

OVERSTRAND MUNICIPALITY **SMOKING CONTROL IN THE WORKPLACE**

1. INTRODUCTION

As an employer, Overstrand Municipality has a duty under the Tobacco Products Control Amendment Act (Act No. 12 of 1999) to ensure that the rights of employees who do not wish to be exposed to tobacco smoke in the workplace are protected. In terms of the Occupational Health and Safety Act no. 85 of 1993 Overstrand Municipality is required to provide a safe working environment and protect the health and safety of persons at the workplace. Consequently, in the interest of the health and safety of all employees, Overstrand Municipality is moving towards a smoke-free working environment.

2. LEGAL REQUIREMENTS

- Government Notice R975, Notice relating to smoking of tobacco products in public places, dated 29 September 2000, in terms of the Tobacco Products Amendment Act, No 12 of 1999.
- Occupational Health and Safety Act no. 85 of 1993, Section 8 (1)

3. SMOKE-FREE POLICY

Smoking is prohibited within all municipal buildings and vehicles, except in specifically designated smoking areas as described in the Tobacco Products Amendment Act, No 12 of 1999, Section 2(b). Staff will be allowed to smoke in the designated areas only, of which the location, size and number will be determined by the Municipal Manager. The area must comply with the requirement as prescribed in the Government Notice R975, Notice relating to smoking of tobacco products in public places, dated 29 September 2000, in terms of the Tobacco Products Amendment Act, No 12 of 1999.

This smoke free workplace policy applies to employees, councillors, contract workers, clients and visitors.

Heads of Departments are required to oversee that no working hours are lost as a result of smoking by employees. This implies having in mind the content of the following paragraph, that office workers must work an additional 20 minutes per day.

Therefore only two smoke breaks of 10 minutes each are allowed during the day at 10:00 in the morning and 15:00 in the afternoon or at such times as have been arranged with the respective supervisors.

4. DESIGNATED SMOKING AREAS

Where a need for smoking exists among a group of employees, they should, in conjunction with the Municipal Manager, identify a suitable area. The Municipal Manager must confirm the suitability of all such areas.

Smokers are obliged to smoke in the designated areas. Employees' work should not be affected by their absence from their work stations.

5. ASSISTANCE FOR SMOKERS

It is recognized 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.

6. PROCEDURES FOR ENFORCEMENT ON BREACH OF POLICY.

All reasonable efforts will be made to help individuals meet 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.

Policy Section	Human Resources
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