

**THE IMPACT OF THE *TOBACCO PRODUCTS CONTROL
AMENDMENT ACT, 1999 (ACT NO. 12 OF 1999)* ON THE
PERFORMANCE OF LIBRARIANS EMPLOYED BY THE CITY
OF CAPE TOWN: TYGERBERG ADMINISTRATION**

PENINSULA TECHNIKON

2005

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By

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DECLARATION

Hereby I, Lance Barbier declare that this thesis is my own original work, and all the sources have been accurately reported and acknowledged, and that this document has not previously in its entirety or in part been submitted at any institution of higher learning in order to obtain an academic qualification. The opinions contained herein are my own and not necessarily those of the Technikon.

Signature:  _____

Date: 10|02|05 _____

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I can do all things through Christ who strengthens me.

SUMMARY

The World Health Organisation (WHO) presented evidence illustrating that tobacco smoking kills three million people yearly. These statistics are increasing, and unless current trends are reversed by the decade 2020-2030, tobacco will kill 10 million people a year, with 70% of deaths occurring in developing countries (WHO, 1998:1). The WHO then issued a mandate to 191 countries, which included South Africa, requesting them to write, advocate, pass and enforce laws on tobacco control taking into account work and public places, as people tend to spend much time there (WHO, 2003:1-2).

According to the literature review, since the promulgation of the Tobacco Act, 1999 (12 of 1999) public officials have been leaving the office much more regularly to congregate with other smokers for a smoke break. This is because legislation stipulates that they may not smoke in the office. It has also been found that the public service delivery process is slow, not only as a result of the phenomenon of smokerism, but also due to staff shortages.

Hence, the main purpose of this study was to explore the impact of the Tobacco Act, 1999 (Act No.12 of 1999) on the performance of librarians employed by the City of Cape Town's Library and Information Services: Tygerberg Administration, by

focusing on answering two assumptions stating that service delivery is slow and inefficient because of smoke breaks; and that the performance of staff is poor as a result of regular smoke breaks.

The research population for this study consisted of 23 out of the 26 librarians-in-charge employed in the City of Cape Town's Library and Information Services: Tygerberg Administration, who is the entire target population. The respondents were interviewed using a self-administered questionnaire. The data collected was analysed using software called StatPac for Windows.

The results derived indicated that the librarians-in-charge (82.6%) are satisfied with the service delivery offered by their employees. This is regardless of the regular smoke breaks employees take and the grievances of non-smoking employees with regard to the regular smoke breaks taken. However, the librarians-in-charge (91.3%) added that there was room for improvement in terms of dealing with the staff shortages and not the regular smoke breaks.

Therefore, based on the findings, the assumptions that relate to this study are discovered to be invalid and untrue. Thus, the Tobacco Act, 1999 (12 of 1999) does not impact on the performance of librarians employed by the City of Cape Town's Library Services, Tygeberg Administration.

The following recommendations were formulated:

- Management should consider taking on volunteers to address the staff shortage situation.
- Management should motivate employees with any kind of special rewards, remuneration and credentials for work well done.
- The Director of Social Development and Community Services of the City of Cape Town, Tygerberg Administration, should review the salary structure of librarians and consider increasing it.
- Both the librarians-in-charge and employees should be educated about the Tobacco Act, 1999 (12 of 1999). This education should also consist of the importance smoking restrictions have in terms of promoting a healthy environment, smoking cessation and job satisfaction.
- The librarians-in-charge should understand the negative ramifications the lack of rewards, credentials and salary have on job satisfaction.
- Team-building exercises should be done on a regular basis to strengthen the relationship between employees.

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CHAPTER 1

INTRODUCTION AND BACKGROUND

1. PROBLEM DETERMINATION AND EXPLANATION

The World Health Organisation (WHO) (2003:1) issued a mandate to 191 Health Ministers requesting them to write, advocate, pass and enforce laws on tobacco control. Upon issuing this mandate the WHO (2003) also presented evidence that smoking is one of the worst of all health risks and that smokers expose themselves to an increased risk of cancer and heart disease. The WHO (2003:1-2) further indicated that non-smokers are severely affected because of passive smoking. The WHO also presented evidence of the global figures regarding the annual death toll which rapidly increased to 900 000 people as a result of tobacco smoke, thus indicating the serious need for tobacco control. The WHO further indicated that people tend to spend more time at work and in public places than at home, thus signifying that when these laws are written, advocated, and passed they should enforce stricter measures in public and working places.

The Republic of South Africa (RSA) formed part of the 191 countries that were requested to write, advocate, pass and enforce laws on tobacco control. Chapter 7, Section 152(1) (d) of the ***Constitution of the Republic of South Africa Act, 1996 (No. 108 of 1996)*** defines the objectives of local government, which are inter alia, to

promote a safe and healthy environment. In view of the foregoing, the Tobacco Act, 1999 (12 of 1999) was promulgated. The Tobacco Act, 1999 (No. 12 of 1999) is attached as Annexure B.

According to Gilbert (1999:46) the passing of this tobacco legislation decreased the performance of workers and increased a healthy environment. Gilbert (1999:46), who presented evidence in the *Hispanic Times* (Dec. 98/Jan. 99), stated that one of the major elements that affect performance in the workplace is tobacco smoking. He also affirmed that in the workplace, tobacco is said to impact on the performance of the smokers rather than on that of the non-smokers. According to Gilbert (1999:46), employees who cannot smoke when they so wish, will go through a withdrawal phase, which will make them edgy and nervous until they have another cigarette. Thus, public officials usually leave the office, often at regular intervals, to congregate with other smokers.

Furthermore, according to Gilbert (1999:46), because the Tobacco Act, (12 of 1999) prevents public officials from smoking in the office, it was observed that employees would go on regular smoke breaks whilst customers sometimes would wait in long queues to be assisted. This often left the non-smokers with the responsibility of answering the smokers' telephone and expediting frustrated enquiries. Non-smokers, however, increased negative attitudes towards their smoking colleagues and when any other socially-based group should stand together where people could see them, it would be interpreted as an unfair practice, and it would not be tolerated (Gilbert 1999:40).

Moreover, personnel practitioners often address this issue and the phenomenon of smokerism. Their attitude is often that the person who smokes is the less fit choice for the job to be filled. This perception may influence fairness of treatment.

According to Gilbert (1999:46) this occurs in the following number of ways:

- *People who smoke at work are likely to be marked down on job performance, reducing both the credibility of their promotion and their income;*
- *Employees who smoke are rated lower on key performance measures by their own leaders than those who do not smoke;*
- *Smokers perform poorly at work;*
- *There is more absenteeism;*
- *Smokers have greater risks of major illness;*
- *People who smoke suffer more from major illnesses and recover much slower than non-smokers, whereas smoking makes people less fit; and*
- *Many smokers also get out of breath faster and are less likely to be able to perform athletic endeavours in contrast to non-smokers.*

Sekoto and Van Straaten (1999:104) have implied that the Code of Conduct for municipal staff as defined in the Local Government Municipal Systems Act, 2000 (32 of 2000) later refer to as Systems Act, 2000, is not being executed effectively, due to the foregoing. They also state that Section 195(1) of the Constitution, 1996 (108 of 1996) stipulates that public administration must be conducted in terms of specified values and principles and that this provision is not being implemented successfully. According to the Code of Conduct for municipal staff as defined in Section 50(2) of the Systems Act, 2000 (32 of 2000), a staff member of a municipality is a public

servant in a developmental local system and must comply with the provisions which state that the municipal official must breed a culture of dedication to serving the public and possess a collective sense of responsibility for performance in terms of standards and targets.

According to this stipulation, a public official must also achieve the performance targets set for each performance indicator and he/she should participate in the overall performance management system of the municipality. The staff member's individual performance appraisal and reward system, if such exists, is to be reviewed regularly, in order to maximise the ability of the municipality as a whole to accomplish its objectives and improve the quality of life of its residents. In addition, Section 195(1) of the Constitution, 1996 (108 of 1996) stipulates that public administration must be conducted in terms of high standards of professional ethics which are to be promoted and affirmed.

As a result, according to Sekoto and Van Straaten (1999:104), the public sector has adopted private sector practices to combat this inefficient and ineffective delivery of service. Sekoto and Van Straaten (1999:104) also state that the public service delivery process is slow, not only as a result of the phenomenon of smokerism, but also due to staff shortages.

The South African Concise Oxford Dictionary (2002:866) defines performance as "the action or process of performing a task or function." In this study performance is

defined as the action or process of performing a task or function efficiently and effectively for the delivery of a quality service utilising the least amount of time. According to Gilbert (1999:46), distinguishing between smoking and performance demonstrates that smoking may affect the notion of being committed to serving the public.

2. RESEARCH QUESTION

All research is based on a set of assumptions or factors that are presumed to be true and valid. The following are two assumptions relating to this research:

- Service delivery is slow and inefficient because of smoke breaks; and
- The performance of staff is poor as a result of regular smoke breaks.

The above assumptions demarcate the research question, which is formulated below:

Does the Tobacco Products Control Amendment Act, 1999 (12 of 1999), impact the performance of librarians employed by the City of Cape Town's Library Services: Tygerberg Administration?

3. RESEARCH PURPOSE

The study is an attempt to determine whether the Tobacco Act, 1999 (12 of 1999) has an impact on the performance of librarians and the service delivery of libraries of the Tygerberg Administration in the City of Cape Town .

4. RESEARCH OBJECTIVE

To achieve the purpose of the research study, the following objective has been formulated. This objective forms the premise of the research itself and is directly addressed by the research instrument. The objective is listed below.

Objective

To explore whether the Tobacco Act, 1999 (12 of 1999) has an impact on the performance of librarians and the service delivery of libraries of the Tygerberg Administration in the City of Cape Town.

5. RESEARCH APPROACH AND METHODOLOGY

According to Leedy and Ormrod (2001: 149) qualitative studies are not best suited to identify cause and effect relationships. To determine possible cause and effect relationships between variables, quantitative research is needed to answer questions of this nature.

This research can be described as an explorative/descriptive study which makes it quantitative in nature.

5.1 Research techniques

The entire target population (librarians-in-charge) will be surveyed by means of a self-administered questionnaire to collect primary data.

5.2 Research population

The City of Cape Town is divided into six administrations. The research population for this study will consist of all the librarians-in-charge employed in the Tygerberg Administration.

The reason for focusing on the librarians is that the primary responsibility of the librarian-in-charge is to deal with the performance of his/her library. They are the managers who are responsible for the structuring of the organisation and for ensuring that their respective libraries are staffed with capable people. The librarians-in-charge are also responsible for monitoring the activities to improve the service delivery of their library. Thus, performance and the service delivery of the library ultimately stems from them.

The libraries are listed below. There was a total of 26 respondents. All were librarians-in-charge, and each respondent represented a library.

1. Adriaanse Public Library
2. Belhar Public Library
3. Bellville Public Library
4. Bellville South Public Library
5. Bishop Lavis Public Library
6. Bonteheuwel Public Library
7. Bothasig Public Library
8. Delft Public Library
9. Delft South Public Library

10. Durbanville Public Library
11. Edgemean Public Library
12. Elsies River Public Library
13. Goodwood Public Library
14. Huguenot Square Public Library
15. Khayelitsha Public Library
16. Kulani Public Library
17. Leonsdale Public Library
18. Masakhane Public Library
19. Mfuleni Public Library
20. Morningstar Public Library
21. Moses Mabhida Public Library
22. Nazeema Isaacs Public Library
23. Parow Public Library
24. Ravensmead Public Library
25. Tygervalley Public Library
26. Valhallapark Public Library

5.3 Self-administered questionnaire

The dendrogram technique developed by Schutte (2001) was used as a general guideline to assist in the development of the questionnaire. The dendrogram is similar to an organisational chart and work-breakdown structure utilised in project management and is used to obtain clarity in the research topic by asking the question "will be determined by...?" after each statement. According to Schutte

(2001:2), a dendrogram will be applied to the culmination of all knowledge gained from the literature study and other sources of information that will be consulted in search of the most applicable research framework and approach. Thus, with the aid of the literature search together with the dendrogram, the questionnaire was developed.

5.4 Delimitation of research

Joppe (2003) mentioned that it is important to inform the reader about the span or extent of the study. Hence, the following limitations or restrictions were imposed on this study:

- The respondents will be librarians who are permanent employees of the City of Cape Town: Tygerberg Administration who manage the respective libraries (librarians-in-charge).
- No senior library assistant, library assistants, attendants, cleaners and other library staff members will be interviewed.

6. ANALYSIS AND INTERPRETATION

Leedy and Ormrod (2001:161) state that data analysis for a quantitative study is still a complex and time-consuming process. Furthermore, the data collected is multifaceted and may reflect several different meanings simultaneously.

The information obtained from the literature, together with the self-administered questionnaires, will be analysed to determine the findings. The quantitative analysis illustrates and describes the data collected. The information obtained will also be organised in a logical structure so as to facilitate analysis.

The software utilised to analyse the data is StatPac for Windows, which consists of three sections, namely:

- Section 1: Design
- Section 2: Data management
- Section 3: Analysis

(<http://www.statpac.com>, 2004)

7. RESEARCH SCOPE AND PLAN

The research scope included the following:

- All libraries in the City of Cape Town: Tygerberg Administration were selected;
- Contact information of the libraries of the City of Cape Town: Tygerberg Administration was gathered primarily through the use of the Huguenot Square Library Reference Database;
- The self-administered questionnaire was issued to all librarians-in-charge for completion;
- Responses gathered were encoded and entered into an electronic database.

The research was conducted in six phases. Each phase is explained below.

Phase One

The first phase of the research was the collection of resources available on the World Wide Web, in electronic databases such as Ebscohost (<http://www.epnet.com>), and in academic journals, the library manual, and a variety of study collection material, including reference and project collection library books. These resources were utilised during the preliminary phase of the research project.

Phase Two

Phase two included the development of a survey questionnaire based on the findings of the literature study.

Phase Three

Twenty-six libraries were identified and formed part of the research population.

Phase Four

The identified respondents were contacted and requested to complete the self-administered questionnaire.

Phase Five

The analyses and conclusions were drawn from the above research findings with the utilisation of the electronic Statpack Software statistical package.

Phase Six

Phase six included the drafting of recommendations and considerations for future research.

8. LAYOUT OF THE STUDY

The introduction and background were presented in chapter one. Chapter two provides an explanation of performance management in local government. The implications of the tobacco legislation will be discussed in chapter three. Chapter four consist of a case study of the libraries of the City of Cape Town: Tygerberg Administration. The research methodology and approach will be explained in chapter five. Chapter six will provide the research results, interpretation and analysis leading to chapter seven, which consists of conclusions and recommendations.

CONCLUSION

Since the promulgation of the Tobacco Act, 1999 (12 of 1999), various measures have been implemented in this country to limit smoking and encourage smoking cessation. Evidence was presented in this chapter comparing workplace smoking restrictions and performance. It is acknowledged that these restrictions affect service delivery. For example, not allowing the public officials to smoke in the office encourages officials who are smokers to leave on regular smoke breaks. This study is therefore an attempt to determine whether the Tobacco Act, 1999 (12 of 1999) has an impact or not on the performance of librarians employed by the City of Cape Town's Library Services within the Tygerberg Administration.

CHAPTER 2

PERFORMANCE OF LOCAL GOVERNMENT

1. INTRODUCTION

In this chapter performance relating to the local government officials with specific reference to librarians will be explained. Less emphasis will be placed on the criteria for the performance of service delivery whereas the focus will be on the characteristics of a public official, the process of motivating for performance, and the relationship between job satisfaction and performance. Training, education and development programmes, together with how credentialling aids job satisfaction, will be included in this explanation.

Furthermore, an explanation will be provided illustrating the existence of a system that deals with performance management in local government. The role of local government, the characteristics of local government, the establishment, development, monitoring and review of a performance management system, together with the core components, will also be explained to contextualise the study.

2. PERFORMANCE MANAGEMENT IN LOCAL GOVERNMENT

Both Thornhill (1995:151) and Reddy (1996:51) state that local government has a vital role to play in society. One of these major roles is for local government to

establish a prosperous, orderly and enlightened society. Thus, public officials need to perform on a day-to-day basis in dealing with the administration of public affairs, so that this objective can be attained.

According to Thornhill (1995:151) the roles public officials play cover all sorts of various aspects such as social development, health and emergency services. Consequently, local government requires people to perform these specific duties. For that reason, the efficiency and effectiveness of a local authority depends on the employees' ability to render a service.

2.1 The role of local government

Hanekom (1988:18-19) points out that local government is a vital link in the relationship between the community and the provincial and national government, especially because it is bound to a particular geographical area and to the people affected by certain problems. This enables the local government to have a better understanding of these problems and the means to address them. Local government also has jurisdiction over fewer people than do higher levels of government, which enables the local authority to have greater community participation. Thus they are able to provide more channels and opportunities to utilise the talents, insights and creative abilities of individuals within the community.

Hanekom (1988:18-19) states that local government also forms the corner stones within the structure of the democratic political system. They serve as vehicles for intelligent, responsible citizenship on this particular level. Through allowing initiative

and discretion at the next level, well-developed local government serves the cause of democracy. Hence, the local authority provides important training grounds for the future leaders in government and could also serve to educate voters in the execution of their civic duties.

Furthermore, according to Hanekom (1988:18-19), local government provides important barricades against uniformity, conformity, bureaucratic regimentation and dictatorship. It encourages individualism and diversity, thereby ensuring that energetic and active growth points for the concept of self-government are established. Moreover, the adaptability and suppleness of local governments, and the room they provide for variety and enterprise, make them important socio-political areas for experimenting with new ideas, policies and methods.

2.2 The characteristics of local government

Reddy (1996:50) identifies the following characteristics of local government:

- *The direct involvement of people of the locality in their governance.*
- *The election of their representation to the local government should be accomplished.*
- *The area over which the local government relationship to a particular geographical area and of a particular size should not have a big population.*
- *They have the power to raise money from residents within their jurisdiction with the view to the execution of particular activities.*
- *The legal personality, meaning that local government should owe its existence to laws and not be simply a structure administration convenience.*

- *Autonomy meaning that local government should make its own binding decisions within a specifically legal framework.*
- *Government authority - the local authority should be able to exercise formal government power.*

2.3 The establishment of a performance management system

The roles and characteristics of local government require action. These actions are in the form of performance, which is carried out by individuals. Focus should be placed on improving the person and not directly on performance targets. This activity assists the local government to perform these actions effectively and efficiently. Also, one of the important elements that should be in place is a performance management system. This system provides rules and guidelines to achieve given objectives. An example of a performance management system, according to Section 38 of the Systems Act, 2000 (32 of 2000) is the following:

“A municipality must:

- a) Establish a performance management system that is –
 - i. commensurate with its resources;
 - ii. best suited to its circumstances; and
 - iii. in line with the priorities, objectives, indicators and targets contained in its integrated development plan;
- b) Promote a culture of performance management among its political structures, political office bearers and councillors and in its administration; and
- c) Administer its affairs in an economical, effective, efficient and accountable manner.”

According to Section 39 and Section 40 of the Systems Act, 2000 (32 of 2000) performance management systems are also developed, monitored and reviewed.

2.4 The core components

The South African Concise Oxford Dictionary (2002:866) defines performance as the act or process of performing or carrying out. This is the performance process whereby management ensures that all the resources of an organisation are meaningfully deployed so that the mission and goals of the organisation can be attained.

Smit and Cronje (2002:394-396) state that to ensure effective performance it is essential that the following steps be adhered to:

- *Establishing standards of performance;*
- *Measuring actual performance;*
- *Evaluating deviations; and*
- *Taking corrective action.*

3. PERFORMANCE CHARACTERISTICS

Statutory legislation prescribes that local government should have a performance management system in place. The objective of this system is for the improvement, control and maintenance of the employees' and municipalities' performance. This is to ensure the effective and the efficient delivery of services. This chapter will elaborate on the improvement, control and maintenance of the performance public officials .

According to Bateman and Zeithaml (1993:413) the leadership of public officials entail the managers, supervisors, administrators and all the employees who are in charge of or responsible for a particular task, in this case the librarians-in-charge. The primary responsibility of the librarians-in-charge is to deal with the performance within a library.

According to Bateman and Zeithaml (1993:413), librarians-in-charge should make sure that the public services and goods be delivered in good time to provide for a recognised public need and be of a prescribed good quality. Bateman and Zeithaml (1993:413) also state that these persons must ensure that the quality of the officials' work circumstances are at a satisfactory level and that the work is rendered at a reasonable cost.

Cloete (1994: 231) is of the view that to be able to lead subordinates, managers, supervisors, administrators and employees-in-charge must display leadership characteristics. The librarians-in-charge should therefore possess the ability to motivate others to achieve defined objectives.

According to Goba (1998:14-15), these persons should display attitudes that encourage the notion of how they can improve the performance of service delivery for communities. Hence, the librarians should manage effectively and devote all of their attention to orchestrating change. The librarians-in-charge are also engaged in planning and budgeting routines, and setting the direction (vision) for the local authority. These public officials are also responsible for the structuring of the

organisation, staffing it with capable people, and monitoring activities to improve the performance of the public library. Thus, according to Le Roux (1997:207-208), performance in the local government sector is the best utilisation of scarce resources such as public funds and human resources, with due allowance for the fact that the needs of the greatest number of people of any given country must be satisfied to the greatest extent possible.

Martin (1965:341) states that as so many different functions have to be administered in so many different situations in a society such as South Africa, it is extremely difficult to speak usefully about leadership qualities. Martin (1965:341) also emphasises that character and motivation should be regarded as prerequisites for librarians and further mentions the following attributes that should also be considered:

- *A willingness to assume responsibility must be displayed. This willingness must include courage, a readiness to take risks, a dynamic attitude, not simply an ability to play safely or to attend to details.*
- *A steadily advancing ability to deal with more varied and diverse people and problems.*
- *A strong bent towards action should be displayed. One who keeps his/her eye on deadlines and has a personal responsibility for action.*
- *Be good listeners.*
- *Be effective with people.*
- *Preference to have around him the alert people he can find.*
- *Should use institutional resources rather than relying too heavily on themselves.*

- *Aim on effectiveness and avoid using powers or authority for their own sake, that is, they would prefer to avoid issuing orders in favour of ratifying subordinate proposals.*
- *Possess self-confidence, enabling them to readily confess ignorance and personal faults.*
- *Welcome reports of troublesome things.*
- *Be a team player. A local authority (Public Library) is not a one-man show.*
- *Pursue tirelessly any means of improving performance of all for which or for whom they are responsible.*

4. MOTIVATING FOR PERFORMANCE

According to Bateman and Zeithaml (1993:442-445) a highly motivated employee will work hard towards accomplishing performance objectives. By means of adequate ability and understanding of the job, such an employee will be highly productive. Bateman and Zeithaml (1993:442-445) also state that the librarians-in-charge must know what behaviours should be exhibited to motivate their employees. Although productive employees appear to do a seemingly limitless number of things, most of the important activities can be grouped into four general categories as illustrated below:

- *The corporation must motivate employees to remain in the organisation,*
- *come to work regularly,*
- *perform, and*
- *exhibit good corporate citizenship.*

According to Le Roux (1997:211-212), staff members play an important role in any attempt to improve performance. The fruitful utilisation of the assets of an institution to increase productivity is the responsibility of all employees. Although an employee also forms part of the component of resources, they are the resource that has the ability to manipulate other resources (capital, materials and energy sources). Therefore, if performance is to be increased, all staff members should be motivated to contribute to the attempt. This means that the motivated person is someone who wants to achieve an objective of his own volition and not because he/she is forced to.

5. THE RELATIONSHIP BETWEEN JOB SATISFACTION AND PERFORMANCE

Schermerhorn (2000:118-119) defines the level of job satisfaction as the degree to which people feel positively or negatively about their jobs. It is an attitude or emotional response as well as a physical and social condition of the workplace.

From the perspective of Herzberg's theory some aspects of job satisfaction should be motivational and lead to positive employment relationships and high levels of individual job performance. Hence, according to Schermerhorn (2000:118-119), managers must, on a daily basis, be able to infer the job satisfaction of others by careful observation and interpret what they say and do while going about their jobs. Sometimes it is also useful to examine more formally, the levels of job satisfaction among a group of workers, especially through the formal interview or by using questionnaires.

The five facets of job satisfaction which are measured are:

- The work itself - responsibility, interest and growth;
- Quality of supervision - technical help and social support;
- Relationship with co-workers - social harmony and respect;
- Promotion opportunities - chances for further advancement;
- Pay - adequacy of pay and perceived equity, vis-à-vis others.

(Schermerhorn, 2000:118-119)

There is a considerable debate on the issue of what the relationship is between job satisfaction and performance. According to Schermerhorn (2000:118-120) three alternative points of view illustrate the relationship. They are discussed below.

Satisfaction causes performance

If job satisfaction causes a high level of performance, the message to managers is quite simple: it is to increase employees' work performance by making them happy.

Performance causes satisfaction

If high levels of performance cause job satisfaction, the message to managers is quite different. Rather than focusing first on people's job satisfaction, attention should be given to helping people achieve high performance. Job satisfaction would be expected to follow.

Rewards causes both satisfaction and performance

It is suggested that a proper allocation of rewards can positively influence both performance and satisfaction.

5.1 Job satisfaction is increased through training, education and development programmes

It is generally accepted that all members of the public should always receive world-class treatment in any interaction with public service departments. However, there is the perception that inefficiency in the public sector is reasonably high, particularly when judged in terms of the ability to deliver services that are responsive to public needs. Inefficiency occurs when there is a lack of appropriate training and education among the majority of public officials (White Paper on the Transformation of the Public Service, 1995:8).

Mafunisa (2000:71-73) states that all public employees should be subjected to thorough training, education and development programmes that are applicable across the public service and that the unions, managers and heads of departments should ensure that employees attend these programmes.

Mafunisa (2000:73) also illustrates the following as principles and values that should be presented to new employees by the leadership of public officials, and emphasises that they must be upheld and promoted:

- *A high standard of professional ethics;*
- *Efficient, economic and effective use of resources;*

- *A development-orientated public administration;*
- *Service provided should be impartial, fair, equal and without bias;*
- *Needs of people must be seen to and the members of public must be encouraged to participate in policy-making;*
- *Effective human resource management and career development practices;*
- *Broadly representative of South African people.*

Furthermore, the training, education and development programmes should also cover aspects such as:

- *Steering clear of conflict of interest;*
- *Honesty and fairness influence positive public service dealings;*
- *Communication;*
- *Organisational behavior between members and clients.*

(Mafunisa, 2000:73)

Steering clear of conflict of interest

According to Ferrel and Fraedrich (1994:25), conflicts of interest exists when a person must select whether to precede his or her own personal interest, those of the business, or some other group. To steer clear of this conflict of interest, employees must be able to part their private interest from their public service dealings. Ferrel and Fraedrich (1994:25) further mention that it is generally accepted that workers should not accept bribes, gifts, personal payments or special favours from persons who wish to influence the decision.

Honesty and fairness influence positive public service dealings

Ferrel and Fraedrich (1994:25) illustrate the fact that fairness is the quality of being just, impartial and equitable. Honesty refers to truthfulness, integrity and trustworthiness. Honesty and fairness relate to moral attributes of decision makers. At a minimum, all organisations are expected to comply with all applicable laws and regulations. Ferrel and Fraedrich (1994:25) further mention that the organisations should not intentionally harm clients, customers, and competitors through deception, employees, misrepresentation or coercion.

Ferrel and Fraedrich (1994:25) also state that although individuals in organisations often act in their own economic self-interest, ethical public service relationships should be grounded on fairness, trust and justice. Lenders should be able to trust borrowers and buyers should be able to trust sellers. Failure in this, or in abiding by laws and standards destroys trust and makes it difficult, if not impossible, to continue public service exchanges.

Communication

Ferrel and Fraedrich (1994:26) explain that communication refers to the broadcasting of information and the sharing of meaning. They state that broadcast to advertising messages and information about product safety, employee work conditions, pollution, as well as other situations is an important source of communication relating to ethical issues in communications. Communications that are false or misleading can demolish customers' trust in the public service. Lying

creates ethical issues in both internal and external communications because it destroys trust.

Organisational behaviour between members and clients

This relates to the behaviour of public officials towards clients, suppliers, superiors, subordinates and others (Ferrel and Fraedrich, 1994:27). Ethical workers try to uphold confidentiality in relationships, meet obligations and responsibilities, and avoid putting unnecessary pressure on others that might encourage them to behave unethically.

One major ethical issue is related to plagiarism (Ferrel and Fraedrich, 1994:28). Plagiarism entails taking someone else's work and presenting it as one's own without providing sufficient credit and/or compensation to the source. Plagiarism is unfair and dishonest, both to the person who created the plan for the clients, and those who are paying for original work tailored specifically to their own needs.

5.2 Credentialling aids job satisfaction.

The mark of professionalism in practice is the establishment of a credential, or better, a chain of credentials that entitle the holder to lay claim to professional status and the rights and privileges that accompany it. Credentials can be considered an instrument used to influence both one's moral character and ethics. This occurs in the course of being indoctrinated through education and training.

Credentials are formal documents (degrees, diplomas, licences, and certificates)

awarded at the end of a course. They are issued by state-empowered authorities to establish the status of an aspirant or to license a practitioner in some technology or art. According to Hodgkinson (1996:233-234) the practice of credentialling is itself competitive whereas economic devaluation of currencies through inflation is paralleled by inflation and devaluation of credentials. For example, a bachelor's degree may now serve only, in terms of market value, as a prerequisite part of a credential chain.

With the appropriate training and education one could only expect positive results and in return receive a credential. In turn, this positive result thus influences conduct and skill. According to Van der Walt (1997:54-55) professional conduct and skill developed from the appropriate education and training received reflects the following attributes of public officials:

- *Displaying a positive attitude;*
- *Genuine interest in needs;*
- *Sympathetic attitude to the public;*
- *Recognition of differences in all spheres;*
- *Sensitivity to community values, traditions, culture and norms;*
- *Due respect of political (constitutional) sovereignty and the recognition of tenants of democracy;*
- *Equal right for all citizens of the country - this includes officials;*
- *Unimpeachability and honesty;*
- *Fairness and reasonableness;*
- *Responsibility and sense of duty;*

- *The insight and creativity to evaluate and adapt the activities of attitude.*

Awarding public officials with these credentials does not necessarily influence their ability to perform and change the situation of the public sector. However, the training and education received might encourage them to improve ways and select the appropriate approaches to perform more effectively and efficiently. These credentials only indirectly satisfy employees for an achievement. With this form of employee satisfaction the improvement of service delivery may be positively impacted. Therefore it can be stated that credentials assist with the improvement of performance.

CONCLUSION

In this chapter it was illustrated that local government has a vital role to play in the community. One of these major roles is to establish a prosperous, orderly and enlightened society. Thus, public officials need to perform on a day-to-day basis in dealing with the administration of public affairs, so that this objective can be attained. Certain performance management systems are in place that enable this process. For this reason, this chapter dealt with an explanation of performance management in local government.

One of the major elements that affects performance in the workplace is tobacco smoking. Tobacco is said to impact on the performance of the smokers rather than non-smokers in the workplace. It was also observed and stated in chapter one, that employees would go on regular smoke breaks whilst customers sometimes would

wait in long queues to be assisted. Hence, the non-smokers are often left with the responsibility of answering the smokers' telephone and expediting frustrated enquiries. Non-smokers, however, increase negative attitudes towards their colleagues who smoke.

Thus, placing focus on improving the person and not directly on performance targets will bring about job satisfaction, which is one of the key elements that increase performance. Identifying areas where employees can be satisfied will definitely improve the mundane situation of the public sector. A foundational link has been established between performance and tobacco legislation, which will be discussed in the next chapter.

CHAPTER 3

THE TOBACCO LEGISLATION

1. INTRODUCTION

This chapter will commence with an overview of the background to the promulgation of the existing tobacco legislation, which is the focus of the research. The need for tobacco to be regulated rather than banned will be examined with the emphasis placed on the need for tobacco control. The different types of tobacco legislation will also be explored. Finally, an illustration of the nexus between tobacco and performance will be provided.

2. HISTORICAL OVERVIEW OF THE TOBACCO INDUSTRY

The Virginia Company landed in Jamestown, Virginia in North America, in 1607 with the objective of producing tobacco profits for the English crown (Verkuil, 1998). Throughout the 18th century tobacco use was encouraged and it still retained a “faintly immoral” reputation even as a persuasive consumer commodity. One of the proponents of its use, who saw potential profits for government in its taxation and distribution, was Thomas Jefferson (Verkuil, 1998). This position is significant of what is occurring today with tobacco taxes being used as a source of regulatory capital.

In the 19th century, with the introduction of the cigarette, the use of tobacco became even more widespread. The mechanisation of cigarette production, the brainchild of James Buchanan Duke and his American Tobacco Company, dropped the cost of producing a cigarette dramatically in the decade between 1880 and 1890 (Verkuil, 1998).

From 1607-1964 the tobacco story points to an addictive product. The economic power of tobacco, coupled with consumer needs and desires, served to expand tobacco use. Not surprisingly, the role of government, particularly the military, was, if anything, counter-productive to public health needs whereas the government included cigarettes in soldiers' rations when they went overseas. Also, leadership on the health issue was predominately private and often unrealistic or aberrational. A regulatory direction was emerging and the stage was not set for responsive government intervention. The tobacco regulation endeavour, during the period from 1964-1995, was completed in the United States of America (Verkuil, 1998).

3. THE NEED TO REGULATE TOBACCO

According to Verkuil (1998) if tobacco were regulated as a drug, it would have to be determined to be safe and effective, which it could not be. But to ban cigarettes would create an impossible regulatory and legal outcome. Therefore, the approach was to label the cigarette a nicotine delivery-device and regulate its use rather than ban it. The regulation was especially directed at children who constituted the most susceptible group of potential users.

Tobacco regulation is a fascinating study of the limits as well as the powers of the potential process. To ban tobacco would not only interfere with freedom of choice but would be pointless. The social costs of creating another illegal market like the drug market are incalculable. Failure to ban a product that kills millions of people a year clearly has a cynical side (Verkuil, 1998). It is, after all, tobacco taxes levelled at smokers that will be used to fight the problem, and if they are raised too high, a black market will result just as if tobacco had been banned.

According to the WHO (1998:1), each year tobacco is accountable for the deaths of three million people, or one death every nine seconds. These statistics are increasing, and unless current trends are reversed, by the decade 2020-2030, tobacco will kill 10 million people a year, with 70% of these deaths occurring in developing countries. The WHO (1998:1-3) also states that since the early 1950s scientific evidence has been gathered that indicates that 25 diseases are now known or strongly alleged to be related to smoking. Evidence also shows that tobacco use, in all its forms, greatly increases the risk of premature death from a number of chronic diseases.

The WHO (1998:2) has reflected the concerns of international society and has adopted a number of resolutions on tobacco control, which included a call for the implementation of comprehensive tobacco control strategies. These measures are regarded as essential, not only in view of the already escalating tobacco epidemic, but also in countries where the epidemic can still be prevented. According to the opinion of the WHO (1998:1-3), although countries are working towards

implementing world health resolutions relating to tobacco and health effects, lack of knowledge and experience in establishing comprehensive, multisectoral policies may hamper their progress.

Even non-smokers are affected by tobacco and that involuntary exposure to tobacco smoke puts them at greater risk of lung cancer and a number of other diseases (WHO,1998:3). Thus, tobacco is a major contributing factor to many diseases and is the largest preventable death in many countries (WHO,1998:3). Most of these deaths and all the millions of potential tobacco-related deaths before 2020 will occur among people who already smoke. Failure to take serious preventive action now will result in tens of millions of people dying ahead of time from an epidemic that is entirely preventable.

The costs of smoking extend well beyond the dreadful health consequences, encompassing large economic and social costs as well. Tobacco is also a significant economic burden on families and societies (WHO,1998:1-3).

Reflecting the international public health community's concern with the epidemic of tobacco-related disease, the World Health Assembly (WHA), the governing body of the WHO, adopted 14 resolutions on both national and international tobacco control measures between 1970 and 1995. From 1986 to 1995 the WHA passed nine major resolutions concerning "tobacco or health" issues and has continued to reiterate its commitment to tobacco control (WHO, 1998:1-3).

The WHA resolution WHA39.14 (1986) is particularly noteworthy in that it calls on WHO's member states to implement comprehensive tobacco control strategies.

They propose the following:

- *Measures to ensure that non-smokers receive effective protection, to which they are entitled, from involuntary exposure to tobacco smoke, in enclosed public places, restaurants, transport, and places of work and entertainment;*
- *Measures to promote abstention from the use of tobacco so as to protect children and young people from becoming addicted;*
- *Measures to ensure that a good example is set in all health-related premises and by all health personnel;*
- *Measures leading to the progressive elimination of those socio-economic, behavioural, and other incentives which maintain and promote the use of tobacco;*
- *Prominent health warnings, which might include the statement that tobacco is addictive, on cigarette packs, and containers of all kinds of tobacco products;*
- *The establishment of programmes of education and public information on tobacco and health issues, including smoking cessation programmes, with active involvement of the health professions and media;*
- *Monitoring of trends in smoking and other forms of tobacco use, tobacco-related diseases, and effectiveness of national smoking control action;*
- *The promotion of viable economic alternatives to tobacco production, trade and taxation;*
- *The establishment of a national focal point to stimulate, support, and coordinate all the above activities.*

4. TYPES OF TOBACCO LEGISLATION

According to Chollat-Traquet (1996:203-204) active debates are still continuing throughout the world on the need for legislation on tobacco use. The fervent argument about tobacco issues, often fuelled by the astounding profits generated by the tobacco trade and marketing, has led to a number of lawsuits challenging the validity of laws aimed at controlling tobacco use. The visibility that these lawsuits receive, as much as their outcome, and the way in which they help define future concepts of tobacco control are further elements to consider in determining the effectiveness of legislation (Chollat-Traquet, 1996:203-204).

Legislative and restrictive measures to control smoking involve some costs although those are relatively low. Chollat-Traquet (1996:211) identifies them as the cost of education and information programmes that usually accompany legislative measures; and the cost of campaigns.

In contrast, the savings in terms of mortality, morbidity and long-term economic cost to the community can be immense. According to Chollat-Traquet (1996:203-204), legislation will be valuable only if it has appropriate popular and political support and if it is correctly drafted, strictly enforced and continually monitored.

The three main focus areas for the evaluation of legislation to control tobacco use as listed by Chollat-Traquet (1996:211) are the following:

- *Issues raised during preparation for legislation and while it is being discussed by the legislative assembly;*
- *Implementation of the immediate impact of the legislation;*

- *The long-term effect of legislation as part of a smoking control programme.*

Legislation is important to creating and spreading public policy. It can recruit the resources of all government departments for its implementation, and mobilise means of its enforcement. It can also strengthen the activities of voluntary organisations and citizens' groups, and can contribute to the improvement of a non-smoking environment.

Important as legislation has proved to be in fighting the tobacco epidemic, it should nonetheless be emphasised that the enactment is often required with no sufficient condition for effective control of smoking and final reduction in tobacco-related diseases.

According to Chollat-Traquet (1996:211) legislation is just one constituent of a comprehensive attack on the tobacco epidemic. Others are:

- *preventive action;*
- *public information;*
- *educational programmes;*
- *smoking cessation intervention;*
- *outreach to high-risk populations;*
- *a tax and price policy based on health needs;*
- *economic strategies to decrease tobacco production;*
- *research on biological, behavioural, economic and social aspects of tobacco use; and*

- *monitoring of the effects of tobacco control strategies.*

Finally, Chollat-Traquet (1996:211) argues that for these key components of an anti-tobacco campaign to be achieved, legislation is often a fundamental foundation.

Voluntary agreements

Despite the advantages of legislation, and predominantly the advantage of putting the governments' weight behind a non-smoking policy, some countries continue to depend on voluntary agreements with the tobacco industry.

According to Roemer (1993) these agreements, sometimes referred to as codes of practice, establish principles by which the industry agrees, for instance, to certain restrictions on advertising or to the introduction of health warnings on cigarette packages. Therefore, voluntary agreements are generally informal and even if formalised, are easy to amend by a simple procedure of mutual agreement without involving legislators. Civil servants are often more caught up in developing and adopting voluntary agreements than politicians.

Roemer (1993) also indicated that amendments to voluntary agreements do not entail the same visibility as changes in legislation. However, voluntary agreements are weak measures for controlling tobacco promotion, and complex and difficult to monitor. In other words, they are subject to differences of interpretation, which obstruct implementation. They also take years to discuss and leave the tobacco industry free to locate loopholes in the agreement and to avoid the intent of the

restrictions by sponsoring sports and cultural events, by introducing indirect advertising on television, and by putting brand names of cigarettes on other products.

Government regulations

According to Roemer (1993) regulations are prescribed rules in a given place and context. They progressively compel companies to impose smoke-free workplaces and to protect themselves from possible litigation. Regulations are also used by airlines and transport authorities to guarantee smoke-free travel, and by private owners of public places such as restaurants to protect their clientele from passive smoking.

Roemer (1993) states that regulations and voluntary policies assume a central role in the progressive improvement of smoke-free societies for two reasons:

- They endorse non-use of tobacco as a social norm; and
- They are often easy to enforce because of the limited area to which they apply and because of personal contact between the policy-maker and the public.

Crucial to all forms of tobacco control, whether in the form of legislation, voluntary agreements, government regulation or private policy is the extent to which the control is implemented. A country may have on its statute books a law that restricts smoking in public places, but if it is not enforced and the people do not obey it, the law is worthless. It is essential that the gap between the letter of the law and its

implementation in real life is closed, so that effective smoking control may be achieved (Roemer, 1993).

5. RESTRICTIONS IN THE WORKPLACE

According to Gilbert (1999:46), people who smoke at work are likely to be marked down on job performance, reducing both the credibility of their promotion and their income. Gilbert (1999:46) also affirms that the employees who smoke are rated lower on key performance measures by their own leaders, than those who do not smoke. Additionally, Gilbert (1999:46) states that in studying the performances of thousands of supervisory and non-supervisory employees, he discovered that the employees who smoked simply enjoyed the taste of cigarettes.

Gilbert (1999:46) acknowledges that these employees could not care less on how it affected their health, irrespective of Papalia's (1978:376) warning that smokers expose themselves to an increased risk of cancer, heart disease, and a number of other disorders that can shorten their lives and that non-smokers often suffer because of passive smoking. Gilbert (1999:46) therefore states that it is becoming common knowledge that bad job performance, more absenteeism, and greater risks of major illness are on the plate of the smoking employees, whereas the employees who smoke suffer more from major illnesses and take much longer to recover than non-smokers.

The Hispanic Times (Dec98/Jan99; 20:46) reported that personnel directors more often address the phenomenon of smokerism, with the realisation that the person

who smokes is the less fit choice for the job to be filled, which may influence fairness of treatment.

The Heart Foundation (2001:22) mentions that workplace smoking restrictions are a major requirement. According to Brownson, Hopkins and Wakefield (2002:333-348) workplace smoking restrictions increased performance and smoking cessation among employed smokers in countries such as Canada. They also stated that these restrictions benefit smokers as well as non-smokers.

Saloojee (2001:24) points out that the workplace smoking restrictions in South Africa has been derived from the Tobacco Act, 1999 (12 of 1999), which was signed by President Thabo Mbeki on 26 September 2000 and came into operation on 1 October 2000. Saloojee (2001:24) further states that it is now vital that everyone complies with this new tobacco law that will be discussed below.

6. THE TOBACCO ACT, 1999 (12 OF 1999)

According to Saloojee (2001:24) the new law is designed to protect people from the harmful effects of tobacco smoke. Saloojee (2001:24) states that it is important for everyone to understand the law and to play their part in ensuring that people in control of public places are smoke-free. Put simply, the smoking of tobacco products in certain areas in public places is now prohibited. The law does make provision for special "smoking areas" within public places. Public places can be totally smoke-free if the person in control of the public place so decides. Moreover, Saloojee (2001:24) illustrates that no public place in its entirety may be a smoking area. For example, a

restaurateur cannot decide that his whole restaurant will be a smoking area. That is illegal, as only a portion of the public place may be designated for smoking. In addition, this area must comply with the following requirements:

- *The smoking area does not exceed 25% of the total floor space of the public place.*
- *The smoking area is separated from the rest of the public place by a solid partition.*
- *The ventilation from the smoking area is exhausted directly to the outside and is not re-circulated to any other area with the public place.*
- *Notices and signs indicating where smoking is permitted and where it is not permitted must be permanently displayed.*

Saloojee (2001:25-27) points out that the person in control of the public place is responsible for entering compliance with the law and that the fine for smoking or allowing smoking in a non-smoking area is R200.

CONCLUSION

The tobacco legislation was explored. This was achieved by discussing the historical overview of the tobacco industry, the need to regulate tobacco and the related restrictions in the workplace.

It was acknowledged that tobacco is accountable for the deaths of approximately three million individuals each year, or one death every nine seconds. The WHO identified proof indicating that these figures are increasing, and unless existing

trends are overturned, by the decade 2020-2030, tobacco will destroy 10 million people a year, with 70% of these deaths happening in developing countries. Hence, the tobacco legislation was the mandate from the WHO to be implemented in all nations. The outcome of this mandate was for tobacco smoking and usage to be controlled so that future statistics identified can be prevented.

It was stated that the perception exists that people who smoke at work are likely to be marked down on job performance and that employees who smoke are rated lower by their own leaders. It was also acknowledged that employees who smoke simply enjoy the taste of cigarettes and ignore the health consequences and the dangers of passive smoking. Consequently, it is vital to regulate tobacco and to restrict its use within the workplace. This will not only promote a healthy environment but it will encourage smoking cessation and enhance performance. For this reason, the discussion dealing with the restrictions in the workplace supports the link to performance.

CHAPTER 4

CASE STUDY: THE LIBRARY SERVICE OF THE CITY OF CAPE TOWN (TYGERBERG ADMINISTRATION)

1. INTRODUCTION

This chapter will explain the research case study on the library and information function of the City of Cape Town (Tygerberg Administration). The purpose of this chapter is to provide an overall understanding of the *locus* of the research study, which will include an explanation of:

- the establishment of libraries,
- the role the librarians play,
- their primary purpose, and
- why they provide this service.

This chapter will conclude with an explanation of the role the libraries in the Tygerberg region play in local government. This will be explained against the background of the Western Cape Provincial Library Service, so as to place this service in context.

2. THE WESTERN CAPE PROVINCIAL LIBRARY SERVICE

According to the Manual for Public Libraries (1997:1-10) the local government, in conjunction with the Western Cape Provincial Library Service, provides the most comprehensive public library service in South Africa.

The idea of a provincial library service took hold in South Africa as early as the 1940s. During August 1949, the first Provincial Library Service Law became a reality when the Provincial Council approved the Provincial Library Ordinance. On The 20th May 1955, the Ordinance No. 4 of 1955 whereby the Provincial Library Service was placed on a firmer footing replaced the Provincial Library Ordinance of 1949 (Manual for Public Libraries, 1997:1-10), .

The aim of this Ordinance was to bring about a fully-fledged, free library service in the Cape Province. In order to accommodate changed circumstances, this Ordinance was entirely replaced by Ordinance No. 16 of 1981.

According to Ordinance No. 16 of 1981, the provision of a free public library is the joint responsibility of both Provincial Administration and local government.

Any local authority can establish, control and run a public library, and can join the Library Service, provided that the local authority agrees to abide by the conditions laid down in the regulations of 1980 concerning a free Provincial Library Service.

Where there is no local authority to assume responsibility for a library, communities may request the establishment of a library depot. The Provincial Library Service provides only books to members of a library depot. The local community provides the building and maintains the depot by means of a selected library committee.

Responsibility

According to the Annual Report of the Western Cape Provincial Library Service (2001:10) the Provincial Library Service is responsible for the provision of a wide variety of library material to libraries on an extended loan. Besides books, magazines and newspapers, it provides records, compact disks and cassettes, art prints, films and videos, the necessary technical publications, as well as publicity material. Audio-visual equipment is also provided to libraries in certain instances.

Mission

The Western Cape Provincial Library Service strives to improve the quality of life of all inhabitants of the Province, by enabling local authorities to provide a public library service to the community (Annual Report of the Western Cape Provincial Library Service, 2001:10).

Vision

The Provincial Library Service strives to encourage public libraries to act as agents towards change and upliftment within their communities and the continual promotion of education, culture, recreation, literacy and free access to information for all.

According to the Annual Report of the Western Cape Provincial Library Service (2001:10), this vision is founded on the following principles:

- *Freedom of information*
- *The right of access to all public libraries*
- *Free lending facilities to all residents of a local authority*
- *The axioms of democracy, human dignity and equality*
- *The establishment of a library service in communities that are at present deprived of such services, as well as the extension and development thereof*
- *Supporting and promoting the principles of reconstruction and development with special emphasis on reconciliation, empowerment and nation building.*

Objectives

According to the Annual Report of the Western Cape Provincial Library Service, (2001:10) the objectives of the Provincial Library Service are as follows:

- *The supply of library material that provides for the information, education and recreational needs of the community*
- *Supporting the efforts of local authorities in the provision of suitable library facilities*
- *The provision of a professional guidance service to library workers*
- *The promotion of the use of libraries and library material.*

Primary Functions

According to the Annual Report of the Western Cape Provincial Library Service (2001:10), the primary functions of the Provincial Library Service entail the following:

- *The acquisition of library material*
- *The professional processing of library material*
- *The provision of library material and equipment as well as a professional guidance service to public libraries*
- *The provision of an information service*
- *The promotion of the use of libraries and library material*
- *The maintenance of a computerised library information system.*

3. LIBRARY LEGISLATION AND REGULATIONS

The Library and Information Service is governed by certain legislation and regulations which act as guidelines to obtain formulated objectives. The library legislation and regulations are discussed below.

3.1 Provincial Legislation

According to the Manual for Public Libraries (1997:15-30), the Western Cape Provincial Library Service is managed, administered and controlled in accordance with the specifications of the Provincial Library Service Ordinance, No. 16 of 1981. In accordance with this Ordinance, the Library Service assists local authorities with the provision and maintenance of library services.

3.2 Regulations

According to article 11 of the Provincial Library Service Ordinance of 1981, the Administrator promulgated regulations to promote the objectives of the Ordinance.

These regulations include guidelines detailing the relationship between the Provincial Administration and local authorities (Manual for Public Libraries, 1997:15).

3.3 Standard library regulations

Article 12 of the Provincial Library Service Ordinance of 1981 reflects the regulations made by the Administrator concerning the control and management of any library where such local authority is also the library authority (Manual for Public Libraries, 1997:15).

4. LIBRARY STANDARDS

The Manual for Public Libraries (1997:17) contains the library standards that were defined by the South African Institute of Librarianship and Information Science. They are described as the criteria according to which library services can be measured and tested and that professional librarians set for themselves in order that the objectives as decreed by them are attained and implemented. The library standards are described as the pattern for reaching an ideal, a model procedure, a guideline for excellence, a stimulus for future development and improvement, and a way to facilitate decisions and actions, not only for the librarians themselves, but also for laymen who indirectly also have to do with the setting up, planning and administration of a public library. These library standards also relate to the management and administration, service, book stock and allied materials, technical processes, buildings and finances (Manual for Public Libraries, 1997:17).

According to article 5, Ordinance No. 16 of 1981, standards are set for all libraries affiliated to the Western Cape Provincial Library Service. The standards should cover staff, library hours, buildings, furniture and equipment.

The staff component of the library service is explained in terms of the role of library employees in relation to performance.

5. THE ROLE OF THE LIBRARY EMPLOYEES

All library employees have certain tasks they should perform. These tasks ensure that the library functions efficiently and effectively. Thus, the roles of the librarian-in-charge, senior library assistant and library assistant are discussed below:

Librarian-in-charge

The librarian needs to ensure that the library provides an efficient and effective service to the community. Hence, the librarian needs to be well acquainted with the role of being an effective manager.

Smit and Cronje (1992:9) state that effective management is quickly becoming the main resource of developed countries and the most needed resource of developing ones, which will lead to the improvement of the quality of service delivery by public institutions. In other words, efficient and effective administration in achieving objectives, the economical use of resources, and reasonable and fair distribution of resources amongst groups and projects must be pursued. No institution can operate effectively without suitably trained personnel. One of the measures for improving

efficiency in municipalities is to enhance the quality of the personnel members through creating opportunities. This will result in a greater degree of professionalism among officials, which in turn improves the performance of the organisation (Van der Walt, 1997:20).

According to the job description (Code 2305) within the Directorate of Social Development (2002:4), the employment purpose of the librarian-in-charge is to manage and co-ordinate the functions and personnel within a library.

The job description (Code 2305) within the Directorate of Social Development (2002:1-5), also lists the functions of the librarian-in-charge as follows:

- *Implement policies and procedures;*
- *Develop, monitor and implement a relevant library collection and service;*
- *Ensuring that an effective and efficient, professional service is provided to the communities;*
- *Implementing staff training and development programmes;*
- *Planning and implementing advocacy and outreach programmes;*
- *Ensuring performance and operational effectiveness (Human Resources, Administrative, Finance, Information Technology);*
- *Liaison with community organisations and educational institutions.*

In addition to adhering to the job purpose and function, the librarian should be an effective manager and an active leader who creates a positive work environment in which the organization and its employees have an opportunity and the incentive to

achieve high performance. It is therefore agreed that these librarians cannot be passive or detached observers, sitting in an office without regular contact with employees and operations.

Senior Library Assistant and Library Assistant

The senior library assistant will be discussed together with the library assistant because their roles overlap. The difference between the two posts is that the extra tasks that the librarian undertakes is subsequently completed by the senior library assistant. The senior library assistant acts in the capacity of second in charge. He/she is responsible for the daily performance of the library in the absence of the librarian.

According to the Manual for Public Libraries (1997:1-10), public libraries will have to market their services more purposefully if they wish to meet the challenge of playing a greater role in their communities in future. The continued existence of the public library is largely dependent on the goodwill of the community that it serves. The library must remain actively involved in the community, proving that it has an essential role to play. Only if the public library itself is aware of the needs and interests of the community, insofar as these relate to public library matters and only if it is able to provide for these needs, will it enjoy the recognition of its community and receive the necessary preference from its local authority.

The library assistants represent the vital link between the library stock and the community (Manual for Public Libraries, 1997:1-10). They should concentrate not

only on existing users but also on potential users. Through their knowledge of the community and the individuals comprising the community, they must extend the aims and objectives of the library beyond its walls into the outside world.

Library assistants have to keep themselves up to date with the latest developments in the field of librarianship, and should make extensive use of the provincial library service training facilities in order to receive the best preparation for fulfilling their important role in the community.

The Manual for Public Libraries (1997:1-10) directs that library assistants should make sure that the library is always neat and clean. The assistants should ensure that the library is a place of which the community can justifiably be proud. They must be meticulous in the adherence of official hours. They should also be completely aware of the stock contents of the library, and of the services rendered by the library. They should not forget that the library stock forms only a small part of the total stock of the provincial library service, and that this stock is also available for use by borrowers.

The Manual for Public Libraries (1997:1-10) also provides that library assistants should be aware of specific interests, and make recommendations to borrowers. Such small gestures are the best kind of public relations, and will do much to encourage goodwill.

A public library implies accessibility for all which means that it must be available for everyone and should serve the entire community (Manual for Public Libraries, 1997:1-10).

For many years it has been accepted that public libraries should provide specialised services for particular groups within the community. It is, however, imperative to define correctly “the public” and to tailor the choice of books and the extension activities accordingly.

It is also provided in the Manual for Public Libraries (1997:1-10) that part of the activities should be the enrichment of the community. Different libraries work with different communities and it is essential that the activities of a particular library suit the needs of its community.

It is also significant that the support of service organisations, for example, Friends of the Library, be enlisted to help in the presentation of activities, as library staff are not in a position to be able to expedite all these additional tasks on their own.

6. THE ORGANISATIONAL STRUCTURE: TYGERBERG ADMINISTRATION

The organisational structure is explained in figure 4.1 below.

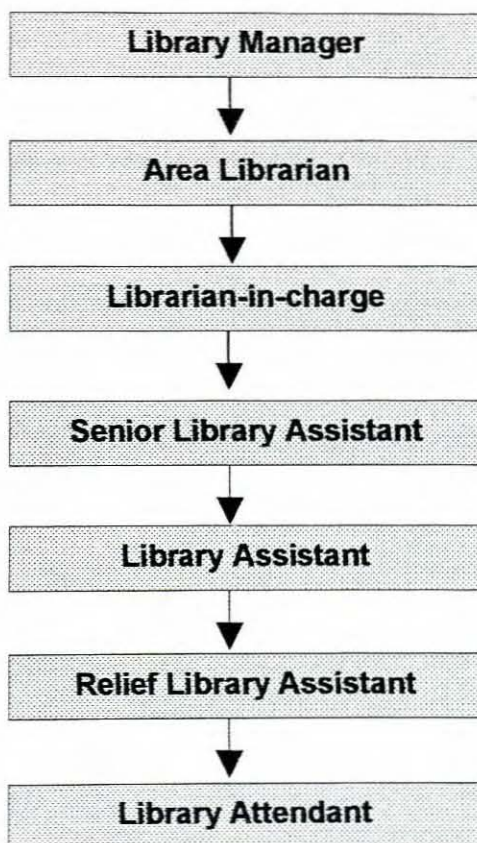


Figure 4.1: Organisational Structure

(Job Description (code 2305), 2002: 1-5)

The reason for focusing on the librarians-in-charge is that the primary responsibility of the librarians-in-charge is to deal with the performance of their individual libraries. They are the managers who are responsible for the structuring of the organisation and for ensuring that their libraries are staffed with competent personnel. They are also responsible for monitoring the activities to improve the service delivery of their

library. Thus, performance and the service delivery of the library ultimately stems from them. Hence, this study will concentrate on the librarian-in-charge only.

CONCLUSION

The objective of this chapter was to provide a background on the operation of the Library and Information Service of the City of Cape Town: Tygerberg Administration. This included a discussion of the job description of the respective library employees and an exploration of the library and information service structure against the background of the prevailing library legislation and regulations.

CHAPTER 5

RESEARCH APPROACH AND METHODOLOGY

1. INTRODUCTION

This chapter will explore the quantitative approach and reasons will be prescribed to illustrate as to why this particular research design was chosen. The techniques that were applied will also be elaborated on. All this will also provide an understanding of the quantitative research methodology. The survey research method was employed as an exploratory study and was undertaken amongst the research group of 26 respondents (librarians-in-charge) within the City of Cape Town: Tygerberg Administration Area.

2. RESEARCH METHODOLOGY AND APPROACH

According to Leedy and Ormrod (2001:149) quantitative studies permit the researcher to identify a cause-and-effect relationship. Hence, to answer questions such as What caused what? or Why did things take place as they did? one will need a quantitative research design, especially experimental studies, to answer questions of this nature.

2.1 Quantitative research

According to McBride and Schostak (2003:1-99) there are different forms of qualitative research approaches such as ethnography, case studies, action research and evaluation, which often combine and overlap. There are also many perspectives or schools of thought that interpret qualitative research in different ways, for example empiricism, Marxism, phenomenology, feminism and structuralism. It is not necessary to become deeply immersed in these perspectives before commencing research.

Furthermore, according to McBride and Schostak (2003:1-99) qualitative research is often contrasted with quantitative research, because there are some critical issues in which researchers have a tendency to jump one way or the other, depending on the set of beliefs they hold. McBride and Schostak (2003:7-9) claim that quantitative researchers are not interested in answering those "why?" questions whereas qualitative researchers are also not prepared to simply accept the quantitative answers. Thus, quantitative researchers do not need to be "good listeners" and also do not have to possess some flexibility as they carry out their craft as qualitative researchers do. In this respect, dialogue between people is a critical element and the qualitative researcher needs to be available at all times and, indeed, willing to engage in discussion with all the participants in a piece of research, whereas the quantitative researcher does not. Therefore, this study will not make use of the qualitative approach as it is exploratory and descriptive, thus following a quantitative research approach.

3. OBJECTIVES OF RESEARCH

The objectives of this research project are to explore the type of impact the Tobacco Act, 1999 (12 of 1999) has on the performance of librarians and the service delivery of libraries of the Tygerberg Administration in the City of Cape Town.

4. THE PRIMARY DATA

The questionnaire technique will be applied to obtain the primary data.

4.1 Self-administered questionnaire

A questionnaire was developed as a method of collecting data from the target population. The questionnaire was created by using the data collected from the literature review.

The dendrogram technique was employed to aid in the formation of the questionnaire. Survey software called StatPack for Windows was also used to analyse data collected from the respondents.

Furthermore, the questionnaire was used because it is a formal approach to measuring characteristics, attitudes, motivations and opinions, as well as past, current and possible future behaviours. Hence, the information produced from this questionnaire was used to describe, compare and predict facts.

Additionally, everything about a questionnaire, for example, its appearance, the order the questions are in, the kind of information requested and the actual words

used, influences the accuracy of survey results. Thus, the development of this questionnaire was carefully explored before it was utilised.

5. THE SECONDARY DATA

The secondary data consisted of a literature study which is elaborated on below.

5.1 Literature review

The literature sources were selected to provide an explanation of the theoretical rationale of the problem being studied as well as to indicate what research has already been done and how the findings relate to the problem at hand. The selected sources primarily assisted in tackling the problem of the research study. The understanding of what other scholars have done assisted the researcher in preparing to investigate the problem with deeper insight and more complete knowledge. The sources revealed investigations similar to this study as well as other sources of data that had not been known to exist. The sources also provided new ideas and approaches not previously thought of. Moreover, the quality of the literature reviewed was carefully assessed, as not all published information is the result of good research design, or can be substantiated. The selected literature sources consisted of textbooks, periodicals, journals, web pages, researched articles, and Internet database sources.

6. RESEARCH POPULATION

The research population comprised 26 respondents located in the 26 identified libraries. These 26 librarians-in-charge were responsible for the management and

performance of their individual libraries in the City of Cape Town: Tygerberg Administration. Consequently, the research population comprised every librarian-in-charge employed by the City of Cape Town: Tygerberg Administration. As indicated earlier, the reason was that the librarian-in-charge is directly responsible for the improvement of performance and service delivery of his/her respective libraries. Thus, there are no samples.

CONCLUSION

The quantitative approach was discussed and explored. The qualitative research approach was not utilised. The quantitative research technique was also illustrated. The methodology was defined with the idea of mapping out the process and research procedure.

CHAPTER 6

RESEARCH RESULTS, INTERPRETATION AND ANALYSIS

1. INTRODUCTION

As explained in chapter one, the main purpose of this study is to explore the impact of the Tobacco Act, 2000 (Act No.12 of 1999) on the performance of librarians employed by the City of Cape Town's Library and Information Services: Tygerberg Administration. The findings of this study could not only serve to improve the performance of librarians, but it could also assist with the improvement of service delivery offered by the City of Cape Town Library and Information Services. Twenty-three out of 26 respondents who are the librarians-in-charge of the respective libraries within the City of Cape Town: Tygerberg Administration were interviewed. The results of the primary data are presented in the same format as the questions that were posed in the questionnaire. The self-administered questionnaire is attached as Annexure A.

This chapter will present an analysis of the findings based on the literature review and the self-administered questionnaire survey. Based on the analysis, the conclusions which are drawn from the study will be formulated. The synthesis of the research will be undertaken to reflect the purpose of the study. The relative significance of the study will also be briefly explained.

The conclusions will relate to the objectives of the study. They will be presented together with the recommendations which will be justified and will attempt to achieve the objectives of the research. They will be discussed in chapter seven.

2. PRESENTATION AND ANALYSIS OF THE RESEARCH RESULTS

The literature review and the self-administered questionnaire survey are presented and analysed below.

2.1 Literature review

On the one hand, the literature review stressed the seriousness of tobacco control. It illustrated that the World Health Organisation (WHO) presented evidence that tobacco kills three million people yearly and that these statistics are increasing unless current trends are reversed. On the other hand, the literature review acknowledged that since the promulgation of the Tobacco Act, 1999 (12 of 1999) the performance of employees declined. It stated that the public service delivery is slow because of the regular smoke breaks and it highlighted one of the major elements that negatively affect performance in the workplace, which is tobacco smoking. Consequently, it stated that employees who smoke leave the office much

more regularly to congregate with other smokers for a smoke which often left the non-smokers with the responsibility of answering the smokers' telephone and expediting frustrated enquiries. Therefore, the non-smoking staff increased negative attitudes towards their colleagues who smoke, which in turn created dissatisfaction between smoking and non-smoking employees.

Furthermore, the literature review illustrated that the primary responsibility of the librarians-in-charge is to improve the performance of their respective libraries by structuring the library, staffing it with capable people, and monitoring the performance activities of employees. Hence, it was identified that the librarians-in-charge should not be passive or detached observers who sit in the office without regular contact with employees and operations if they desire to find ways to improve performance. For this reason, it was illustrated that the librarians-in-charge should be active leaders who consistently try to find ways to create a positive work environment by improving performance and that, one of these ways is to enforce the Tobacco Act, 1999 (12 of 1999) so that effective smoking control may be achieved and that both the non-smoking and smoking staff can benefit and have job satisfaction.

Even though, the study indicated that smoking restrictions benefit both smokers and non-smokers whereas it promotes a healthy environment, smoking cessation and performance, the literature review only concentrated on the impact smoking has on the performance of librarians, and not on the promotion of a healthy environment and smoking cessation.

Furthermore, the literature review illustrated that a public official (librarians) must breed a culture of dedication to serving the public because the effectiveness of the local government depends on the employees' ability to render a service. As a result, the performance of local government was explored, with focus placed on the characteristics of a public official and the process of motivating for performance.

In addition, the study described training and rewards as variables that increase job satisfaction, which enhances performance. Hence, the elements librarians-in-charge must employ to deliver an effective and efficient service is to reward employees with credentials or remuneration for work well done and to send employees for regular training to improve skills. Likewise, this study also stated that the awarding of credentials does not influence the employees' ability to perform well but influences their ability to improve ways to execute tasks more efficiently and effectively.

2.2 Self-administered questionnaire survey

The research population consisted of all the librarians-in-charge employed in the Tygerberg Administration. The total number of respondents was 26. Only 23

respondents participated in this study. Morningstar Public Library was closed to the public until further notice, hence no self-administered questionnaire was completed by them. The other two respondents were not willing to participate in the self-administered questionnaire survey.

The response rate was thus 97%. Only the highest response recorded per category, gathered from the self-administered questionnaire, is presented. The data relating to the various categories is presented in the following order:

2.2.1 Service delivery

Service delivery included the following variables:

- *Professionalism*
- *Efficiency and effectiveness*

2.2.1.1 Professionalism

a) Your employees are professional.

Table 6.1 illustrates the professionalism of the library staff as indicated by the librarians-in-charge.

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	1	1	0	13	7
Percentage	4.3%	4.3%	0.0%	56.5%	34.8%

Table 6.1: Your employees are professional (N=23)

Of the respondents, 91.3% agreed that their library staff was professional. This is graphically presented in figure 6.1.

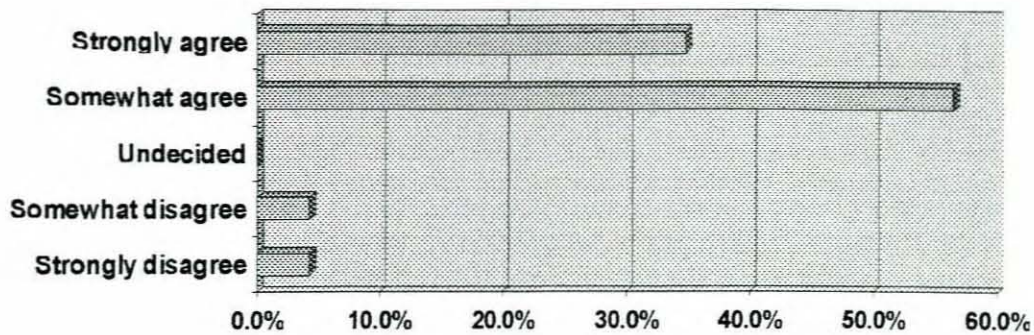


Figure 6.1: Your employees are professional (N=23)

b) Your employees are competent in their jobs.

Table 6.2 illustrates the competence of the library staff as indicated by the librarian-in-charge.

Table 6.2: Your employees are competent in their jobs (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	0	1	1	9	12
Percentage	0.0%	4.3%	4.3%	39.1%	52.2%

Of the respondents, 91.3% agreed that their employees are competent in their jobs.

This is graphically presented in figure 6.2.

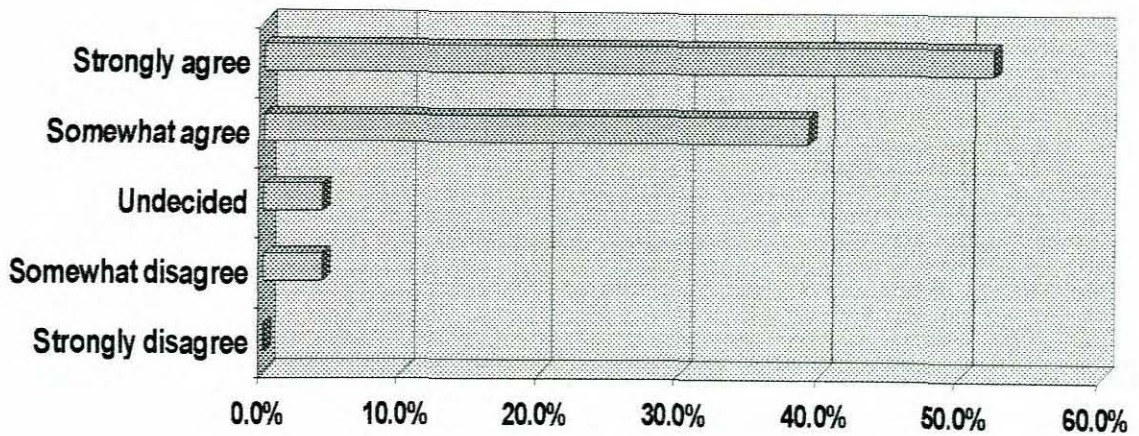


Figure 6.2: Your employees are competent in their jobs (N=23)

c) Your employees are sent for regular training to improve their skills.

Table 6.3 illustrates the number of respondents that indicated that their employees were sent for regular training to improve their skills.

Table 6.3: Your employees are sent for regular training to improve their skills (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	3	5	1	10	4
Percentage	13%	21.7%	4.3%	43.5%	17.4%

Of the respondents, 60.9% agreed that their employees were sent for regular training to improve their skills. This is graphically presented in figure 6.3.

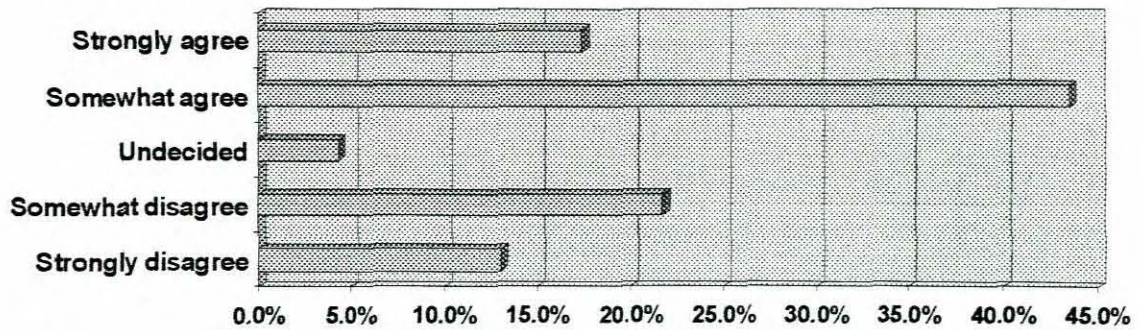


Figure 6.3: Your employees are sent for regular training to improve their skills (N=23)

2.2.1.2 Efficiency and effectiveness

a) Your employees respond promptly to client requests, despite a busy workload.

Table 6.4 illustrates the number of librarians-in-charge that indicated that their employees responded promptly to client requests, despite a busy workload.

Table 6.4: Your employees respond promptly to client requests, despite a busy workload (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	1	0	0	9	13
Percentage	4.3%	0.0%	0.0%	39.1%	56.5%

Of the respondents, 95.6% agreed that their employees respond promptly to client requests, despite a busy workload. This is graphically presented in figure 6.4.

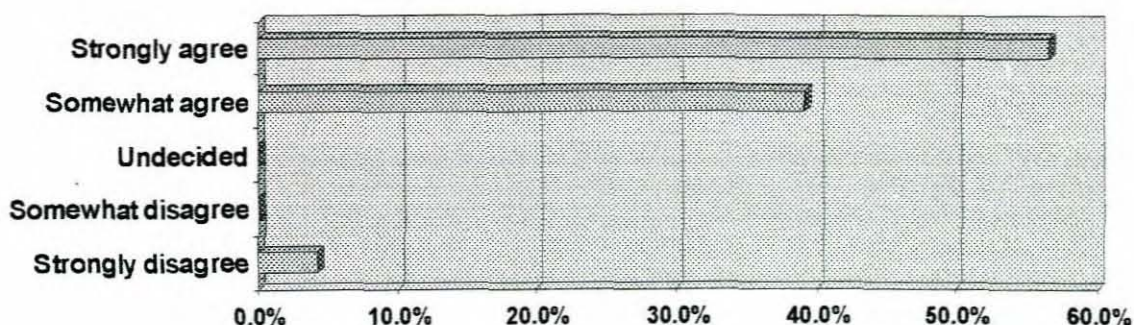


Figure 6.4: Your employees respond promptly to client requests, despite a busy workload (N=23)

b) Your employees have room for improvement on delivering an efficient and effective service.

Table 6.5 illustrates the number of librarians-in-charge that indicated that their employees had room for improvement on delivering an efficient and effective service.

Table 6.5: Your employees have room for improvement on delivering to an efficient and effective service (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	1	1	0	11	10
Percentage	4.3%	4.3%	0.0%	47.8%	43.5%

Of the respondents, 91.3% agreed that their employees had room for improvement on delivering an efficient and effective service. This is graphically presented in figure 6.5.

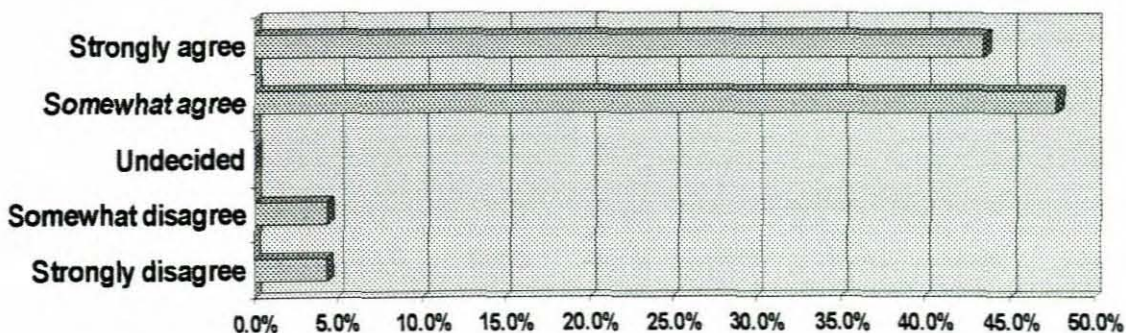


Figure 6.5: Your employees have room for improvement on delivering to an efficient and effective service (N=23)

c) **I have sufficient employees to provide an efficient and effective service.**

Table 6.6 illustrates the number of librarians-in-charge that indicated that they had sufficient employees to provide an efficient and effective service.

Table 6.6: I have sufficient employees to provide an efficient and effective service (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	15	6	2	0	0
Percentage	65.2%	26.1%	8.7%	0.0%	0.0%

Of the respondents, 91.3% disagree that they had a sufficient number of employees to provide an efficient and effective service. This is graphically presented in figure 6.6.

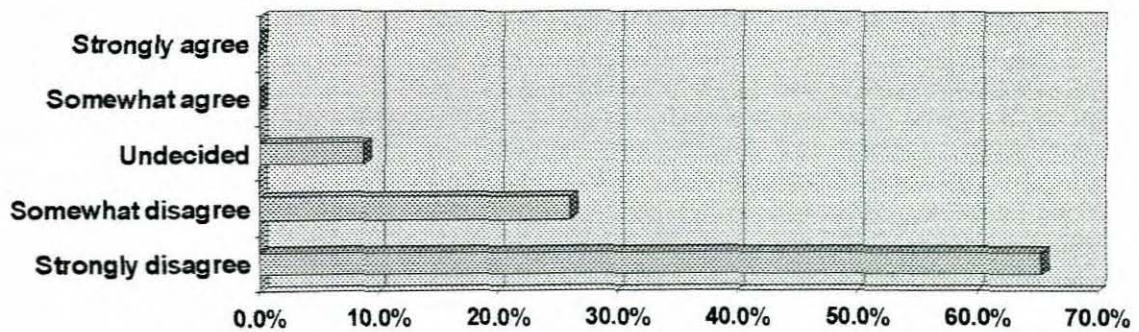


Figure 6.6: I have sufficient employees to provide an efficient and effective service (N=23)

d) Overall, how satisfied are you with the delivery of the service provided by your employees?

Table 6.7 illustrates the number of librarians-in-charge that indicated that they were generally satisfied with the delivery of the service provided by their employees.

Table 6.7: Overall, how satisfied are you with the delivery of the service provided by your employees? (N=23)

	Very dissatisfied	Somewhat dissatisfied	Not satisfied or dissatisfied	Somewhat satisfied	Very satisfied
Frequency	0	3	1	13	6
Percentage	0.0%	13%	4.3%	56.5%	26.1%

Of the respondents, 82.6% were satisfied with the service delivery of their employees. This is graphically presented in figure 6.7.

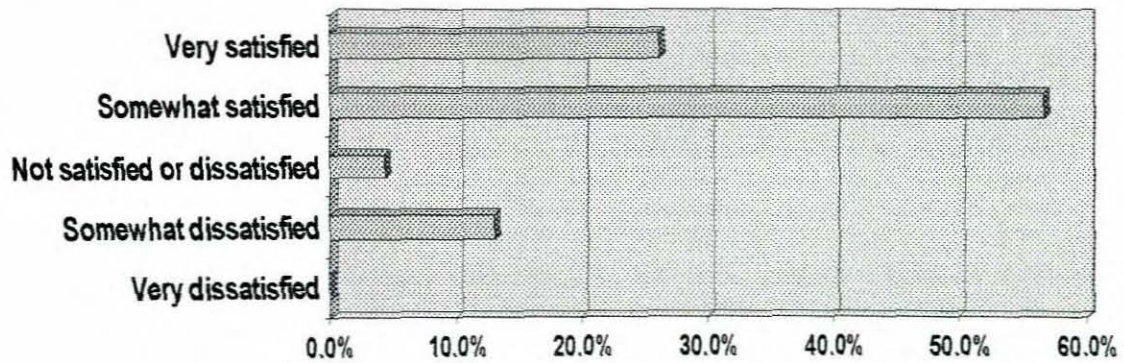


Figure 6.7: Overall, how satisfied are you with the delivery of the service provided by your employees? (N=23)

2.2.2 Legislation

Legislation included the following variable:

- *Restrictions*

2.2.2.1 *Restrictions*

a) Do you smoke?

Table 6.8 illustrates the number of respondents who smoked and the number of those who did not smoke.

Table 6.8: Do you smoke? (N=23)

	Yes	No
Frequency	2	21
Percentage	8.7%	91.3%

Of respondents, 8.7% smoke and 91.3% did not smoke. This is graphically presented in figure 6.8.

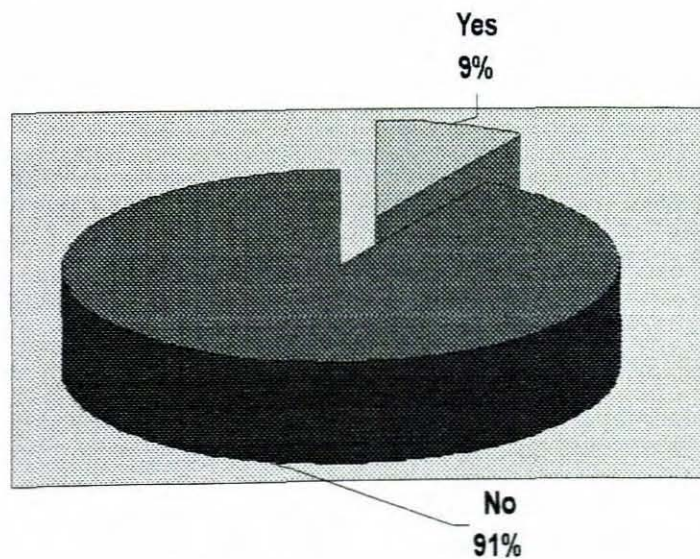


Figure 6.8: Do you smoke? (N=23)

b) Employees who smoke go on regular smoke breaks.

Table 6.9 illustrates the number of respondents that indicated that employees who smoked, went on regular smoke breaks.

Table 6.9: Employees who smoke go on regular smoke breaks (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	5	1	2	7	7
Percentage	21.7%	4.3%	8.7%	30.4%	34.8%

Of the respondents, 65.2% agreed that employees who smoked, went on regular smoke breaks. This is graphically presented in figure 6.9.

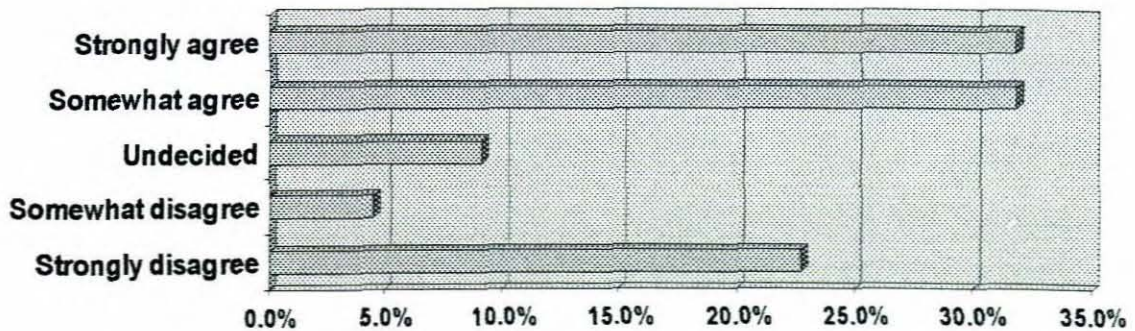


Figure 6.9: Employees who smoked go on regular smoke breaks (N=23)

c) Non-smoking employees complain when their colleagues leave on regular smoke breaks.

Table 6.10 illustrates the number of respondents that indicated that non-smoking employees complained when their colleagues left on regular smoke breaks.

Table 6.10: Non-smoking employees complain when their colleagues leave on regular smoke breaks (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	6	2	6	5	4
Percentage	26.1%	8.7%	26.1%	21.7%	17.4%

Of the respondents, 34.8% disagreed that non-smoking employees complained whereas 39.1% of the respondents agreed that non-smoking employees complained when their colleagues went on regular smoke breaks. This is graphically presented in figure 6.10.

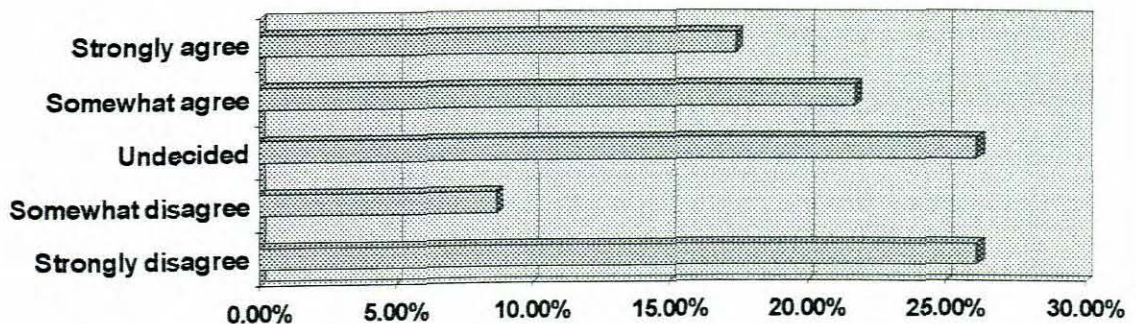


Figure 6.10: Non-smoking employees complain when their colleagues leave on regular smoke breaks (N=23)

d) Overall, how satisfied are you with the regular intervals your employees take to smoke?

Table 6.11 illustrates the number of respondents who indicated that they were generally satisfied with the regular intervals their employees took to smoke.

Table 6.11: Overall, how satisfied are you with the regular intervals your employees take to smoke? (N=23)

	Very dissatisfied	Somewhat dissatisfied	Not satisfied or dissatisfied	Somewhat satisfied	Very satisfied
Frequency	2	1	14	2	3
Percentage	8.7%	4.3%	65.2%	8.7%	13%

Of the respondents, 65.2% were not satisfied or dissatisfied with the regular intervals their employees took to smoke and only 21.7% of the respondents were satisfied with the regular intervals employees took to smoke. This is graphically presented in figure 6.11.

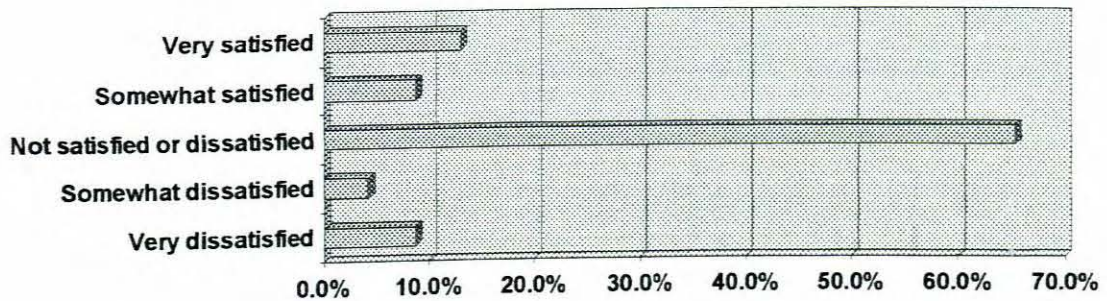


Figure 6.11: Overall, how satisfied are you with the regular intervals your employees take to smoke? (N=23)

2.2.3 The Librarian

The librarian included the following variables:

- *Characteristics*

- *Performance*
- *Job satisfaction*
- *Motivation*

2.2.3.1 Characteristics

- a) **Your employees consistently provide unimpeachable and honest service even when the client is unreasonable.**

Table 6.12 illustrates the number of respondents that indicated that their employees consistently provided unimpeachable and honest service even when the client was unreasonable.

Table 6.12: Your employees consistently provide unimpeachable and honest service even when the client is unreasonable (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	0	1	1	12	8
Percentage	0.0%	4.3%	4.3%	52.2%	39.1%

Of the respondents, 91.3% agreed that their employees consistently provided unimpeachable and honest service even when the client is unreasonable. This was graphically presented in figure 6.12.

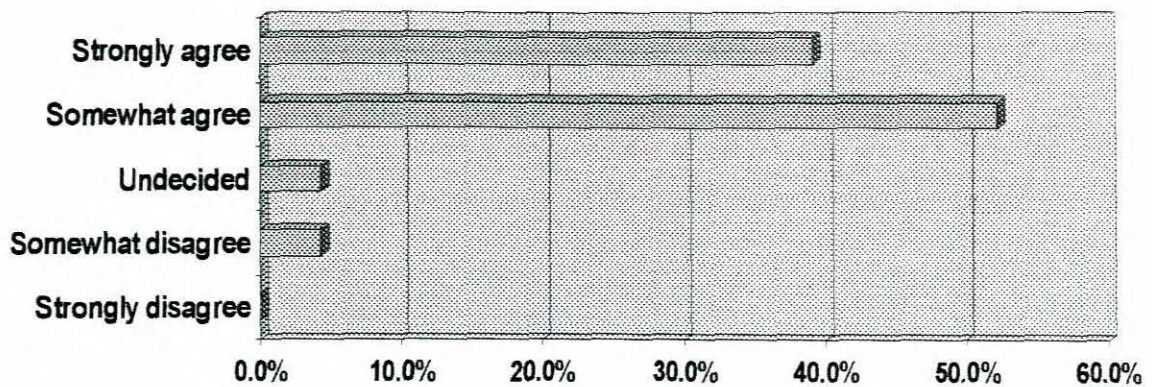


Figure 6.12: Your employees consistently provide unimpeachable and honest service even when the client is unreasonable (N=23)

b) Your employees are effective with people.

Table 6.13 illustrates the number of respondents that indicated that their employees were effective with people.

Table 6.13: Your employees are effective with people (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	0	1	0	11	11
Percentage	0.0%	4.3%	0.0%	47.8%	47.8%

Of the respondents, 95.6% agreed that their employees were effective with people. This is graphically presented in figure 6.13.

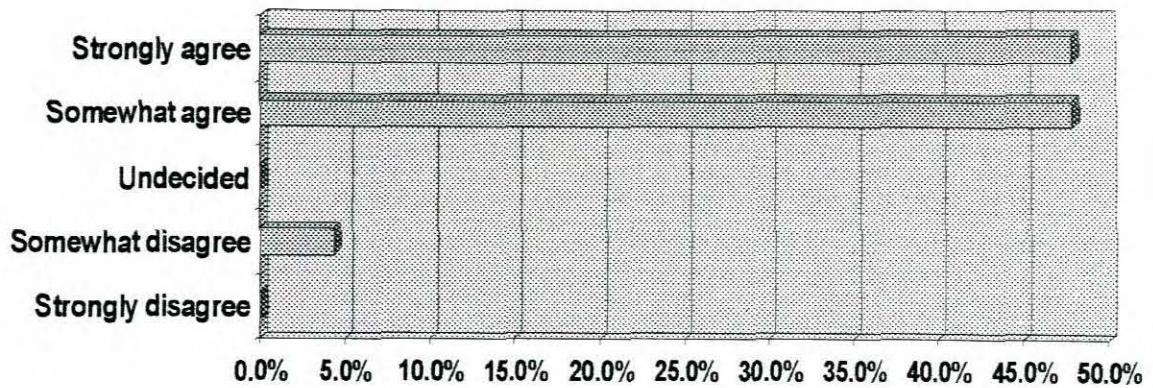


Figure 6.13: Your employees are effective with people (N=23)

c) Your employees are team players.

Table 6.14 illustrates the number of respondents that indicated that their employees were team players.

Table 6.14: Your employees are team players. (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	0	1	0	11	10
Percentage	0.0%	4.3%	0.0%	47.8%	47.8%

Of the respondents, 95.6% agreed that their employees were team players. This is graphically presented in figure 6.14.

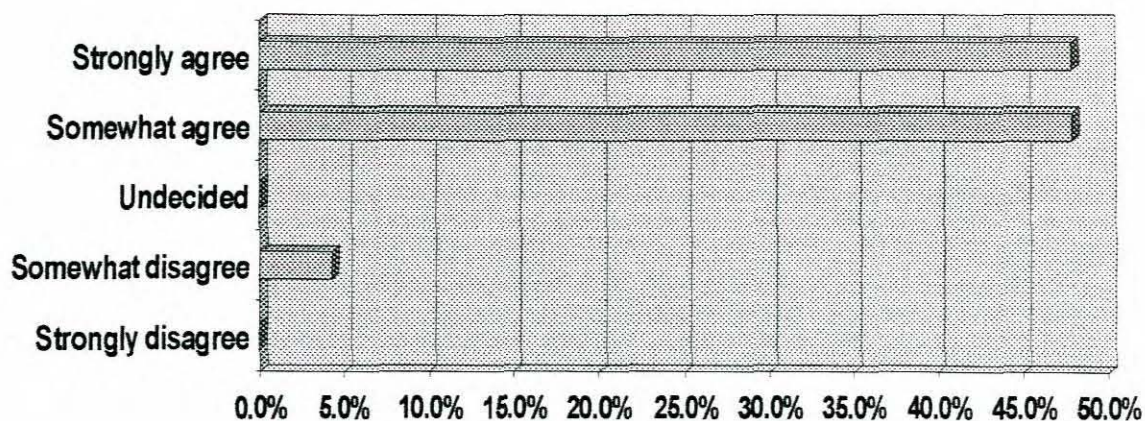


Figure 6.14: Your employees are team players (N=23)

2.2.3.2 Performance

- a) **Librarians-in-charge should pursue tirelessly any means of improving performance.**

Table 6.15 illustrates the number of respondents that indicate that librarians-in-charge should pursue tirelessly any means of improving performance.

Table 6.15: Librarians-in-charge should pursue tirelessly any means of improving performance (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	1	0	0	4	17
Percentage	4.3%	0.0%	0.0%	17.4%	78.3%

Of the respondents, 95.7% agreed that they should pursue tirelessly any means of improving performance. This is graphically presented in figure 6.15.

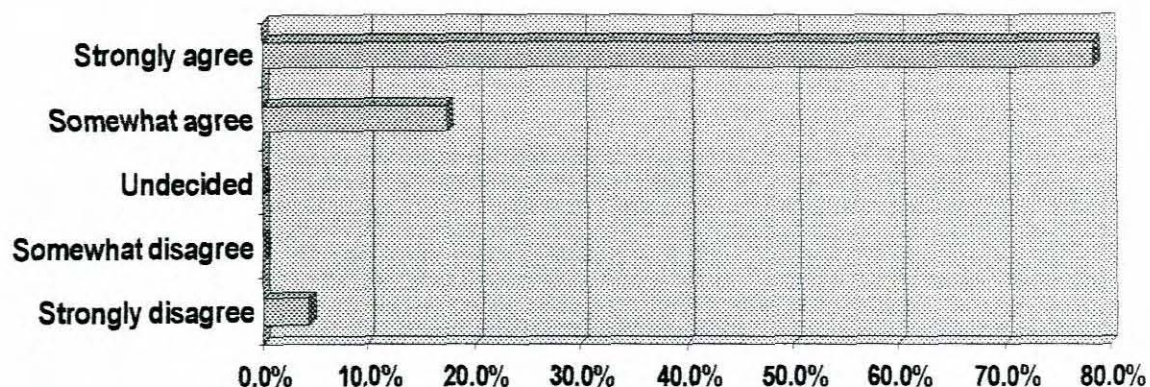


Figure 6.15: Librarians-in-charge should pursue tirelessly any means of improving performance (N=23)

b) The work performance has decreased ever since the smoking employees are not allowed to smoke in the workplace.

Table 6.16 illustrates the number of respondents that indicated that work performance had decreased ever since the smoking employees were not allowed to smoke in the workplace.

Table 6.16: The work performance has decreased ever since the smoking employees are not allowed to smoke in the workplace (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	7	3	8	1	4
Percentage	30.4%	13%	34.8%	4.3%	17.4%

Of the respondents, 34.8% were undecided whether work performance had decreased ever since the smoking employees were not allowed to smoke in the workplace and only 30.4% of respondents strongly disagreed. This is graphically presented in figure 6.16.

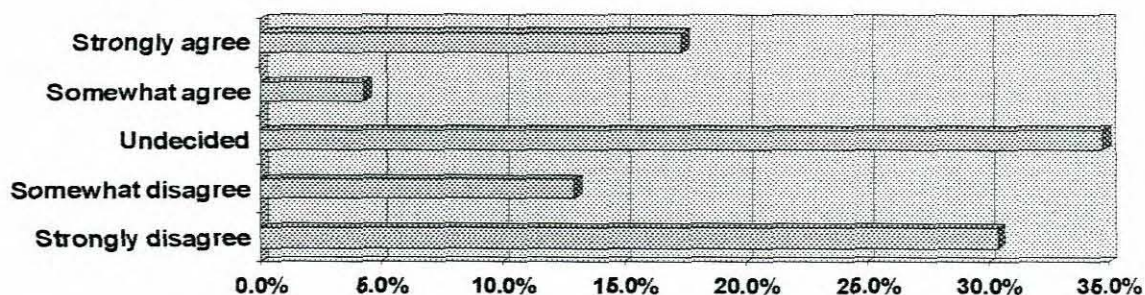


Figure 6.16: The work performance has decreased ever since the smoking employees are not allowed to smoke in the workplace (N=23)

c) **The work performance has increased ever since the smoking employees are not allowed to smoke in the workplace.**

Table 6.17 illustrates the number of respondents that indicated that work performance had increased ever since the smoking employees were not allowed to smoke in the workplace.

Table 6.17: The work performance has increased ever since the smoking employees are not allowed to smoke in the workplace (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	4	4	12	1	2
Percentage	17.4%	17.4%	52.2%	4.3%	8.7%

Of the respondents, 52.2% were undecided whether work performance had increased ever since the smoking employees were not allowed to smoke in the workplace. However, only 17.4% of the respondents strongly disagreed and somewhat disagreed that work performance had increased. This is graphically presented in figure 6.17.

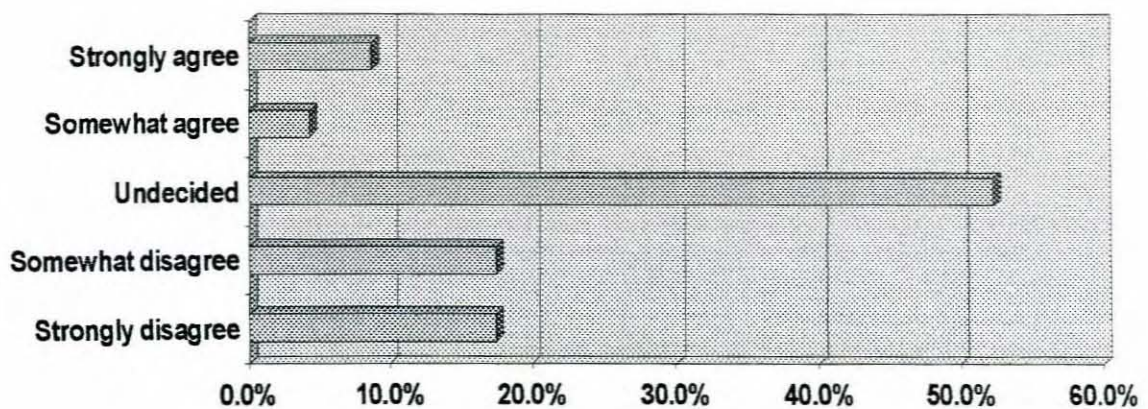


Figure 6.17: The work performance has increased ever since the smoking employees are not allowed to smoke in the work place (N=23)

2.2.3.3 Job satisfaction

a) Do your employees receive special rewards for work well done?

Table 6.18 illustrates the number of respondents that indicated that their employees received special rewards for work well done.

Table 6.18: Do your employees receive special rewards for work well done?

(N=23)

	Yes	No
Frequency	2	21
Percentage	8.7%	91.3%

Of the respondents, 8.7% gave their employees special rewards for work well done and 91.3% did not. This is graphically presented in figure 6.18.

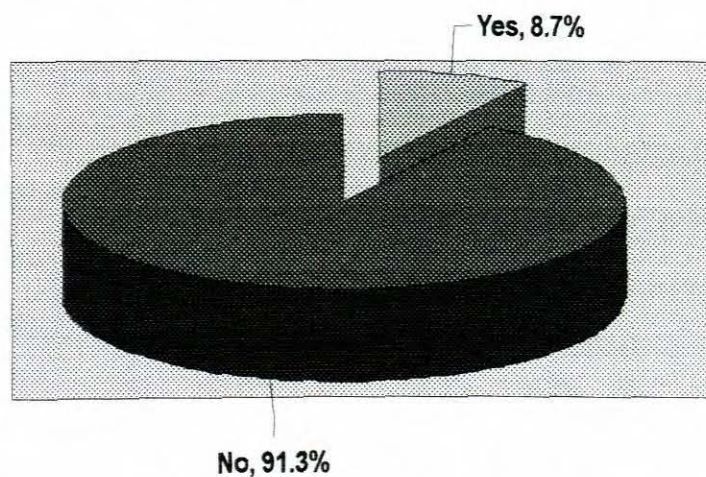


Figure 6.18: Do your employees receive special rewards for work well done?

(N=23)

b) Do your employees feel they are fairly paid?

Table 6.19 illustrates the number of respondents that indicated that their employees felt they were fairly paid.

Table 6.19: Your employees feel they are fairly paid? (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	9	6	2	5	1
Percentage	39.1%	26.1%	8.7%	21.7%	4.3%

Of the respondents, 65.2% disagreed that their employees felt they were fairly paid. This is graphically presented in figure 6.19.

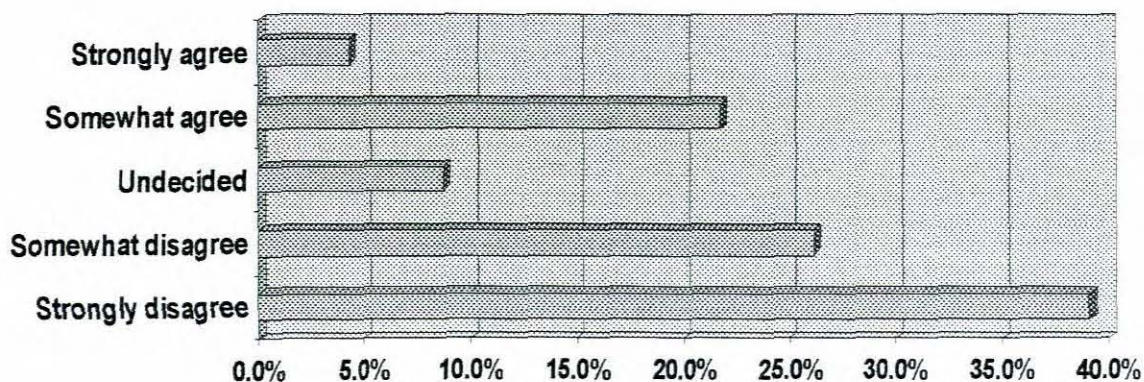


Figure 6.19: Your employees feel they are fairly paid? (N=23)

c) Do your employees enjoy their work?

Table 6.20 illustrates the number of respondents that indicated that their employees enjoyed their work.

Table 6.20: Do your employees enjoy their work? (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	0	0	1	11	11
Percentage	0.0%	0.0%	4.3%	47.8%	47.8%

Of the respondents, 95.6% agreed that their employees enjoyed their work. This is graphically presented in figure 6.20.

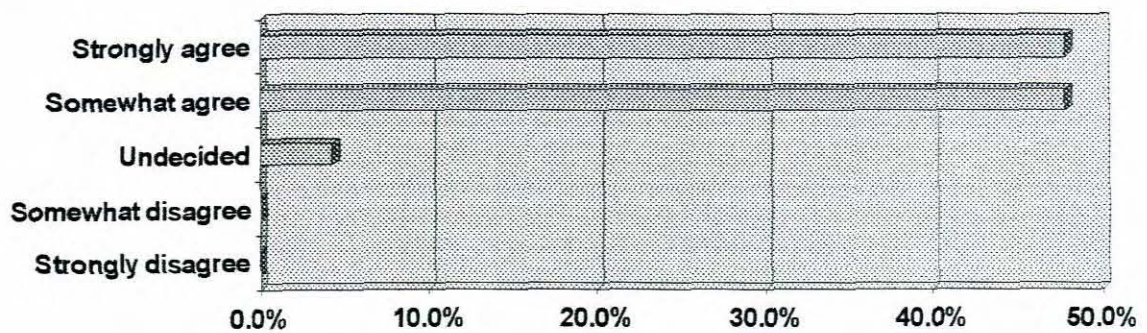


Figure 6.20: Do your employees enjoy their work? (N=23)

2.2.3.4 Motivation

- a) **How motivated are you to see this library provide an excellent service?**

Table 6.21 illustrates the number of respondents that indicated how motivated they were to see this library provide an excellent service.

Table 6.21: How motivated are you to see this library provide an excellent service? (N=23)

	Very motivated	Somewhat motivated	Not very motivated	Not at all motivated	Not sure
Frequency	22	1	0	0	0
Percentage	95.7%	4.3%	0.0%	0.0%	0.0%

Of the respondents, 100% were motivated to see their library provide an excellent service. This is graphically presented in figure 6.21.

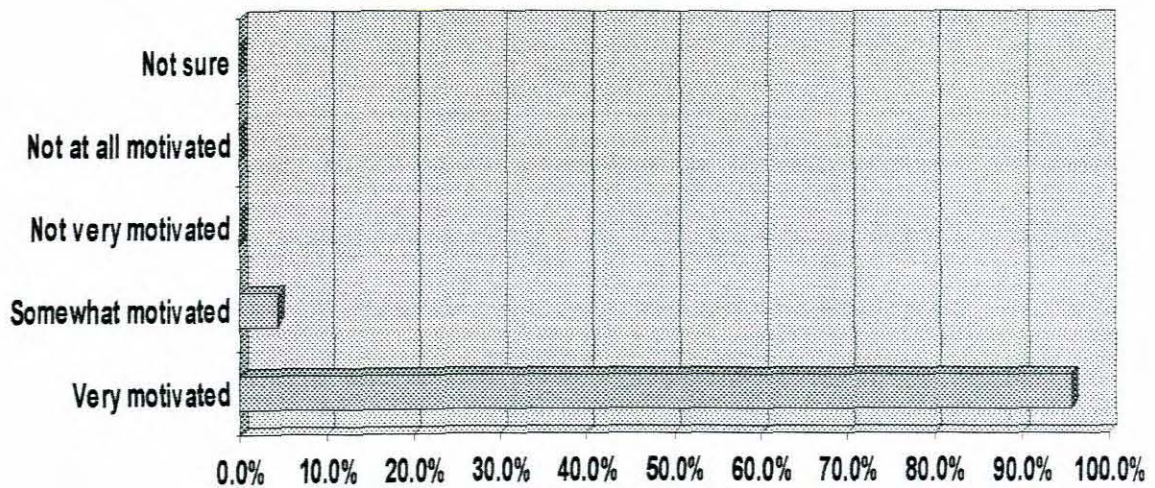


Figure 6.21: How motivated are you to see this library provide an excellent service? (N=23)

b) **The non-smoking staff are at work more regularly than staff who smoke.**

Table 6.22 below illustrates the number of respondents that indicate that their non-smoking staff is at work more regularly than smoking staff.

Table 6.22: The non-smoking staff are at work more regularly than staff who smoke (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	7	2	10	1	3
Percentage	30.4%	8.7%	43.5%	4.3%	13%

Of the respondents, 43.5% were undecided as to whether their non-smoking employees were at work more regularly than staff who smoke. However, only 30.4% of respondents strongly disagreed that their non-smoking employees were at work more regularly than staff who smoke. This is graphically presented in figure 6.22.

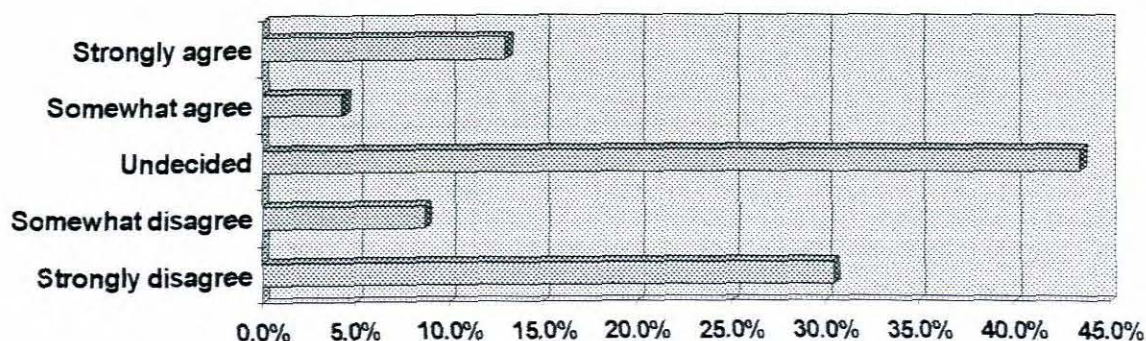


Figure 6.22: The non-smoking staff are at work more regularly than staff who smoke (N=23)

c) **You tend to motivate staff who smoke more than non-smoking staff to perform.**

Table 6.23 illustrates the number of respondents that indicate that they tend to motivate staff who smoke more than non-smoking staff to perform.

Table 6.23: You tend to motivate staff who smoke more than non-smoking staff to perform (N=23)

	Strongly disagree	Somewhat disagree	Undecided	Somewhat agree	Strongly agree
Frequency	9	2	7	1	3
Percentage	39.1%	8.7%	34.8%	4.3%	13%

Of the respondents, 47.8% disagreed that they tended to motivate staff who smoke more than staff who do not smoke to perform whereas 34.8% were undecided. This is graphically presented in figure 6.23.

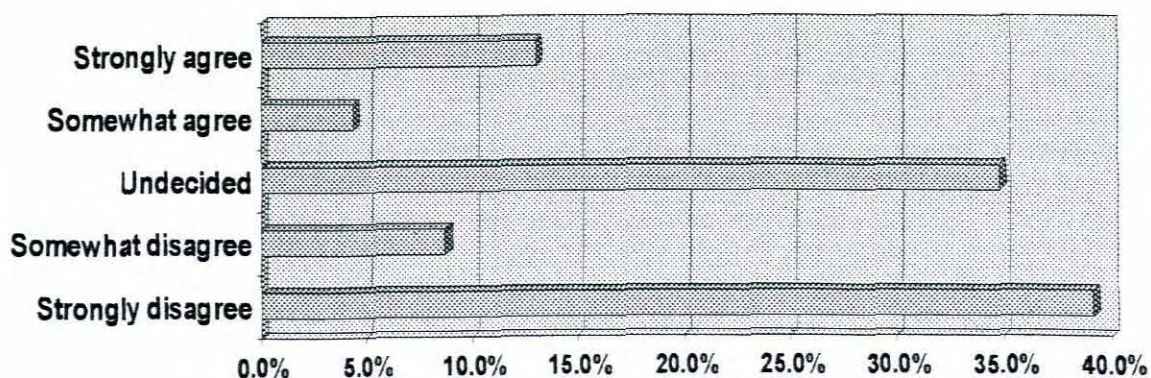


Figure 6.23: You tend to motivate staff who smoke more than non-smoking staff to perform (N=22)

2.3 Synergy of the literature review and primary data

The literature review acknowledged that since the promulgation of the Tobacco Act, 1999 (12 of 1999) the performance of employees had declined. It mentioned that one of the major elements that negatively affect performance in the workplace is tobacco smoking. However, the primary data does not concur with this. It illustrated that regular smoke breaks does not pose a problem on the performance of the librarians whereas only 21.7% of the respondents stated that performance has decreased since employees are not allowed to smoke in the workplace and that 65.2% of the librarians-in-charge stated that employees who smoke left regularly to smoke but only 39.1% mentioned that non-smoking staff complained when this occurred. The primary data also indicated that 82.6% of the respondents are satisfied with the service delivery provided by their employees despite the grievances of non-smoking staff concerning the regular smoke breaks.

Moreover, although the literature review illustrated that the public service delivery is slow because of the regular smoke breaks and staff shortages, the primary data mentions that 95.6% of the librarians-in-charge monitor and evaluate employee effectiveness, teamwork, competence and professionalism by means of how staff handled unreasonable clients despite a busy workload. Consequently, 82.6% of the respondents were satisfied with the public service delivery offered by their respective libraries based on the above performance evaluations whereas 91.3% added that there was room for improvement in terms of dealing with staff shortages and not regular smoke breaks.

Furthermore, the literature review indicated that the primary responsibility of the librarians-in-charge is to improve the performance of their respective libraries. Based on the results of the primary data, 95.7% of the librarians-in-charge are motivated to ensure their respective libraries perform and deliver an effective and efficient service for its patrons. This illustrates that librarians-in-charge are motivated to meet performance objectives whereas according to the literature review, a highly motivated employee will work hard towards accomplishing these performance targets.

Additionally, the literature review illustrated that employees need to be regularly trained and rewarded to accomplish these performance targets because training and rewards increase job satisfaction, which enhances performance. Hence, the elements librarians-in-charge must utilise to deliver an effective and efficient service is to reward employees for work well done and to send employees for regular training to improve skills. In comparison, according to the results of the primary data, 91.3 % of the respondents stated that they did not provide employees with any kind of reward for work well done but, 60.9% of the respondents stated that they do send staff for regular training. Of the respondents, 95.6% also added that employees did not feel fairly paid. Thus, because these findings illustrate that the librarians-in-charge only send employees for regular training to improve skills and do not give special rewards for work well done, the job satisfaction, which enhances performance, is questionable. Hence, the regular smoke breaks do not influence inefficient and ineffective service delivery and performance of staff but the lack of rewards do.

CONCLUSION

The results in this chapter are the summary of the actual results, which were achieved through the self-administered questionnaire. This chapter also endeavoured to give an interpretation of the research. All the pertinent results have been displayed, providing adequate substantiation of the research results that were achieved. The following chapter will consist of the conclusions and recommendations.

CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The librarians-in-charge (82.6%) are satisfied with the service delivery offered by their employees. This is regardless of the regular smoke breaks employees take and the grievances of non-smoking employees with regard to the regular smoke breaks taken. Based on the results, the librarians-in-charge are motivated to carry out their primary responsibility, which is to improve the performance of their respective libraries to obtain defined objectives. It was stated that the librarians-in-charge carry out this responsibility by monitoring and evaluating employee effectiveness, teamwork, competence and professionalism by means of how staff handle unreasonable clients despite a busy workload.

Furthermore, the librarians-in-charge (91.3%) added that there was room for improvement in terms of dealing with the staff shortages and not the regular smoke breaks. It was indicated that the librarians-in-charge should be active leaders who consistently try to find other ways to create a positive work environment by improving performance. The reason is that, so both the non-smoking and smoking employees can benefit, work in harmony and have job satisfaction.

However, according to the study, smoking restrictions which promotes a healthy environment, smoking cessation and in turn improves performance by providing job satisfaction is not seen as an important contributor to performance and service delivery.

Also, based on the study, performance and service delivery are improved when employees are rewarded for work well done and are regularly sent for training to improve their skills. However, the librarians-in-charge (60.9%) indicated that they do send staff for regular training but they do not issue any rewards to employees for work well done. Moreover, it was stated that adequacy of remuneration and the relationship between employees' increases job satisfaction which improves performance. However, nearly all of the respondents (91.3%) indicated that no employee was being motivated with any kind of reward, credential or increased salary. Therefore, these results indicate that the respondents are not aware of the negative ramifications that the lack of rewards, credentials and salary has on job satisfaction. For this reason, the performance of employees is questionable because of this lack.

Hence, based on the findings of this research study, the following two assumptions that relate to this research are discovered to be invalid and untrue, namely:

- Service delivery is slow and inefficient because of smoke breaks; and
- The performance of staff is poor as a result of regular smoke breaks.

Therefore, the Tobacco Act, 1999 (12 of 1999) does not impact on the performance of librarians employed by the City of Cape Town's Library Services, Tygeberg Administration, but the lack of credentials, rewards and remuneration not offered do.

RECOMMENDATIONS

The following recommendations were formulated:

- Management should motivate employees with any kind of special rewards, remuneration and credentials for work well done.
- Management should consider taking on volunteers to address the staff shortage situation.
- The Director of Social Development and Community Services of the City of Cape Town, Tygerberg Administration, who is responsible for the overall management of the Library Services, Tygerberg Administration, should review the salary structure of librarians and consider increasing it.
- Both the librarians-in-charge and employees should be educated about the Tobacco Act, 1999 (12 of 1999). This education should also consist of the importance smoking restrictions have in terms of promoting a healthy environment, smoking cessation and job satisfaction.
- The librarians-in-charge should understand the negative ramifications the lack of rewards, credentials and salary have on job satisfaction.
- Team-building exercises should be done on a regular basis to strengthen the relationship between employees.

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ANNEXURE A

SELF-ADMINISTERED QUESTIONNAIRE

SELF-ADMINISTERED QUESTIONNAIRE

COVERING LETTER

Dear Sir or Madam

My name is Lance Barbier and I have selected you to participate in a survey that is being conducted for the completion of my MTech: Degree in Public Management at Peninsula Technikon. This survey will take approximately five minutes utilising a questionnaire.

The purpose of this survey is to answer the following research question:

Does the Tobacco Products Control Amendment Act, 1999 (Act No.12 of 1999), have an impact on the performance of librarians employed by the City of Cape Town's Library and Information Services: Tygerberg Administration?

To condense this research question, the following objective has been formulated:

- To explore if the Tobacco Act, 1999 (12 of 1999) has an impact on the performance of librarians and on the service delivery of libraries of the Tygerberg Administration in the City of Cape Town

Furthermore, the following are assumptions derived from this objective, namely:

- Service delivery is slow and inefficient because of smoking breaks.
- The performance of staff is poor due to regular smoking breaks.

Hence, this self-administered questionnaire was developed focusing on the following elements:

- Service delivery (*which entails*)
 - Professionalism
 - Effectiveness and efficiency
- Legislation (*which entails*)
 - Restrictions
- The Librarian (*which entails*)
 - Characteristics
 - Performance
 - Job Satisfaction
 - Motivation

The information I receive from you will be viewed as strictly confidential.

Please indicate your level of agreement with each of the following statements:

Insert a in the selected box below.



1.

SERVICE DELIVERY

1.1.

Professionalism

1.1.1. My employees are professional.

1	<input type="checkbox"/>	Strongly Disagree
2	<input type="checkbox"/>	Somewhat Disagree
3	<input type="checkbox"/>	Undecided
4	<input type="checkbox"/>	Somewhat Agree
5	<input type="checkbox"/>	Strongly Agree

1.1.2. My employees are competent in their jobs.

1	<input type="checkbox"/>	Strongly Disagree
2	<input type="checkbox"/>	Somewhat Disagree
3	<input type="checkbox"/>	Undecided
4	<input type="checkbox"/>	Somewhat Agree
5	<input type="checkbox"/>	Strongly Agree

1.1.3. My employees are sent for regular training to improve their skills.

1	<input type="checkbox"/>	Strongly Disagree
2	<input type="checkbox"/>	Somewhat Disagree
3	<input type="checkbox"/>	Undecided
4	<input type="checkbox"/>	Somewhat Agree
5	<input type="checkbox"/>	Strongly Agree

1.2.

Efficiency and Effectiveness

1.2.1. My employees respond promptly to client requests, despite a busy workload

1	<input type="checkbox"/>	Strongly Disagree
2	<input type="checkbox"/>	Somewhat Disagree
3	<input type="checkbox"/>	Undecided
4	<input type="checkbox"/>	Somewhat Agree
5	<input type="checkbox"/>	Strongly Agree

1.2.2. My employees have room for improvement on delivering an efficient and effective service.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

1.2.3. I have sufficient employees to provide an efficient and effective service.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

1.2.4. Overall, how satisfied are you with the delivery of the service provided by your employees?

1	Very Dissatisfied
2	Somewhat Dissatisfied
3	Not Satisfied or Dissatisfied
4	Somewhat Satisfied
5	Very Satisfied

2. LEGISLATION

2.1. Restrictions

2.1.1. Employees who smoke go on regular smoke breaks.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

2.1.2. Non-smoking employees complain when their colleagues leave on regular smoke breaks.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

2.1.3. Overall, how satisfied are you with the regular intervals your employees take to smoke?

1	Very Dissatisfied
2	Somewhat Dissatisfied
3	Not Satisfied or Dissatisfied
4	Somewhat Satisfied
5	Very Satisfied

3. THE LIBRARIAN

3.1. Characteristics

3.1.1. My employees consistently provide unimpeachable and honest service even when the client is unreasonable.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.1.2. My employees are effective with people.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.1.3. My employees are team players.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.2. Performance

3.2.1. Librarians-in-charge should pursue tirelessly any means of improving performance.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.2.2. The work performance has decreased ever since the employees who smoke are not allowed to smoke in the work place.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.2.3. The work performance has increased ever since the employees who smoke are not allowed to smoke in the work place.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.3. Job Satisfaction

3.3.1. Do your employees receive special rewards for work well done?

1	Yes
2	No

3.3.2. Do your employees feel they are fairly paid?

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.3.3. Do your employees enjoy their work?

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.4.**Motivation**

3.4.1. How motivated are you to see this library provide an excellent service?

1	Very motivated
2	Somewhat motivated
3	Not very motivated
4	Not at all motivated
5	Not sure

3.4.2. The non-smoking staff is at work more regularly than employees who smoke.

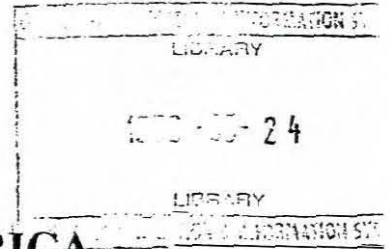
1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

3.4.3. You tend to motivate employees who smoke more than non-smoking staff to perform.

1	Strongly Disagree
2	Somewhat Disagree
3	Undecided
4	Somewhat Agree
5	Strongly Agree

THANK YOU

ANNEXURE B



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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Vol. 406

CAPE TOWN, 23 APRIL 1999

KAAPSTAD, 23 APRIL 1999

No. 19962

OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 494.

23 April 1999

No. 494.

23 April 1999

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 12 of 1999: Tobacco Products Control Amendment Act, 1999.

No. 12 van 1999: Wysigingswet op die Beheer van Tabakprodukte, 1999.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments,
 _____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
 (Assented to 14 April 1999.)

ACT

To amend the Tobacco Products Control Act, 1993, so as to amend and insert certain definitions; to provide for the prohibition of advertising and promotion of tobacco products; to provide further, for the prohibition of advertising and promotion of tobacco products in relation to sponsored events; to prohibit the free distribution of tobacco products and the receipt of gifts or cash prizes in contests, lotteries or games to or by the purchaser of a tobacco product in consideration of such purchase; to provide for the prescription of maximum yields of tar, nicotine and other constituents in tobacco products; to increase fines; and to provide for matters connected therewith,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Insertion of Preamble in Act 83 of 1993

1. The following preamble shall be inserted in the Tobacco Products Control Act, 1993 (hereinafter referred to as the principal Act);

"PREAMBLE

ACKNOWLEDGING that tobacco use—

is extremely injurious to the health of both smokers and non-smokers and warrants, in the public interest, a restrictive legislation;
 is a widely accepted practice among adults, which makes it inappropriate to ban completely;

REALISING that the association of smoking with social success, business advancement and sporting prowess through the use of advertising and promotion may have the particularly harmful effect of encouraging children and young people to take up smoking;

CONSIDERING 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; and

RESOLVING to align the health system with the democratic values of the Constitution and to enhance and protect the fundamental rights of citizens by discouraging the use, promotion and advertising of tobacco products in order to reduce the incidence of tobacco-related illness and death;".

Amendment of section 1 of Act 83 of 1993

2. Section 1 of the principal Act is hereby amended—

(a) by the substitution for the definition of “advertisement” of the following definition:

“ ‘advertisement’, in relation to any tobacco product, means any **[state-
ment, communication, representation or reference distributed to
members of the public or brought to their notice in any other manner
and which is intended]** drawn, still or moving picture, sign, symbol, other
visual image or message or audible message aimed at the public and
designed to promote [the sale of such] or publicise a tobacco product or
[encourage the use thereof or draw attention to the nature, properties,
advantages or uses thereof] 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’ has a corresponding meaning;”;

(b) by the insertion after the definition of “advertisement” of the following definition:

“ ‘Constitution’ means the Constitution of the Republic of South Africa,
1996 (Act No. 108 of 1996);”;

(c) by the substitution for the definition of “hazardous constituent” of the following definition:

“ ‘constituent’, in relation to any tobacco product, means nicotine, tar and
any other constituent of a tobacco product or of tobacco smoke which the
Minister may by notice in the Gazette declare to be a constituent for the
purposes of this Act;”;

(d) by the substitution for the definition of “Director-General” of the following definition:

“ ‘Director-General’ means the Director-General: **[National] Health [and
Population Development];**”;

(e) by the insertion after the definition of “Director-General” of the following definition:

“ ‘employed’ or ‘employment’ means employed or employment as an
employee as defined in section 1 of the Basic Conditions of Employment
Act, 1997 (Act No. 75 of 1997);”;

(f) by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of **[National] Health;**”;

(g) by the insertion after the definition of “officer” of the following definition:

“ ‘organised activity’—
(a) means any activity or event—
(i) which the public attend or participate in;
(ii) which is organised for the purposes of entertainment, sport or
recreation or for educational or cultural purposes; and
(iii) where a tobacco product, or brand name, trade mark, logo or
company name in relation to a tobacco product, is used in the
name of or portrayal of the activity or event; but

(b) excludes any private activity or event arranged by a manufacturer,
importer, distributor or retailer of a tobacco product where only its
shareholders or its employees or their spouses or partners attend;”;

(h) by the insertion after the definition of “prescribe” of the following definition:

“ ‘private dwelling’ means any part of—
(a) any room or apartment of a building or structure which is occupied
as a residence; or
(b) any building or structure or outdoor living area which is accessory
to, and used wholly or principally for, residential purposes;”;

(i) by the substitution for the definition of “public place” of the following definition:

“ ‘public place’ means any indoor or enclosed area which is open to the
public or any part of the public and includes a workplace and a public
conveyance;”;

- (j) by the substitution for the definition of "smoke" of the following definition:
 " 'smoke' [includes sniff, suck, or chew a tobacco product, and also have] means to inhale, exhale, hold or otherwise have control over an ignited tobacco product [or any device containing an ignited tobacco product], weed or plant, and 'smoked' and 'smoking' have corresponding meanings:" 5
- (k) by the substitution for the definition of "tobacco product" of the following definition:
 " 'tobacco product' means any product manufactured from tobacco and intended [to be smoked] for use by smoking, inhalation, chewing, sniffing or sucking:" 10
- (l) by the insertion after the definition of "tobacco product" of the following definition:
 " 'trade mark' includes—
 (i) any mark whether registered or registrable for trade purposes or any recognised version thereof that is likely to be taken as, or confused with, that trade mark; 15
 (ii) certification trade mark or collective trade mark; and
 (iii) 'trade mark' as defined in section 1 of the Trade Marks Act, 1993 (Act No. 194 of 1993):" 20
- (m) by the insertion after the definition of "trade mark" of the following definition:
 " 'workplace'—
 (a) means any indoor or enclosed area in which employees perform the duties of their employment; and 25
 (b) includes any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area frequented by such employees during the course of their employment, but
 (c) excludes any private dwelling, and any portion of an area mentioned in paragraph (a) specifically designated by the employer as a smoking area and which complies with the prescribed requirements." 30

Amendment of section 2 of Act 83 of 1993

3. Section 2 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
 "(1)(a) The smoking of tobacco products in any public place is prohibited. 35
 (b) Notwithstanding the provisions of subsection (1)(a), the Minister may by notice in the *Gazette* declare specified public places permissible smoking areas, subject to any conditions that may be specified in such notices. 40
 (c) Notwithstanding the fact that a private dwelling is excluded from the definition of "workplace", if a private dwelling is used for commercial child care activities or for schooling the smoking of tobacco products in such dwelling or on the terrain of such dwelling is prohibited, except in an area of the private dwelling which is specifically designated by the employer, owner, tenant or possessor as a smoking area and which complies with the prescribed requirements." 45
- (b) by the substitution for subsection (2) of the following subsection:
 "(2) The Minister may at the request of any local authority, but subject to subsection (3), grant any or all of his or her powers contemplated in subsection (1) to such local authority." 50
- (c) by the insertion after subsection (5) of the following subsections:
 "(6) A local authority which has made regulations relating to the control of smoking in public places in terms of this Act shall have the power, duty and obligation to enforce the regulations in its area of jurisdiction. 55
 (7) A local authority which has not made regulations relating to the control of smoking in public places in terms of this Act shall have the power, duty and obligation to enforce any national regulations in connection therewith in its area of jurisdiction."

Substitution of section 3 of Act 83 of 1993

4. The following section is hereby substituted for section 3 of the principal Act:

“Advertising, sponsorship, promotion and required information in respect of packages of tobacco products

- 3. (1) No person shall—
 - (a) advertise, including the use of tobacco trade marks, logos, brand names or company names used on tobacco products; or
 - (b) use tobacco trade marks, logos, brand names or company names used on tobacco products for the purposes of advertising any organisation, service activity or event.
- (2) No manufacturer, importer, distributor or retailer of tobacco products shall—
 - (a) organise or promote any organised activity that is to take place in whole or in part in the Republic;
 - (b) make any financial contribution to any organised activity that is to take place, or is taking place, or has taken place in whole or in part in the Republic;
 - (c) make any financial contribution to any person in respect of—
 - (i) the organisation or promotion of any organised activity in the Republic by that person;
 - (ii) the participation, by that person, in any organised activity that is to take place, or is taking place in whole or in part, in the Republic.
- (3) A retailer of tobacco products may post in accordance with the regulations passed in relation to this Act, signs at the point of sale that indicate the availability of tobacco products and their price.
- (4) No person shall sell or import for subsequent sale any prescribed tobacco product, unless—
 - (a) such product is in a package;
 - (b) the package in which the tobacco product is sold bears the prescribed warning concerning the health hazards incidental to the smoking of tobacco products; and
 - (c) the quantities of the constituents present in the tobacco product concerned are stated on the package.
- (5) Notwithstanding the provisions of section 3, the Minister may, by regulations, provide for exemptions for unintended consequences or the phasing out of existing sponsorship or contractual obligations.”

Insertion of section 3A in Act 83 of 1993

5. The following section is hereby inserted after section 3 of the principal Act:

“Maximum yields of tar and other constituents in a tobacco product 40

3A. The Minister may, by notice in the *Gazette*, declare the maximum permissible levels of tar, nicotine and other constituents which tobacco products may contain and the maximum yield of any such substance that may be obtained therefrom.”

Amendment of section 4 of Act 83 of 1993

6. Section 4 of the principal Act is hereby amended by the deletion of subsection (2) and subsection (3).

Act No. 12.1999 TOBACCO PRODUCTS CONTROL AMENDMENT ACT, 1999

Insertion of section 4A in Act 83 of 1993

7. The following section is hereby inserted after section 4 of the principal Act:

“Free distribution and reward prohibited

4A. (1) No manufacturer, distributor, importer or retailer of a tobacco product shall for free, or at a reduced price, other than a normal trade discount—

(a) distribute any tobacco product; or

(b) supply any tobacco product to any person for subsequent distribution.

(2) No person shall offer any gift, cash rebate or right to participate in any contest, lottery or game, to any person in consideration of the purchase of a tobacco product, or the furnishing of evidence of such a purchase.”

Amendment of section 5 of Act 83 of 1993

8. Section 5 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The sale of tobacco products from vending machines shall be restricted to places in which purchases from such machines are inaccessible to persons under the age of sixteen years.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) It shall be the responsibility of any person during such time as he or she is responsible for or has control of the premises in which any vending machine is kept to ensure that no person under the age of sixteen years makes use of any such machine.”;

(c) by the deletion of subsection (4).

Substitution of section 7 of Act 83 of 1993

9. The following section is substituted for section 7 of the principal Act:

“Of fences and penalties

7. (1) Any person who contravenes or fails to comply with any notice issued in terms of section 2 (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to such penalties as may be determined.

(2) Any person who contravenes or fails to comply with the provisions of section 4(1) or 5 shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or to such imprisonment as may be determined.

(3) Any person who contravenes or fails to comply with the provisions of section 3 or 4A or any notice issued in terms of section 3A shall be guilty of an offence and liable on conviction to a fine not exceeding R200 000 or to such imprisonment as may be determined.”

Extension and application of Act 83 of 1993

10. The Tobacco Products Control Act, 1993, and all amendments thereof shall apply throughout the Republic.

Short title and commencement

11. (1) This Act shall be called the Tobacco Products Control Amendment Act, 1999, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

(2) Different dates may be fixed in respect of different provisions of this Act.