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1. Introduction

Eskom, as a responsible employer, strives for compliance by implementing the requirements of the Tobacco Products Control Act 83 of 1993 to maintain an environment that is not harmful to the health or well-being of its employees and visitors.

Smoking tobacco products is a health hazard. It is the responsibility of employees to take reasonable care to protect their own health and that of others and to co-operate with the employer in ensuring that the employer complies with these legislative requirements.

2. Policy content

2.1 Policy statement

Eskom is committed to providing a smoke-free environment for its employees and visitors at the workplace.

2.1.1 Smoking policy

- a) Compliance with this policy is mandatory for all employees and persons visiting all Eskom premises, with no exception.
- b) All employees have to be fully conversant with this policy and how it relates to the Tobacco Products Control Act 83 of 1993, as amended. This shall include making the contents of this policy available to all new appointees during Eskom's induction programme.
- c) Employees or persons who violate this policy shall be subjected to disciplinary action in accordance with Eskom's disciplinary procedure. Any other persons could be removed from the workplace.
- d) Any disputes involving smoking violations shall be handled in accordance with Eskom's dispute resolution process.

2.2 Policy principles or rules

- a) Smoking is not permitted in "partially enclosed" public places, such as covered patios, verandas, balconies, walkways, parking areas, and in any Eskom movable equipment, including vehicles.
- b) Workplace areas and premises should display appropriate no-smoking signage in line

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with the stipulations of the Tobacco Products Control Act 83 of 1993.

- c) Smoking outdoors is allowed in clearly demarcated areas. Where possible, Eskom may provide outdoor designated areas in which smoking is permitted. Such areas should comply with the requirements stipulated in the Tobacco Products Control Act 83 of 1993.
- d) Designated smoking areas should not be within a distance of 20 metres from any entrance to the buildings, any window, or any doorway into a public space, or any ventilation system or air intake system.
- e) Designated areas should be clearly marked and demarcated.
- f) Suitable signs marked "SMOKING AREA" shall be displayed in all designated smoking areas.
- g) No person under the age of 18 shall be allowed into a designated smoking area.
- h) All designated smoking areas shall display the following message at their entrance or within the smoking area: "SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMEN, AND NON-SMOKERS. FOR HELP ON QUITTING, PHONE 011 720 3145."
- i) Notices and signage indicating areas where smoking is permitted and not permitted shall be permanently displayed, and signs indicating that smoking is not permitted shall carry the warning: "ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE MAY BE PROCECUTED AND MAY BE SUBJECTED TO DISCIPLINE AND/OR A FINE."
- j) Smokers and users of tobacco products must dispose of the remains in proper containers provided in the designated areas.
- k) Ashtrays shall not be made available or displayed at entrances of buildings or in any area where smoking is prohibited.
- l) All employment advertisements and contract agreements shall include Eskom's stance on smoking and must be communicated to all applicants and contractors. All contractors, clients, and visitors shall be made aware of Eskom's stance on smoking and of the provisions of this policy.

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3. Supporting clauses

Not applicable

3.1 Scope

3.1.1 Purpose

The purpose of this policy is to comply with the requirements of the Tobacco Products Control Act 83 of 1993, as amended, by providing and maintaining a workplace that is without risk to the health of employees, and, further, to prevent disease through the elimination of Environmental Tobacco Smoke (ETS).

3.1.2 Applicability

This policy shall apply throughout Eskom Holdings SOC Ltd divisions, subsidiaries, and contractors.

3.1.3 Effective date

The policy will be effective from the date of signature.

3.2 Normative/Informative references

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs:

3.2.1 Normative

[1] Tobacco Products Control Act 83 of 1993

[2] Health and Wellness Policy 32-1122:

[3] Management of Employees with Substance Abuse Procedure No. 240-76618189

[4] Eskom Disciplinary Procedure No. 32-1113

[5] The Constitution of the Republic of South Africa, Act 108 of 1996

3.2.2 Informative

[6] ISO 9001 Quality Management Systems

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3.3 Definitions

Definition	Explanation
An electronic cigarette, also known as an e-cigarette or personal vaporiser	A battery-powered device that provides inhaled doses of nicotine by way of a vaporised solution. It is an alternative to smoking certain tobacco products, such as cigarettes, cigars, and pipes.
Environmental tobacco smoke	A combination of “drift” smoke from the burning end of a cigarette and the smoke exhaled by a smoker. The inhalation of ETS is called passive, involuntary, or second-hand smoking.
Premises	Any building, vehicle, vessel, train, or aircraft in which a person performs work in the course of his/her employment.
Prohibited	Something that people must refrain from doing because it is illegal.
Public place	Any indoor, enclosed, or partially enclosed area, which is open to the public and includes a workplace and a public conveyance.
Public conveyance	A means of transporting people on or in any commercial or public aircraft, ship, boat, train, bus, mini-bus, or taxi.
Responsible manager	Means any person who has staff working under their responsibility.
Smoke	Means to inhale, sniff, suck, or chew a tobacco product and also to exhale, hold, or otherwise have control over an ignited tobacco product, plant, or electronic cigarette, and “smoked” and “smoking” have corresponding meanings. Smoking of dagga/weed is treated according to the Substance Abuse Procedure.

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Workplace	<p>For the purposes of this policy:</p> <p>a) means any indoor, enclosed, or partially enclosed area in which employees perform their duties in the course of their employment;</p> <p>b) means any corridor, lobby, stairwell, elevator, cafeteria, washroom, or other common area frequented by such employees during the course and scope of their employment; and</p> <p>c) excludes any private dwelling and any portion of an area mentioned in paragraph (a) specifically designated by Eskom as a smoking area and that complies with the prescribed requirements of the Tobacco Products Control Act, 1993, as amended.</p>
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3.4 Abbreviations

Abbreviation	Explanation
BU/OU	business unit /operating unit
EAP	Employee Assistance Programme
ETS	environmental tobacco smoke
ERE	Eskom Real Estate
HR	human resources
HRSSU	Human Resources Shared Services Unit
SOC	state-owned company

3.5 Roles and responsibilities

3.5.1 Responsible manager

- a) A responsible manager will be responsible for the implementation of this policy and for ensuring compliance.
- b) A responsible manager provides ongoing awareness to employees so that they are responsible for ensuring adherence to this policy and how it relates to the provisions of the Tobacco Products Control Act.
- c) All allegations of non-compliance shall be investigated by management.

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3.5.2 ERE

- a) Where smoking is permitted, ensure designated and clearly demarcated areas are provided with appropriate signage on all Eskom premises.
- b) Provide receptacles for the disposal of ash and butts.

3.5.3 HRSSU

- a) Ensure that all employment advertisements and contract agreements shall include Eskom's stance on smoking and that such stance is communicated to all applicants and contractors.

3.5.4 Health and Wellness

- a) Provide support to employees who express their desire to stop smoking.
- b) Make EAP services available to employees who are impacted by smoking, offer Smoking Cessation Programme, and refer accordingly.

3.6 Process for monitoring

The process for monitoring the implementation and usage of the policies, procedures, standards, and other related governance documentation is the responsibility of the various process owners in the centres of excellence.

Further monitoring as to reviews and/or status amendments will be the responsibility of the Group Human Resources Policy and Procedure Steering Committee.

Integral to the monitoring process by the Policy and Procedure Steering Committee is the influencing of the documents during the crafting and/or reviewing phase. All documents are to be influenced as follows:

Influencing parties	Description of influence
1. SMEs	a) Provide practical application of the theoretical content.
2. Employee Relations	b) Where required, coordinate with the CCF process to have influence/ inputs from organised labour.
3. Compliance	c) Through the appointed Functional Compliance Officers (FCOs), ensure that all legislative requirements are met.

Functional Compliance Officers (FCOs) ensure that all legislative requirements are met.

To ensure that oversight is complied with, the submission to the Policy and Procedure Steering Committee has to include a statement indicating that the above influencing has taken place and has to indicate by whom and when the influencing was provided.

The quality (QMS) process will provide assurance by means of internal reviews on an annual basis. The prioritisation of the internal reviews is based on the risk and audit profile, with the proviso that all processes will be reviewed at least every three years.

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4. Authorisation

This document has been seen and accepted by members of HR Exco.

5. Revisions

Date	Rev.	Remarks
November 2019	2	Review in line with ERE/Sustainability/Health and Wellness
March 2014	1	Review in line with the Tobacco Products Control Act Regulations relating to smoking in public places and certain outdoor public places Also in support of Eskom's "Smoke-free stance"
October 2010	0	Adopted for Back to Basics

6. Development team

The following people were involved in the development of this document:

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7. Acknowledgements

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