the entrance to the designated smoking area; and

4.2.5.2 Notices and signs indicating where smoking is permitted and is not permitted must be displayed permanently and at places where smoking is not permitted a further message should be displayed that read: "ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE, SHALL BE PROSECUTED AND MAY BE LIABLE TO A FINE DETERMINED IN TERMS OF THE LAW OR CASE LAW."

4.2.6 Smoking areas will be designated in consultation with employee representatives.

4.2.7 Smoking will only be allowed during tea times and lunch times.

5. **ASSISTANCE FOR SMOKERS**

5.1 It is recognized that smoking is an addiction, and that while this initiative will provide a positive benefit for all employees, some staff members may have difficulty in adjusting.

5.2 Every effort shall be made to assist smokers to adapt to working conditions under this policy.

- 5.3 Employees who wish to stop smoking may contact Quitline at (011) 725 1514 or 643 2958 for professional guidance and advice, or alternately contact the Directorate: Health Promotion at (011) 312 0156/6

6. IMPLEMENTATION

- 6.1 Every employee of the Municipality and all Councillors shall be responsible for the implementation and monitoring of the policy.

7. COMMENCEMENT

- 7.1 This policy will come into effect on the date of adoption by Council.

8. INTERPRETATION OF THIS POLICY

- 8.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 8.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 8.3 The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.
- 8.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council or Arbitration

9. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 9.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions.
- 9.2 Notwithstanding clause No. 9.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

10. AMENDMENT AND/OR ABOLITION OF THIS POLICY

- 10.1 This policy may be amended or repealed by the Council after consultation with Management and Trade Unions.

11. COMPLIANCE AND ENFORCEMENT

- 11.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 11.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.


APPROVAL OF THE POLICY

The Municipal Council has approved this policy and amendments thereof.

AUTHENTICATION

The amendments of the policy and or the new policy was adopted by the Council on the
23/01/2020

As per Council Resolution number 215/19/20

Signed off


Mr. G.P.T. Nota
Municipal Manager



Cllr. N.F Ngonyolo
Speaker of the Council