**SMOKING POLICY**

|  |
| --- |
| **DOCUMENT DETAILS** |
| **Document Name:** | Smoking Policy | **Document No:** |  |
| **Department Name:** | Human Resources | **Document Type:** | Policy |
| **UPDATE DETAILS** |
| **Last Updated:** |  | **Updated By:** |  |
| **Effective Date:** |  | **Approved By:** |  |
| **Approval Date:** |  | **Approved By:** |  |
| **Revision Date:** |  | **Approved By:** |  |

**PURPOSE:**

[YOUR COMPANY NAME] (hereinafter referred to as the “Company”) is committed to compliance with all relevant employment legislation, such as legislation on smoking by the South African government.

Smoking at the workplace is regulated by the Tobacco Products Control Act 83 of 1993 as amended from time to time. (The South African Government brought the South African legislation in line with the World Health Organisation Framework Conventions on Tobacco Control.)

**SCOPE:**

This policy is applicable to all visitors to the company, all company employees and any other person who assists in the carrying on of all aspects of the day to day functioning of the company. (This includes but is not limited to employment contracts which are permanent, fixed term, casual, temporary, temporary staff from agencies, staff supplied by labour brokers, contractors and sub-contractors.)

**RESPONSIBLE PERSONS:**

1. HR Director - Implementation and facilitation.
2. HR & Operations Managers - Administration, monitoring and

 enforcement of this policy

1. Employees - Adherence to this policy and

procedures outlined in this policy.

**POLICY STATEMENT:**

It is agreed between management and employees that this policy is not a unilateral change in the employment conditions of the employees of this company; and that the implementation of this policy is as a result of the required alignment of policies within the .........................

The fund recognises that leave may be taken under circumstances as outlined below but reserves the right to grant such leave under specific conditions.

**GUIDING PRINCIPLES:**

The Smoking Policy seeks to guarantee all employees and visitors the right to work in air free from tobacco smoke. Tobacco smoking shall include cigarettes (manufactured or otherwise), cigars, tobacco pipes, hubbly smoke devices and vapes but is not limited to these.

**POLICY:**

The Smoking Policy is to be made visible to all visitors, clients and employees by displaying appropriate signage at all entrances to buildings.

Non-compliance of the requirements of the Smoking Policy constitutes misconduct (in terms of the employees’ Code of Conduct) and the appropriate action will be taken against any employee, visitor or client found to have contravened the requirements of the Smoking Policy.

All employees, visitors and clients are required to report any alleged non-compliance of the Smoking Policy immediately to a health and safety representative or committee member, or management. All allegations of non-compliance will be investigated by management.

1. Designated smoking areas

1.1 Smoking is only permitted in designated smoking areas, identified by “Smoking Area” signs. Smoking whilst next to open windows is not allowed if the open window is not in a designated smoking area. Smoking is also not permitted within a radius of at least10 metres from any building.

1.2 Identification of designated smoking areas is determined by management in consultation with the health and safety committee members and the designated smoking area will be indicated by appropriate signage that complies with the Company’s corporate identity specifications.

1.3 Requirements for designated smoking areas

1.3.1 Designated smoking areas may not be required for any other work-related or residential related purposes.

1.3.2 Designated smoking areas may not be areas which are commonly and frequently used by employees, visitors or clients. For example: passages, entrances or lobbies, staircases, stairwells, toilets, change rooms, tearooms, kitchens, balconies, meeting rooms, or other common areas.

1.3.3 Designated smoking areas may not influence the image of the Company adversely from a public relations point of view.

1.3.4 Designated smoking areas may not infringe on any areas used by non-smokers.

1.3.5 Designated smoking areas must meet the requirements of all relevant legislation.

1.3.6 Designated smoking areas must particularly not be within a prescribed distance of windows or entrance, as prescribed and amended from time to time.

1.3.7 All offices and work areas, whether occupied by one person or shared by two or more, shall constitute work areas where smoking is prohibited.

2. Smoke breaks

2.1 No specific periods are identified for smoking breaks, and 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.

2.2 This policy does not prohibit employees from smoking during office hours. The management and operational efficiency, employee productivity and expected work performance of the particular individual may not be jeopardised by the concession to smoke during working hours. Every manager and/or supervisor has the authority to determine guidelines by which employees in the office are allowed to leave the office or working stations to smoke during office hours (see paragraph 4.2 above in this regard).

2.3 Employees are required to ensure that their work performance is not adversely affected by smoke breaks during work hours. Line managers of such non-performing staff are responsible for addressing the non-performance, initially informally, with the employee, and through performance management processes, and if these efforts are not successful and the matter is not remedied informally, to advance the matter to formal processes.

3. Governance, management roles and accountabilities

Management has a responsibility to continually monitor legislation, update this policy at all times and ensures the maintenance of systems implemented that ensure compliance. For instance management should ensure smoking and non-smoking areas are identified and maintained in good order, as well as updated information are included in induction programmes for employees and students.

**EMPLOYEE POLICY CONFIRMATION:**

***I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee name and surname), declare that;***

1. Ihave been familiarised with and informed of the Smoking Policy.
2. I understand and agree to the contents of this policy and that;
* it may be amended from time to time,
* it forms part of my employment conditions,
* the implementation and contents of this policy are mutually agreed upon with the employer,
* I have been given the opportunity to question this policy and that my questions were satisfactorily answered
1. I agree to strictly adhere to this policy.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_ (place) on the \_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [YEAR].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Employee

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Manager