

Policy on Smoking

1. INTRODUCTION

- a) The KwaZulu-Natal Department of Education and Culture acknowledges its responsibility to promote healthy lifestyles. To this end it acknowledges that tobacco use is extremely injurious to the health of both smokers and non-smokers and warrants, in the interest of its employees, learners and the public, a policy to protect them from the hazardous effects of tobacco products.
- b) The Department also acknowledges that the extent of the effects of smoking on health calls for strong action to deter people from taking up smoking and to encourage existing smokers to give up smoking.
- c) It is further acknowledged that the Department has an obligation to protect learners from being bombarded by messages that associate tobacco products with glamour, success and prosperity as these learners will start a life-long and deadly addiction from an early age.

2. PURPOSE

To Provide a policy with regard to the prohibition of smoking within the workplace of the KwaZulu-Natal Department of Education and Culture.

3. REFERENCE

This policy has been formulated with due regard to the provisions of the Tobacco Product Control Act, 1993 (Act 83 of 1993) as amended by the Tobacco product Control Amendment Act, 1999 (Act 12 of 1999).

4. DEFINITION OF TERMS

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

“**Workplace**”

- a) Means any indoor or enclosed area in which employees perform the duties of their employment including Educational Institutions and Offices; and
- b) Includes any corridor, lobby, stairway, elevator, cafeteria, washroom, toilet or other common area frequented by such employees, learners or members of the public.

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

“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).

“Advertisement”, in relation to any tobacco product, means any drawn, still or moving picture, sign, symbol, other visual image or message or audible message aimed at the public and designed to promote or publicise a tobacco product or to promote smoking behaviour and includes the use in any advertisement or promotion aimed at the public of a tobacco product manufacturer’s company name where the name or any part of the name is used as or is included in a tobacco product trade mark, and **“advertise”** and **“advertising”** has a corresponding meaning.

“Organised activity” means any activity or event -

- a) which the public attend or participate in; and/or
- b) which is organized for the purposes of entertainment, sport or recreation or for educational or cultural purposes.

5. SCOPE OF APPLICATION

This policy is applicable to all employees of the KwaZulu-Natal Department of Education and Culture, learners and members of the public visiting the workplace.

6. POLICY PROVISIONS

6.1 The smoking of tobacco products in all Educational Institutions and offices is

strictly prohibited.

- 6.2 In all cases the rights of the non-smokers to an environment that is not harmful to their health or well being will take precedence over an employee's desire to smoke.
- 6.3 Smoking in official vehicles is strictly prohibited.
- 6.4 Heads of institutions/components and supervisors are required to be alert to the need to remind anyone smoking on the premises of the Department. Employees and members of the public who wish to smoke may smoke outside Departmental premises and outside official working hours.
- 6.5 Time wasted as a result of officials leaving the departments premised to smoke, must be monitored by the Supervisors and such time must be made up.
- 6.6 The Department will support staffs that seek assistance in giving up smoking
- 6.7 The advertising and/or promotion of tobacco products in any way is strictly prohibited.
- 6.8 The organisation and promotion of any organised activity in any office or institution within the Department shall not be sponsored and/or financed in whole or in part by any manufacturer, importer, distributor or retailer of tobacco products.
- 6.9 The distribution and/or supply of any tobacco product for free or at a reduced price within the offices/institutions of the Department by any manufacturer, distributor or importer is also prohibited.
- 6.10 The selling and/or supplying of any tobacco products to persons under 16 years of age, whether for their personal use or not, is an offence in terms of the Act.

7. DIRECTIVE TO HEADS OF OFFICES/ INSTITUTIONS

All Heads of offices/institutions are required to display appropriate signs in strategic places/points indicating that smoking is not permitted and such signs must carry the following warning:-

"ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE SHALL BE PROSECUTED"

8. RESPONSIBILITY

It is the responsibility of all supervisors to institute disciplinary measures in cases of non-compliance with the provision of this policy.

9. CONCLUSION

This policy is designed to secure a healthy and safe environment for employees earners and the public as well as to eliminate passive smoking within its premises. Moreover, the KwaZulu-Natal Department of Education and Culture acknowledges the rights of individuals and therefore the provisions of this policy will not be applied to unfairly discriminate against smokers in any way whatsoever.