



Province of the
EASTERN CAPE

**COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS**

SMOKING POLICY

2021

Departmental Contact Details	
Physical Address	Tyamzashe Building Phalo Avenue Bhisho 5605
Postal Address	Department of Cooperative Governance and Traditional Affairs Private Bag X 0035 Bhisho 5605
Document Number	1
Document Name	Smoking Policy
Custodian	Mpumelelo Madikane
Designation	Director: Employee Relations & Wellness
Component	Employee Relations & Wellness
Telephone No.	040 940 7206
Cell Phone No.	082 521 3841
Fax No.	040 635 1161
E-mail Address	mpumelelo.madikane@eccogta.gov.za
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Date For Next Review	
Related Policies	Wellness Management policy, HIV & TB Management policy, SHERQ Management, Health & Productivity Management

Executive Authority
Initials: *AM*

Head of Department
Initials:

AF


SIGN OFF

I. Head of Department

This Smoking Policy has been recommended by Mr.A.A. Fani in his capacity as Head of the Department for Cooperative Governance and Traditional Affairs.

I am satisfied and concur with the contents of this Policy.


The development of the policy on Smoking Policy will ensure that the department is able exercise its powers in compliance with the law and guide decision-making in the department.

Recommended	
Designation	Head of Department
Date	30/03/2024

II. Executive Authority

The Department of Cooperative Governance and Traditional Affairs has unprecedented opportunity to improve the lives of the staff by effectively rendering services that it is expected to provide. We have envisaged a Department that has the required capacity to respond adequately to challenges of its staff.

I therefore trust that the guidance from this Policy will contribute to the effective Smoking Management in the department.

Signed	
Designation	MEC: Honourable X.E. Nqatha of Cooperative Governance and Traditional Affairs
Date	30/03/21

Executive Authority
Initials: XN

Head of Department
Initials:

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1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs commits itself to ensuring that there is a smoke-free environment for non-smoking employees and visitors to protect their rights and there are designated smoking areas for smoking employees in compliance with applicable smoking legislation.

2. PURPOSE OF POLICY

- 2.1 To establish a smoke-free environment for non-smoking employees, visitors and clients.
- 2.2 To ensure that smokers suffer no unfair discrimination in the workplace.
- 2.3 To set guidelines for the application of the policy within the workplace to ensure that there is minimal minor disruption.
- 2.4 To ensure that the department complies with tobacco legislation.
- 2.5 To educate all employees to harmful effects of smoking and the resultant long-term effects this had on the health of the workers.
- 2.6 is to protect non-smokers from exposure to second-hand smoke, thereby enhancing the air quality of the work environment for employees,
- 2.7 To educate smokers about the harmful effect of smoking and give advice, guidance and support if employees decide to give up smoking
- 2.8 To change the working environment to minimize the harmful effects of passive smoking on the non-smokers
- 2.9 To provide employees with a healthy and efficient working environment and to avoid conflict in the workplace.

3. DEFINITIONS

Terms and definitions that will be used throughout the procedure that need clarification for the reader, this can also include any keywords, technical terms, abbreviations that may be used in this document.

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Word/Term	Definition (with examples if required)
Smoke	To inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and 'smoked' and 'smoking' have corresponding meanings;
Tobacco product	Any product manufactured from tobacco and intended to be smoked for use by smoking, inhalation, chewing, sniffing or sucking and e-cigarette or vaping.
Workplace	Any indoor or enclosed area in which employees perform the duties of their employment.
Passive smoking	The second hand smoke inhaled by passive smokers is a mixture of smoke exhaled by smokers and smoke released from smoldering cigarettes, cigars, pipes and bibis etc.
Designated Smoking Areas	Are place designated as smoking areas if it does not exceed twenty five percent (25%) of the total floor are of the public places
Tobacco Products	Products manufactured from tobacco and intended to be smoked for use by smoking, inhalation, chewing, sniffing, or sucking;
Workplace	Any indoor or enclosed area in which employees perform the duties of their employment including any corridor, lobby, stairwell, elevator, cafeteria, washroom, or other common area frequented by such employees during the course of their employment
Department	Department of Cooperative Governance & Traditional Affairs

4. APPLICATION & SCOPE

The Policy is applicable to all the employees of the Department of Cooperative Governance and Traditional Affairs and any other persons visiting the premises of the department.

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5. LEGISLATIVE FRAMEWORK

- 5.1 Constitution of the Republic of South Africa, 1996
- 5.2 Labour Relations Act, Act 66 of 1995 (as amended)
- 5.3 Batho Pele Principles
- 5.4 Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999)
- 5.5 Tobacco Products Control Act, (Act No.83 of 1993)
- 5.6 Regulation R 976 Of 2000 relating to the point of sale of tobacco products.
- 5.7 Government notice Regulation 975
- 5.8 Occupational Health and Safety Act, 1993 (as amended)

6. CONSULTATION

Several different stakeholders have been consulted for inputs during the review process of the smoking process. Line managers from different components, organized labour, human resource management employees, labour relations and other employees at all levels were represented in the drafting of this policy document and their inputs have been thoroughly discussed and incorporated into this policy.

7. POLICY PRINCIPLES

This policy is guided by the following principles:

7.1. Participation

Human Resource Management Practitioners and Line Managers are key to the successful implementation of this policy to ensure compliance with applicable legislation.

7.2. Education

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

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7.3. Accountability

All line managers and Human Resource Management Practitioners as key implementers of the policy will be required to account for non-adherence to the provisions of this policy. Non-compliance will be dealt with in terms of the Disciplinary Code and Procedures.

8. POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs as the employer has a legal obligation to take reasonable care to protect its employees to consider and accommodate the needs of smokers and non-smokers and to provide all our employees with a safe and healthy working environment.

9. NEW TOBACCO LAW PROVISIONS

- 9.1. There is increasing recognition of the need to restrict smoking in the workplace for medical, legal and financial reasons, including recognition of the health effects of passive smoking, of the need to manage the risk of liability from diseases caused by passive smoking, and of encouraging smoking cessation as part of health promotion in the workforce.
- 9.2. The new regulations that were gazetted on Friday, 29 September 2000 by the Department of Health were enacted to protect the rights of all South Africans to breathe clean air. Controlling smoking in public places ensures a clean and healthy environment for activities of daily living, public events, travel and work.
- 9.3. Tobacco Cessation Programs: Agencies and their Wellness Committees should routinely promote tobacco cessation resources and benefits available through Quitline NC, applicable Employee Assistance Programs (EAP), and the State Health Plan. For tobacco use cessation:

10. PROHIBITIONS

10.1 Particular areas shall be designated as non-smoking areas.

These are as follows-

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- 10.1.1. Any area in which a fire or safety hazard exists, including employers owned vehicles,
- 10.1.2. Training, conference and staff rooms and rooms where meetings are in progress,
- 10.1.3. Common areas, including elevators, staircases, lobbies waiting rooms, copier rooms, mailrooms, libraries, storerooms, reception areas, customer service areas and rest rooms.
- 10.1.4. No smoking to be allowed in offices where facilities are shared, including open plan/communal offices.
- 10.1.5. No smoking to be allowed within a certain proximity to open windows, ventilation inlet or doorway to an entrance.
- 10.1.6. Any area not specifically designated "smoking permitted".
- 10.1.7. Private offices may be designated 'smoking permitted' or "non-smoking" by the occupant. The occupant should, however, refrain from smoking in his or her office when a non-smoking employee or visitor is present.
- 10.1.8. Notices, signs, and posters, indicating that smoking is not permitted, shall be prominently displayed.

10.2. Designated Smoking Areas

- 10.2.1. The department does not have a designated smoking area , smoking shall only be allowed in outdoor.

11. SMOKING BREAKS

- 11.1 Employees who wish to smoke are encouraged to limit their smoking to approved break periods (tea- or lunch breaks), as well as taking due cognisance of the rights of other employees who may continue to work, while smokers enjoy a break from work while smoking
- 11.2 The management and operational efficiency, employee productivity and expected work performance of the individual may not be jeopardised by the concession to smoke during working hours.

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12. ASSISTANCE FOR SMOKERS

- 12.1 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.
- 12.2 Every effort shall be made to assist smokers to adapt to working conditions under this policy.
- 12.3 Employees who wish to stop smoking may contact wellness section for professional guidance and advice.

11. DEPARTMENTAL STRATEGIES TO CURB SMOKING IN THE WORKPLACE

- 11.1. The department shall designate particular areas as non-smoking areas
- 11.2. The department shall educate smoking employees about the harmful effect of smoking and give advice, guidance and support if employees decide to give up smoking.
- 11.3. Through the departmental Employee Wellness Programme, the department shall provide Education and Information programmes to all staff on the effects of smoking on the health of its workforce.
- 11.4. The department shall educate the workforce on the health effects of passive smoking, of the need to manage the risk of liability from diseases caused by passive smoking.
- 11.5. The employer will execute its legal duty to take reasonable care to protect its employees from the harmful effects of smoking by declaring its office building a smoke-free zone.
- 11.6. The department shall prohibit the sale of tobacco products on the departmental premises (e.g. cigarette vending machines will not be allowed on the building) to discourage smoking by its employees.
- 11.7. The department will give assistance to those who want to give up smoking to establish an environment which is supportive.
- 11.8. The department will communicate the policy widely to all staff members through notice boards and clearly marked designated areas for smoking employees

- 11.9. The department will vigorously monitor the implementation of the smoking policy through its Health and Safety Committees and non-compliance with the policy will be dealt with through the Disciplinary Code and Procedure
- 11.10. The department shall make available information regarding smoking cessation programs is available from organizations such as the National Council Against Smoking (NCAS); Cancer Association of South Africa (CASA); Heart Foundation; Tobacco Institute and others.

12. ROLES AND RESPONSIBILITIES

12.1. Line Managers

- 12.1.1. Ensure that all employees understand the contents of the policy.
- 12.1.2. Responsible for making sure the policy is implemented in a responsible way.
- 12.1.3. Ensure that the rights of the non-smoking employees are protected as are the rights of the smokers in the workplace.
- 12.1.4. To facilitate referrals of employees who want to quit smoking to Employee Wellness Practitioners for assistance
- 12.1.5. To monitor that smoking breaks are not taken frequently by smoking employees to the detriment of service delivery.

12.2. Departmental Employees

- 12.2.1. Non-smoking employees to respect the rights of smoking employees
- 12.2.2. Smoking employees to use designated smoking areas
- 12.2.3. To familiarize themselves with the contents of the departmental Smoking Policy

13. MONITORING AND EVALUATION

The Employee Relations & Wellness will monitor the implementation of this policy and will submit a quarterly report to the Chief Director: Corporate Services for submission to the Head of Department.

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14. COMMUNICATION / EDUCATION OF THE SMOKING POLICY

The Smoking Policy will be communicated by means of workshops, virtual workshops, Departmental intranet and circulars to all employees of the Department.

15. APPROVAL OF THE POLICY

The policy will be approved by the Member of the Executive Council on the recommendation of the Head of Department as per the updated Departmental Delegations and the policy will become official on the date it is signed by the Executing Authority (i.e. the MEC for Cooperative Governance and Traditional Affairs).

16. DISPUTE RESOLUTION MECHANISM

In the event of disputes arising out of this policy, such disputes will be dealt with in terms of the grievance procedure and labour legislation applicable in the Public Service.

17. REVIEW OF THE POLICY

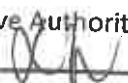
This policy will be reviewed only when there are material changes in the legislative framework from the date of approval and when is necessary to ensure their continued relevance and effectiveness and when the need arises.

Executive Authority
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18. VERSION CONTROL AND CHANGE HISTORY

Version Control	Date Effective	Approved By	Amendment
Start from	YYMMDD (the date the policy takes effect)	Contact person – full name & title.	Include any superseded procedures and what the amendment is to the document.
2011	22 March 2011	M Qhoboshiyane (MEC)	
2021		X.E. Nqatha	The changing of the Departmental template and branding

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