

POLICY ON SMOKING IN THE WORKPLACE

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1. Introduction

Nashua Limpopo, as an employer, has a legal obligation to comply with the regulations of the Tobacco Products Control Amendment Act (the Act) and any other relevant legislation.

In terms of the Act - smoking of tobacco products in any public place, which includes the workplace, is prohibited.

The Policy on Smoking in the Workplace applies to all staff members at all levels.

It is the line manager's responsibility to ensure that both staff members and visitors adhere to the organisation's Policy on Smoking in the Workplace in their respective areas of responsibility. It is furthermore, the responsibility of every staff member to respect the rights of others and adhere to this Policy.

2. Purpose of the Policy

The aim of this Policy is to encourage a healthier and more productive environment to work in and also to avoid conflict in the workplace.

3. Objectives of the Policy

The objectives of the Policy on Smoking in the Workplace are to :

- * ensure compliance with applicable legislation
- * protect non-smokers from involuntary exposure to second-hand (passive) smoking
- * establish a smoke-free environment for non-smoking staff members, visitors and clients
- * regulate where smoking is and where smoking is not permitted

Nashua Limpopo has a legal duty to take reasonable care to protect its employees. This Policy aims to consider and accommodate the needs of smokers and non-smokers and to provide all employees with a safe and healthy working environment. It is not meant to punish smokers, but to protect and improve the health of all staff members. This Policy also aims to improve productivity in the workplace by aiding the prevention of smoking related illnesses and complications.

4. Definitions

- 4.1 "**smoke**" means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and "smokes" and "smoking" have corresponding meanings;
- 4.2 "**tobacco product**" means any product manufactured from tobacco and intended to be smoked or intended for use by smoking, inhalation, chewing, sniffing or sucking;
- 4.3 "**workplace**" means any indoor or enclosed or partially-enclosed area where employees perform the duties of their employment. It includes any corridor, lobby, stairwell, elevator, cafeteria, wash-room and any other common area frequented by employees during the course of their employment. Partially enclosed areas such as covered patios, verandas, balconies, walk-ways and enclosed or partially enclosed parking areas that form part of any public place are also defined as part of the workplace.

5. Designated non-smoking areas

Nashua Limpopo respects an employee's rights to choose whether or not to smoke, but similarly a need exists to protect non-smokers and the environment. With this in mind, no smoking shall occur within the confines of the Nashua Limpopo workplace and the building is designated as a non-smoking area.

6. Designated smoking area

There is no designated smoking area within the confines of the Nashua Limpopo building and smoking may therefore only occur outside or in the open car park area.

7. Conditions

- 7.1 Any employee who is unwillingly subjected to tobacco smoke may object without fear or recrimination or victimisation.
- 7.2 Time out of the office for the purposes of smoking should be limited to 30 minutes per day and should coincide with tea and lunch times where possible. Any further smoke breaks taken during the course of the day are to be taken, at such times that prioritise operational requirements and are limited to a maximum of two (2) breaks, each lasting no longer than five minutes.

1 hour unpaid lunch break = 12 smoke breaks limited to 5 minutes
Example :
30 min unpaid lunch break permits you to have 6 unpaid, 5 min smoke breaks
- 7.3 Any employees who are deemed to be abusing the smoking privileges may be subject to the following penalties :
 - * time taken for smoke breaks during the work period must be worked in after hours, without additional remuneration, or
 - * the cumulative monthly "smoke break time" could be deducted from an employees' wages/salary at month end.
- 7.4 Employees may not smoke in any area where hazardous chemicals are present.
- 7.5 Ashtrays will be provided in designated smoking areas for the disposal of tobacco refuse. Smokers are required to use them in order to maintain the cleanliness and tidiness of this area.

8. Disciplinary Procedures

Where an employee does not comply with the Policy on Smoking in the Workplace or smokes in circumstances where he or she is not permitted to do so, this shall constitute misconduct on the part of the staff member and appropriate disciplinary action shall be taken in terms of the Nashua Limpopo Disciplinary Policy and Procedures.

9. Administration

All line managers shall be responsible for facilitating the implementation of this Policy and monitoring adherence.

The Human Resources Division shall be responsible for review of concerns, complaints, or questions about the application of this Policy as referred to them by management.