

# **NELSON MANDELA METROPOLITAN MUNICIPALITY**

## **SMOKING CONTROL POLICY**

### **1. LEGAL REQUIREMENTS**

The Minister of Health has, in terms of Section 2 of the Tobacco Products Control Act, No. 83 of 1993, as amended, declared the public and workplaces specified in the Schedule as no-smoking areas. The Act also stipulates that employers must have a written policy on smoking in the workplace, and that the policy must be applied within three months from the date of coming into operation of the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999), i.e. with effect from 1 January 2001.

### **2. RATIONALE**

As an employer, the Nelson Mandela Metropolitan 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. The Municipality is required to provide a safe working environment and protect the health and safety of persons at work. Consequently, in the interests of the health and safety of all our employees, the Municipality is moving towards a smoke-free work environment.

### **3. SMOKE-FREE POLICY**

Smoking is prohibited within all municipal buildings (by definition all Municipal buildings, vehicles or any other venues used as a workplace), except in specifically designated smoking areas. Staff will be allowed to smoke in these designated smoking areas only, of which the location, size and number will be determined by each Head of Department or division in conjunction with the Director of Health. The areas must comply with the requirement of the law, and the required signs must be clearly displayed at each such designated smoking area.

This smoking-free workplace policy applies to employees, clients and visitors.

**Heads of Departments are required to oversee that no working hours are lost as a result of smoking by employees.**

### **4. DESIGNATED SMOKING AREAS**

Where a need for smoking exists among a group of employees, they should, in conjunction with the Head of Department, identify a suitable area. The Safety Officer and Pollution Control Section of the Metropolitan Health Department must confirm the suitability of all such areas.

## **5. ASSISTANCE FOR SMOKERS**

It is recognized that some staff members who smoke may have 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, counseling is available from the Health Department.

*The law makes provision for designated smoking areas, provided that the smoke will not enter non-smoking areas.*

## **6. PROCEDURES FOR ENFORCEMENT ON BREACH OF POLICY**

While all efforts will be made to help individuals meet the requirements of the smoke-free policy, it must be noted that this policy will form part of the Health and Safety Policy of the Nelson Mandela Metropolitan Municipality. Any breach of this policy may result in a fine of R200, as imposed by law.

## **7. SIGNAGE**

At all entrances to areas declared as non-smoking areas, the appropriate signage will be erected.

**SMOKING IS  
PROHIBITED IN THIS  
BUILDING**



**ANY PERSON WHO FAILS TO  
COMPLY WITH THIS NOTICE  
SHALL BE PROSECUTED AND MAY  
BE LIABLE TO A FINE**