



## **CANNABIS POLICY**

### **PURPOSE**

In September 2018, the Constitutional Court decriminalized the possession and personal use of cannabis in a private space by adults, but excluding the youth (Cannabis Judgment).

Notwithstanding the Cannabis Judgement, cannabis remains an illegal substance in South Africa in terms of the Drugs and Drugs Trafficking Act, No. 140 of 1992 and the Medicines and Related Substances Control Act, No. 101 of 1965 (the Acts).

Accordingly, the Cannabis Judgement did not legalize Cannabis, but rather focused on individuals' rights to privacy. That has to be given effect by the Government of South Africa by amending the Acts within two years of the Cannabis Judgement. Until this is achieved, the possession and use of cannabis in South Africa remains technically illegal.

The ruling in the Cannabis Judgment has outlined various principles regarding the possession and personal use of cannabis. These include the following:-

- an adult person may, use or be in possession of cannabis in private for his / her personal consumption in private;
- the use, including smoking of cannabis in public or in the presence of children or in the presence of non-consenting adult persons is not permitted;
- the use or possession of cannabis in private other than by an adult for his / her personal consumption is not permitted; and
- the cultivation of cannabis by an adult in a private place for his / her personal consumption in private is no longer a criminal offence.

Under the circumstances, it is imperative that the possession and use of cannabis by employees in the workplace and the restrictions placed thereon by the Cannabis Judgement be respected in the workplace for the protection of all employees and the integrity of the jobs being performed.

### **SCOPE/ELIGIBILITY/APPLICATION**

This policy is applicable to all employees (salaried and waged, as well as permanent fulltime, permanent part time and part time staff) of Sun International's operations within South Africa.

### **DEFINITIONS**

- Cannabis
  - Cannabis refers to the psychoactive drug derived from the cannabis plant used mainly for recreational and medicinal purposes, also known by many other names including marijuana and dagga. For purposes of this policy it includes using Cannabis by smoking, in food or as an extract.
- Employee
  - Any person or persons, not excluding full time and/or temporary and/or directors and/or managers and/or supervisors and/or contract workers and/or all individuals who perform tasks for the group.
- SIL
  - Sun International Limited
- SIML
  - Sun International Management Limited

- The group
  - Means each of SIL's direct and indirect subsidiaries which operate and/or manage businesses under the Sun International banner from time to time, or any successor-in-title or successor-in-practice through merger or otherwise of SIL and of the SIL companies.
- Workplace
  - The workplace refers to:
    - any premises where official operations and/or duties are carried out by an employee for and on behalf of the group;
    - a vehicle used for the execution of the group business; and/or
    - an employee on standby is considered to be on duty and at work.

## **POLICY**

Given the nature of the business conducted by the Sun International group and the multiple stakeholders, which visit its properties including, among others, its hotels and casinos from time to time, Sun International adopts a zero tolerance approach towards employees who are under the influence of cannabis in circumstances where the employee is unable to perform their duties or poses a risk to other employees or stakeholders in the workplace. As such, this includes, without limitation, the possession and personal use of cannabis within the workplace, which is **strictly prohibited** under any circumstances. Furthermore and in terms of the provisions of the Occupational Health and Safety Act, the Sun International group is required to provide a safe working environment for its employees,

The aforesaid prohibition applies to employees who either consume cannabis on duty, or are found to be under the influence of cannabis whilst on duty, to the extent that such employee's ability to perform his / her duties is materially impaired.

### **Conditions**

Cannabis may only be consumed in a private place, either alone or in the company of consenting adults. By implication, this excludes the possession and use of cannabis at any and all of Sun International's properties throughout South Africa, where at any one time, there are members of the public and youth present. Furthermore, the effect of the Cannabis Judgement is that the sale and distribution of cannabis remains illegal in South Africa.

While the possession of Cannabis has been decriminalized as a result of the Cannabis Judgement, the amount found on one's possession in a private space should be small, as excessive amounts could give rise to a suspicion of possible dealing, which remains a criminal offence.

Importantly, the Cannabis Judgment highlighted the fact that cannabis is a narcotic drug with the potential to impair one's ability to reason and / or perform certain tasks.

### **Compliance with the Judgment**

The group respects individual's rights to privacy as enshrined in the Bill of Rights to the Constitution of South Africa and accordingly endorses the ruling in the Cannabis Judgment and, by implication, an adult individual's right to possess and personally use cannabis in a private space within the confines of the Court's ruling.

## **PROCEDURE**

If any employee is suspected of having consumed cannabis or being under its influence whilst on duty, such employee may face disciplinary action, which may ultimately result in their dismissal.

Any employee who has been reasonably suspected of being under the influence of cannabis may in terms of Section 7 of the Employment Equity Act, as well as in accordance with the Occupational, Health and Safety Act be tested for cannabis use either in the form of a recognised blood, saliva or

urine test (if there is a reasonable suspicion of impairment or if an incident, accident and / or event warrants the testing) or the use of a cognitive test. Any disciplinary action related to cannabis use shall take into account various factors including, but not limited to:-the nature of the employee's duties;

- the circumstances in which the offence was committed;
- the observable extent of the employee's impairment; and
- the employee's prior cannabis use and / or other drug-related offences.

#### **REFERENCES/DOCUMENTS**

- Cannabis Judgement
- Drugs and Drugs Trafficking Act, No. 140 of 1992
- Medicines and Related Substances Control Act, No. 101 of 1965
- Occupational Health and Safety Act, 85 of 1993

#### **MONITORING AND SANCTIONS**

In the event that an employee is found to have either consumed cannabis whilst on duty, or is under the influence of cannabis whilst on duty, the employer will need to investigate the circumstances and apply Schedule 8 of the Labour Relations Act which is the Code of Good Practice: Dismissal and either institute incapacity or misconduct procedures.

#### **IMPLEMENTATION DATE**

The implementation date of this Policy is 1 February 2020.

**EXCO COMMENTS**

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**FIRST APPROVING EXCO MEMBER**

**SECOND APPROVING EXCO MEMBER**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: A. C. JOHNSTON

Name: ANTHONY LEMING

Designation: GROUP COMPANY SECRETARY

Designation: CHIEF EXECUTIVE

Date: 24 FEBRUARY 2020

Date: 26 FEBRUARY 2020

**RACI Matrix** [Complete the matrix hereunder to clearly identify roles and responsibilities so as to avoid any confusion]

<b>RESPONSIBILITY FOR CREATION</b> [Clearly state who (position/s) is responsible for crafting (and maintaining) this policy.]
<b>Legal</b>
<b>RESPONSIBILITY FOR IMPLEMENTATION</b> [Clearly state who (position/s) is responsible for implementing this policy, e.g.: Cluster Business Unit HR Manager]
<b>Human Resources Business Partners</b>
<b>ACCOUNTABILITY</b> [List the person (position/s) who is ultimately accountable for ensuring that the policy is implemented and adhered to, e.g.: Unit GM]
<b>General Managers</b>
<b>CONSULTED</b> [List the people (position)/organisations that should be consulted about the policy, e.g.: representative union, SME etc.]
<b>Central Office Human Resources and Legal</b>
<b>INFORMED</b> [List the people (position)/organisations who needs to be informed about the policy, e.g. Employees, Contractors, Concessionaries, external parties etc.]
<b>Representative Union and Employees</b>