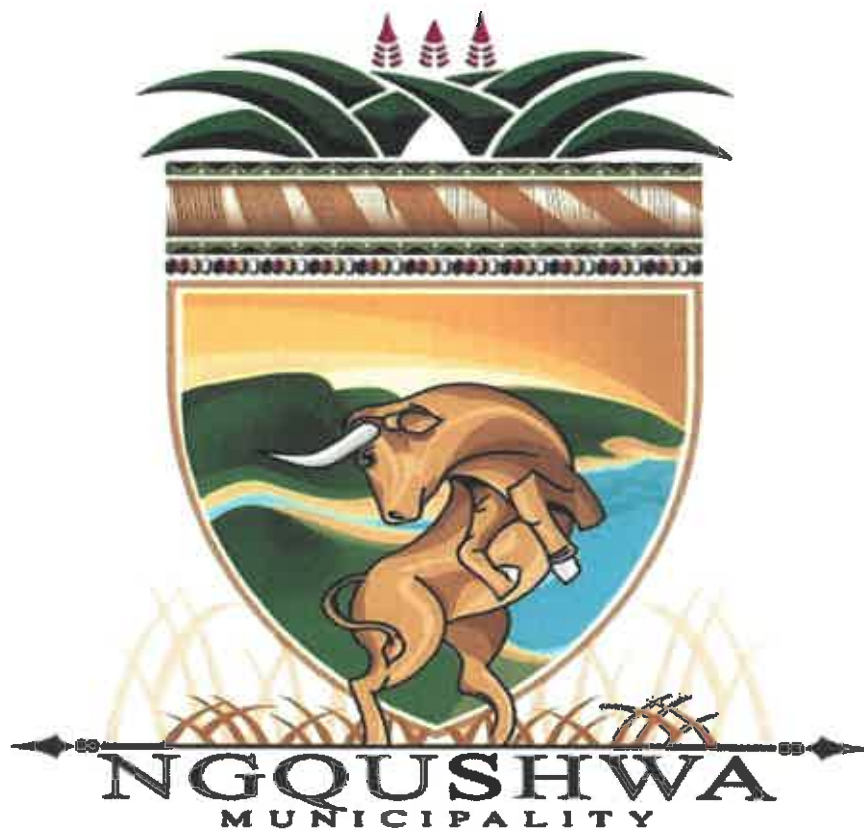


NGQUSHWA LOCAL
MUNICIPALITY



SMOKING CONTROL POLICY
2022/2023

Summary

Publication Date	11 July 2022
Review Date	19 March 2022
Related Legislation/Applicable Section of Legislation	Municipal Offices Bearers Handbook
Related Policies, Procedures, Guidelines, Standards, Frameworks	Basic Condition of Employment Act, Collective Agreement, Municipal System Act, Employment Equity Act, Municipal Staff Regulations
Replaces/ Repeals (whichever is relevant, if any)	None
Policy Officer (Position)	Director Corporate Services
Policy Officer (Phone)	040 6732 081
Policy Sponsor (Name/Position)	Mkhuseli Mxekezo
Department Responsible	Corporate Services
Unit responsible	Human Resources
Applies to	All staff and External candidates
Key Words	Smoking Control Policy
Status	Reviewed/ Amended
Council approval date	8 July 2022
Version	1

REVISION RECORD

Date	Version	Revision Description
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1. POLICY NAME/TITLE

1.1 The name of the policy shall be the Policy In respect of the Use of Tobacco Products or "Smoking Policy". This policy outlines the smoking policy for all municipal officials.

2. POLICY OBJECTIVES AND SCOPE

2.1 The objective of the policy shall be to establish a framework within which the use of tobacco products in the premises and vehicles of NGQUSHWA can be regulated. This policy shall apply to all councilors, officials and all other persons who enter or use any offices, vehicles or other facilities of the municipality

2.2 The aim of this policy is not to punish smokers, but to improve and protect the health of all members of staff. This policy seeks to consider and accommodate the needs of both smokers and non-smokers in buildings or premises or enclosed spaces occupied, owned, leased or controlled by the business

3. COMMENCEMENT AND VALIDITY

The policy shall come into full force and effect upon the acceptance hereof by the Council of NGQUSHWA by resolution

4. POLICY DEFINITION

For the purpose of this policy unless the context otherwise indicates

4.1 **"Smoking"** means the practice of inhaling the fumes from burning cigarettes or other forms of tobacco, known to be causative factor in the development of several diseases, especially lung cancer,

4.2 **"Tobacco product"** means any product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, and including cigarette papers, tubes and filters,

4.3 **"Public Space"** means any indoor, or enclosed or semi-enclosed area which is open to the public or any part of the public, and includes a workplace and a public conveyance as well as the area within five meters of any doorways or entrances to the public space, workplace or public conveyance,

- 4.4 **“MUNICIPALITY”** means Ngqushwa Local Municipality (Also referred to as “NGQUSHWA”). A local government and legal entity with full legal capacity as contemplated in section 2 of the Systems Act read with the provision of the Chapter 7 of the Constitution and Section 12 and 14 of the Structures Act.
- 4.5 **Municipal Vehicles** means any vehicle that has been registered in council's name or that of a principal, including such vehicle as may be hired or leased for the sole purpose and use for council business at any point in time

5. LEGISLATIVE FRAMEWORK

This policy is established within the framework of the following legislation and related regulation, *namely*

- 5.1 The Tobacco Products Control Act (Act 83 of 1993)
- 5.2 The Tobacco Products Amendment Act, (Act No 12 of 1999) and Government Notice relating to smoking of tobacco products in public places, dated 29 September 2000,
- 5.3 The Tobacco Products Amendment Act, (Act No 23 of 2007)
- 5.4 The Tobacco Products Amendment Act, (Act No 63 of 2008)
- 5.5 Occupational Health and Safety Act No 85 of 1993, section 8(1)
- 5.6 Regulations on Smoking In Public Places (R975 of 2000)

6. POLICY /PROCEDURE AND TARGET AUDIENCE

This policy is applicable to all councilors, officials and other persons who enters the or uses the offices, vehicles and other facilities of the NGQUSHWA

6.1 GENERAL PROVISIONS

- 6.1.1 The responsibility for the Interpretation, application and evaluation of this policy shall be vested in the Municipal Council and its employees by delegation.
- 6.1.2 Council therefore delegates the implementation, monitoring and enforcement of the policy to the Municipal Manager, who shall have the powers to sub-delegate in full or part, same responsibilities to his/her direct rapporteurs
- 6.1.3 Council buildings shall be deemed to be smoke free buildings

6.1.4 It is council policy that smoking shall be prohibited on or in any vehicle that has been registered in council's name or that of a principal.

6.1.5 The NGQUSHWA may at its discretion prohibit all smoking in the workplace.

6.1.6 This policy of council establishes specific areas for councilors, officials and members of the public in the facilities of council

6.1.7 The Tobacco Products Control Act (Act 83 of 1993) recognizes that the use of tobacco products causes injury to both smokers and non-smokers. In the interest of a health population and environment legislation now governs smoking. The business is obliged to comply with this legislation.

6.1.8 In any public place, including a workplace is prohibited. This is intended to protect the health of employees who do not smoke.

6.1.9 Smoking, is however, permissible only in areas designated by the municipality as a "Smoking Area." The business aims to encourage and assist employees to give up smoking where possible, which is in their long-term interest.

6.1.10 Council recognizes smokers' right to smoke during working hours, but makes a serious appeal to all employees not to permit productivity to suffer as a result thereof

6.1.11 It is council policy to subject any employee or councilor who disregard or abuses this policy to the adopted disciplinary procedures and applicable code of conduct

6.1.12 Employees who deal with the public may be required from time to time to perform their services in areas of the workplace that constitute "designated smoking areas."

6.1.13 While attempts would be made to minimize this exposure, and having regard for the operational requirements of NGQUSHWA, employees should note that the NGQUSHWA customers are entitled to service excellence whether the customers are assisted in designated or non-designated areas.

6.1.14 A failure and/or refusal to assist a customer in contravention of this policy shall constitute a disciplinary offence.

6.1.15 In the event of a breach of this policy by a customer or outside agent, employees shall report the matter to their line manager. Employees should note that at all times they should be courteous and polite to customers and outside agents.

6.2 POLICY PROCEDURES

6.2.1 Smoking is prohibited at the workplace unless that area is a designated "smoking area" with proper ventilation. Air from these areas shall be ventilated out of the building so that the air is not circulated in other areas of the workplace.

6.2.2 The ventilation of the smoking areas shall be such as to permit the air of the smoking area to be discharged directly to the outside by means of artificial and effective ventilation, and that no smoking shall be re-circulated to any other area in the workplace

6.2.3 The workplace includes all Ngqushwa Local Municipality buildings, vehicles and indoor or enclosed areas where employees perform their duties including corridors, lobbies, stairwells, elevators, cafeterias, washrooms, toilets or any other common area frequented by employees.

6.2.4 It is council policy that available smoking areas shall not exceed 25% of the total floor space of the workplace

6.2.5 A sign (see attached sample) will be displayed in prominent areas around the workplace.

6.2.6 All designated smoking areas shall be separated from the remainder of the workplace by solid partitioning and an access door on which the sign "SMOKING AREA" shall be displayed, in black lettering at least 2cm high and 1,5 cm wide, on a white background

6.2.7 The following message shall be displayed at all smoking areas in black lettering at least 2 cm high and 1.5 cm wide: THE SMOKING OF TOBACCO PRODUCTS IS INJURIOUS TO YOUR HEALTH AND THE HEALTH OF CHILDREN, PREGNANT OR BREAST FEEDING WOMEN AND NON SMOKERS. FOR ASSISTANCE TO STOP SMOKING CALL 011 111000110

6.2.8 Notices and signs indicating areas where smoking is permitted and where it is prohibited shall be displayed permanently, and signs indicating that smoking is prohibited shall contain the following warning "FAILURE TO COMPLY WITH THIS NOTICE SHALL RESULT IN PROSECUTION AND THE POSSIBLE IMPOSITION OF A FINE"

6.2.9 The number, location and distribution of designated smoking areas will solely be determined by the Municipality.

7. RECORD AND REPORTING

7.1 Data related to the implementation of the policy should be captured, analysed to determine trends to facilitate improvements. This information should be registered and evaluated by the municipality

8. REVIEW OF POLICY

This policy is approved by Council and will be effective from the date of approval.

APPROVED BY COUNCIL ON...08th JULY 2022 UNDER AGENDA ITEM NO5.1


MUNICIPAL MANAGER

MAYOR GBO COUNCIL



OUTSIDE THE BUILDING

**In accordance with the Tobacco Act, section
any person who fails to comply with this notice
may be prosecuted and may be liable for a fine.**