



# LIMPOPO

**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT**  
**OF**  
**PUBLIC WORKS**

<b>Policy Name</b>	<b>Smoking Policy</b>
<b>The revision/ version of the Policy</b>	<b>01</b>
<b>Domain</b>	<b>Employee Wellness Programme</b>

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## 1. INTRODUCTION

The occupational Health and Safety Act no 85 of 1993 and its Regulations requires the employer to maintain as far as reasonably practicable, a work environment that is safe and without risks to the health of the employees. The employer must ensure that the workplace is free from hazards and risks that may cause injuries, Occupational diseases and damage to property.

The Limpopo Department of Public Works recognizes the democratic values enshrined in the constitution and the fundamental rights of citizens regarding exposure to clean environment. The Department is fully committed to the provision of a safe, hazard free workplace to all employees and visitors.

## 2. PURPOSE AND OBJECTIVES OF THE POLICY

The purpose of this policy is to provide measures aimed at prohibiting, restricting and controlling smoking of tobacco products in departmental offices and other facilities.

### 2.1 Objectives

**Objectives of this policy are:**

- 2.1.1 To ensure that Occupational Health And Safety Act and Regulations are implemented.
- 2.1.1 To improve Occupational Health and Safety by controlling environmental health hazards in the workplace.
- 2.1.3 To promote the good health and well-being of employees and that to persons visiting the department.



### 3. LEGAL FRAMEWORK

**4.1 The Constitution of the Republic of South Africa** provides that everyone has the right to an environment that is not harmful to their health or well-being.

**4.2 Tobacco Products Control Act, 1993 (Act No 83 of 1993)** as amended places certain obligations on an employer to prohibit restrict and control smoking in the working environment.

**4.3 Notice relating to smoking of Tobacco Products in Public Places No R975 of 29 September 2000** gives guidelines on how to designate a smoking area and non-smoking area.

**4.4 Occupational Health and Safety Act, 1993 (Act No 85 of 1993)** requires the employer to create and maintain a healthy and safe working environment for its employees and customers.

**4.5 The Public Service Regulations, 2001** require the Head of a Department to establish and maintain a safe and healthy work environment for the employees of the department.

**4.6 Disciplinary code and procedures (PSCBC Resolution 1 OF 2003)** stipulates acts of misconduct in the workplace.

### 4. SCOPE OF APPLICATION

This policy shall be applicable to all employees of the Limpopo Department of Public Works appointed in terms of the Public Service Act, including persons visiting the department.

### 5. DEFINITIONS

**5.1 Public place**” means any indoor or enclosed area, which is open to the public or any part of the building including the workplace.



**6.2 “Workplace”** means any indoor or enclosed area in which employees perform the duties of their employment including office accommodation, canteen/kitchens, corridor, lobby, departmental fleet including subsidized vehicles, walk ways (Passages), stairways, elevators, store rooms, workshops, ablution facilities, meeting rooms, foyers, training facilities, lifts, conference rooms, tea rooms or other common areas frequented by such employees, learners or members of the public.

**6.3 “Smoking** means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and “smoked” and “smoking” have corresponding meanings.

**6.4 “The Act”** refers to the Tobacco Product Control Act, 1993 (Act 83 of 1993) as amended by the Tobacco Product Control Amendment Act, 1999 (Act 12 of 1999) and Tobacco Product Control Amendment Act, 2008 (Act 63 of 2008).

## **6. POLICY PRONOUNCEMENT**

6.1 The department shall designate portions of its facilities as smoking areas.

6.2 The designated areas shall be separated from the rest of the working areas.

6.3 The designated areas should have the signs **“SMOKING AREA”** written in block letters, of at least 2cm in height and 1, 5 cm in breath, on a white background.

6.4 The ventilation of the designated smoking areas should be such that air from the smoking areas is directly emitted to the outside and is not re-circulated to any other areas within the workplace.

6.5 The Department shall permanently display the sign **“NO SMOKING”** in areas where smoking is not permitted, written in black letters of at least 2cm in height and 1, 5 cm in breath, on a white background.

6.6 The Department shall permanently display this warning message next to the no smoking signs that **“ ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE SHALL BE SUBJECTED TO DISCIPLINARY**



**MEASURES IN LINE WITH PSCB RESOLUTION NO. 1 OF 2003  
(DISCIPLINARY CODES AND PROCEDURES).**

- 6.7 Smoking will only be permitted in the designated areas and cigarette butts need to be placed in the ash trays provided.

**7. ROLES AND RESPONSIBILITIES**

- 7.1 The Department of Public Works in accordance with the Occupational Health and Safety Act no 85 of 1993 , is to create and maintain a healthy and safe environment to all employees and to any person visiting the Department.
- 7.2 Employees and visitors to the department are responsible for complying with the provisions of this directive, which encompasses the general duties of employees at work as contemplated in the OHS Act.
- 7.3 Employees shall not smoke in communal areas of property occupied by the Limpopo Department of Public Works. This is also applicable to any person visiting such communal areas.

**8. MONITORING AND EVALUATION**

The Occupational Health and Safety Sub- Directorate in the department will monitor the development and implementation of the policy.

**9. DEFAULT**

Any person contravening or failing to comply with this policy shall be guilty of an offence in terms of the Tobacco and Products Control Act of No 83 of 1993.

**11. INCEPTION DATE**


The implementation of this policy will be the date of approval.

A handwritten signature in black ink, appearing to be a stylized name, located at the bottom right of the page.

## 12. TERMINATION AND REVIEW CONDITIONS

The policy shall remain applicable until it is withdrawn or amended by the relevant legislation.

Approved by:



Executive Authority

Date

25/07/13