

NAME OF POLICY : SMOKING POLICY
DEPARTMENT : PUBLIC WORKS, ROADS AND TRANSPORT

PREAMBLE

The Department of Public Works, Roads and Transport ("the Department"):

REALISES the need to provide a healthy working environment to all its employees, clients and visitors.

CONSIDERS that the effects of smoking on health calls for strong action to deter people from taking up smoking and encourage existing smokers to give up smoking.

Has developed and will implement this policy with a view to aligning the health system with the values of the Constitution as well as to enhance and protect the fundamental rights of citizens by discouraging the use of tobacco products in order to reduce the occurrence of tobacco related health problems and death.

1. PURPOSE AND OBJECTIVES

- 1.1 To provide a healthy and comfortable working environment for all employees;
- 1.2 To accommodate the needs of both smokers and non-smokers based on mutual tolerance, respect and common courtesy;
- 1.3 To promote health awareness; and
- 1.4 To protect and enhance our indoor air quality

2. PRINCIPLES

This policy seeks to:

- 2.1 secure a healthy and safe environment for employees and the public;
- 2.2 eliminate passive smoking within its premises. Moreover, the Department acknowledges the rights of individuals and therefore the provisions of this policy will not be applied to unfairly discriminate against smokers in any way.

3. LEGISLATIVE FRAMEWORK

- 3.1 The Constitution of the Republic of South Africa;
- 3.2 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000;
- 3.3 The Occupational Health and Safety Act, 1993 (as amended);
- 3.4 Tobacco Products Control Act, 1993; (as amended);

- 3.5 Labour Relations Act, 1998 (as amended); and
- 3.6 Public Service Regulations, 2001 (as amended).

4. SCOPE OF APPLICATION

This policy will apply to:

- 4.1 All employees, clients, visitors and contractors of the Department and no exception to the policy will be made;
- 4.2 All buildings, premises or enclosed spaces occupied, owned, leased or controlled by the Department; and
- 4.3 All workplaces, which include all departmental buildings, corridors, toilets, stairwells, elevators, cafeteria or any other common areas frequented by employees, visitors or clients.

5. POLICY STATEMENT

Smoking is prohibited on all of the Department's premises except in designated areas.

6. POLICY PROVISIONS

- 6.1 Smoking is prohibited in the workplace, unless that area is a designated "smoking area". The designated "smoking area" shall in all respects comply with Section 3 of Government Notice R.975, "Notice relating to smoking tobacco products in public places issued under the Tobacco Products Control Amendment Act No 12 of 1999.
- 6.2 In the event where the department is not yet in the position to designate smoking areas employees are encouraged to use open space in the premises.
- 6.3 Designated smoking areas must be clearly marked as such.
- 6.4 The number, location and distribution of designated smoking areas will be determined by the Department.
- 6.5 Designated "smoking areas" must be properly ventilated. Ventilation from designated "smoking areas" will be directed out of the building so as to ensure that this smoke-filled air is not circulated into other areas of the workplace.
- 6.6 All designated smoking areas will be clearly marked with a sign stating that it is a "smoking area".
- 6.7 The Department on a regular basis will monitor designated "smoking areas" for compliance with the policy.
- 6.8 In all workplaces, particular areas shall be designated as non-smoking areas. These are :
 - (a) Any area in which a fire or safety hazard exists, including employer's state owned vehicles;
 - (b) training, conference and staff rooms;
 - (c) rooms where meetings are in progress;
 - (d) common areas, including elevators, staircases, lobbies waiting rooms, copier rooms, mailrooms, libraries, store-rooms, reception areas, customer service

- areas and rest rooms/ toilets;
- (e) areas where equipment can be damaged e.g. computer and production areas; or recreation areas;
- (f) offices where facilities are shared, including open plan/communal offices; and
- (g) any area not specifically designated "smoking permitted".

6.9 The Department will allow employees who do smoke, to take short breaks during the day to smoke in designated areas. However, the specific times and number of smoke breaks will be dependent upon the following factors:

- (a) The effect on workflow and organisation of employees being absent from the workplace;
- (b) The requirements of the workplace and the work-processes in that particular area, including considerations relating to client liaison;
- (c) The impact of absence from the workplace on employees, who remain in that workplace, particularly, if the employees, who remain at their workplaces, will have to perform tasks normally performed by those employees who are absent from their workplaces;
- (d) The Department recognizes and acknowledges that employees have the right to work in a safe and healthy environment and therefore the Department will attempt to minimise the exposure of non-smoking employees to designated "smoking areas". Despite this, consideration must also be given to the operational needs and requirements of the business of the Department. Bearing in mind, non-smoking employees, who liaise with the public must acknowledge that in certain circumstances, they may be required to perform their services in areas of the workplace, which are designated "smoking areas";

6.10 Time wasted as a result of officials leaving their respective offices to smoke, must be monitored by the Supervisors and such time must be made up.

6.11 The employer will give assistance to those who want to give up smoking to establish an environment which is supportive, through the Employee Assistance Programme.

6.12 Education and information programmes shall be provided to all staff on the effects of smoking on health.

7. RESPONSIBILITIES AND OBLIGATIONS

7.1 Employer

- (a) Shall ensure that all the public areas become no smoking areas and are to display **NO SMOKING** stickers.
- (b) If a suitable area is available, a designated smoking area can be established subject to it complying with the conditions as laid down in the Act.

7.2 Employees must

- (a) cooperate and comply with all non-smoking, safety rules and procedures provided;
- (b) report unhealthy or unsafe conditions; and
- (c) take care of his/her own health and safety as well as that of other persons who may be affected by his/her actions or negligence to act.

7.3 Directorate Human Resource Management

The Directorate: Human Resources Management will be responsible for facilitating the implementation of this policy and for monitoring compliance.

7.4 Occupational Health and Safety Committee

- (a) The Departmental Occupational Health and Safety Committee ("the Committee") will be responsible for review of concerns, complaints, or questions about the application of this policy as referred to them by management or staff.
- (b) The Committees will review such referrals and make recommendations to the department to resolve any problems arising from this policy.

8. SMOKING CESSATION PROGRAMMES

8.1 To assist employees who wish to stop smoking, the Department may make arrangements to provide smoking cessation programmes for employees who wish to stop smoking provided there is a sufficient demand for such programme.

8.2 Information regarding smoking cessation programmes is available from organizations such as the:

- (a) National Council Against Smoking;
- (b) Cancer Association of South Africa;
- (c) Heart Foundation;
- (d) National Cancer Registry;
- (e) Medical Research Council;
- (f) Human Sciences Research Council;
- (g) UCT School of Economics—Economics of Tobacco Control Project;
- (h) National Progressive Primary Health Care Network;
- (i) Tobacco Action;
- (j) South African Medical Association;
- (k) Freedom of Commercial Speech Trust;
- (l) Tobacco Institute;
- (m) Vending Machine Association; and
- (n) Federated Hospitality Association of South Africa.

9. DISPUTE RESOLUTION

- (a) The Department of Public Works, Roads and Transport reserve the right to take disciplinary action against any person who does not comply with the policy in accordance with the Labour Relations Act 1998 (as amended) and Resolution 2 of 1999 as amended by Resolution 1 of 2003.

10. POLICY CONTROL

10.1 Monitoring and Evaluation

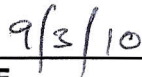
The Head of Department or his or her delegate shall monitor and ensure adherence to all policy provisions and report on specific cases as and when required to do so.

If and when this policy or provision is amended, the amended policy thereof will supersede the previous one.

APPROVED



MS M. R. NTSHABELE
ACTING HEAD OF DEPARTMENT



DATE