



SMOKING IN THE WORKPLACE POLICY

PURPOSE

Sun International has a legal and moral obligation to take reasonable care to protect its employees against health and safety hazards. Furthermore, we recognise that all employees have the right to a safe and healthy working environment. In accordance with this recognition and in compliance with relevant legislation, Sun International has therefore regulated smoking in the workplace.

SCOPE/ELIGIBILITY/APPLICATION

This policy applies to all permanent employees, temporary employees, contractors and concessionaires as well as all visitors and guests at our properties.

DEFINITIONS

- Designated Smoking Area: Is an area that has been specifically identified, demarcated, clearly marked as such, and is properly ventilated.
 - OHSA: Occupational Health and Safety Act, 85 of 1993
 - Public place: Means any indoor, enclosed or partially enclosed area which is open to the public, and includes a workplace and a public conveyance
 - Smoking: Includes the sniffing, sucking, or chewing of a tobacco product; any ignited tobacco product or device containing an ignited tobacco product, and any electronic cigarette, vape or vaping device
 - TPCA: Tobacco Products Control Act, 83 of 1993
 - Unit: Refers to all business entities within the Sun International group
 - Vape or Vaping: Refers to the inhalation of vapour from a usually battery-operated electronic device (such as an electronic cigarette) that heats up and vaporizes a liquid or solid. This electronic cigarette contains a small reservoir of liquid nicotine solution that is vapourized to form an aerosol mist. The user "vapes," or puffs on the vapour, to get a hit of the addictive nicotine
 - Workplace:
 - (a) means any indoor, enclosed or partially enclosed area in which employees perform the duties of their employment;
 - (b) includes any corridor, lobby, stairwell, elevator, cafeteria, washroom, parking area 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.
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POLICY

- In compliance with the TPCA and its regulations, it is the policy of Sun International that smoking is prohibited in all public areas, including all workplaces. Smoking will only be permitted in areas designated as "Smoking Areas".
- Designated smoking areas will be provided in public places, including the workplace.
- Sun International Management will solely determine the number, location and distribution of designated smoking areas, taking the following prescribed requirements into account:
 - a. Smoking areas will not exceed 25% of the total floor space;

- b. The designated smoking area is separated from the rest of any public place by a solid partition and an entrance door;
 - c. The ventilation of the designated smoking area is such that air from the smoking area is directly extracted to the outside and is not re-circulated to any other area within the public place or the designated smoking area; and
 - d. Clear (prescribed) signage must be displayed in all areas where smoking is prohibited, and similarly signs in designated smoking areas should be clearly visible.
- Employees who object to smoking in the workplace may not be subject to retaliation or discrimination of any kind.
 - Any person caught smoking in a public place, other than in a designated smoking area is guilty of an offence and liable, on conviction, to a fine of R500.00.
 - Any person who sells tobacco products to children under the age of eighteen (18) is guilty of an offence and liable, on conviction, to a fine of R100,000.00.
 - A fine of R50,000.00 is applicable for infringement of the control of smoking in public places; and
 - A fine of R1,000,000.00 is applicable for infringement of the tobacco advertising and sponsorship provisions.

PROCEDURE

It is the responsibility of the General Manager at each Sun International operation to ensure compliance with the TPCA, a copy of which is attached to this document. Each unit is required to implement unit specific requirements to comply with legislation, and must provide for the following:

- Signage
 - a. At the entrance to the building, the following words must appear on a sign - **'IN TERMS OF THE TOBACCO PRODUCTS CONTROL ACT, SMOKING IS ONLY PERMITTED IN DESIGNATED SMOKING AREAS. PLEASE NOTE THAT OFFENDERS COULD BE PROSECUTED AND BE LIABLE TO A FINE. WE THANK YOU FOR YOUR COOPERATION.'**
 - b. In areas where smoking is prohibited, signs containing the following warning must be displayed – **'ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE SHALL BE PROSECUTED AND MAY BE LIABLE TO A FINE'**.
 - c. On the door in the designated area(s) the following (prescribed) sign must be permanently displayed, in black letters of at least 2cm in height and 1.5 cm in width, on a white board or similar notification board – **'SMOKING AREA'**.
 - d. At the entrance to the designated smoking area(s) the following (prescribed) signage must also be permanently displayed, in black letters of at least the same size as above, on a white background or similar notification board – **'SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMEN AND NON-SMOKERS. FOR HELP TO QUIT PHONE (011) 720 3145'**.
- Unit specific smoking policy
 - a. All units must develop a unit specific policy that stipulates the following minimum requirements:
 - i. Smoking will not be allowed in areas, other than in designated smoking areas.
 - ii. The policy must stipulate the area/s that have been designated as smoking areas.
 - iii. The policy should also stipulate any additional criteria such as – no smoking related substances to be discarded anywhere except in the designated area and in the disposal containers provided.
 - iv. The policy must state that employees who do not comply with this Smoking in the Workplace Policy may be subject to disciplinary action. In order to avoid inconsistency in the application of discipline, the following maximum penalty guideline must be used:

- First offence – counselling
 - Second offence – written warning
 - Third offence – final written warning
 - Fourth offence – dismissal
- v. The policy must also contain the following clause:
Operational Requirements / Rights of non-smokers
 The Company acknowledges the rights of non-smokers not to be victimized; and Employees are advised that they can be rotated which will result in them working shifts within a smoking area, and they can at any time opt out of working in these smoking areas. In such instances:
- No victimisation will take place;
 - No disciplinary action will be instituted; and
 - The Company reserves its rights to address its needs in respect of operational requirements.
- b. A copy of the unit specific smoking policy must be issued to employees as part of induction, and displayed where appropriate.
- Contracts of Employment
 - a. The following wording must be inserted into the contracts of all new employees, as well as any letters amending existing employee's terms and conditions of employment (e.g. Increase Letter) -
'The Company has a 'Smoking in the Workplace' Policy in place as prescribed in terms of the Tobacco Law, in terms of which, under certain circumstances, the operational requirements of the Company may demand that non-smokers shall have to waive their rights and fulfil employment obligations within designated smoking areas.'

REFERENCES/DOCUMENTS

- Tobacco Products Control Act (TPCA) 83 of 1993
 - Tobacco Products Control Amendment Act, 63 of 2008
 - Section 24 of the Constitution of the Republic of South Africa
 - Occupational Health and Safety Act (OHSA) 85 of 1993
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MONITORING AND SANCTIONS

This Policy may be subject to monitoring and audits. Appropriate internal disciplinary action may be instituted against any employee(s) who breach or cause the breaching of this Policy.

Reporting of Smoking Violations

- All employees may report a direct violation of this policy to their direct Line Manager, or HR Department.

IMPLEMENTATION DATE

The implementation date of this Policy is February 2020.

EXCO COMMENTS

FIRST APPROVING EXCO MEMBER

SECOND APPROVING EXCO MEMBER

Signature: 

Signature: 

Name: A.G. JOHNSTON

Name: ANTHONY LEEMING

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]

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