

 Eskom	Policy	
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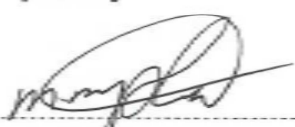
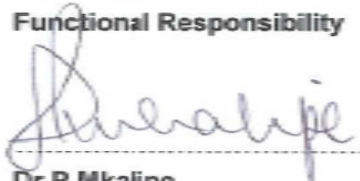
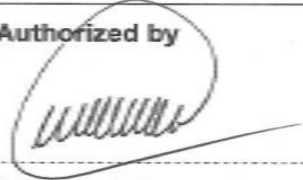
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1. Introduction

Smoking tobacco products is a health hazard. Eskom as an employer, has an obligation as per the requirements of the Occupational Health and Safety Act and its amendments, Act 85 Of 1993 (OHSA) and the Tobacco Products Control Act, 1993 (Act No. 83 of 1993) to maintain a healthy and safe environment for its employees and visitors while also respecting individual choices.

The duty of employees under these Acts is to take reasonable care to protect their own health and safety and that of others and to cooperate with the employer in ensuring that the employer complies with these requirements.

2. Policy Content

2.1 Policy Statement

The health and well-being of employees and visitors are of the utmost importance to Eskom. It is, therefore, Eskom's intent to provide a smoke-free environment for its employees and visitors in the existing facilities and workplace. As the inhalation of environmental tobacco smoke (ETS) has been conclusively proven to be a major health hazard, the desire to have a smoke-free environment will take precedence over the desire of smokers to smoke.

Eskom continuously strives to advise and inform employees of the risks associated with smoking, and share the benefits of not smoking and methods on how to stop smoking. Employees who wish to stop or quit smoking are encouraged to do so.

A Smoking Cessation Programme, in the form of continuous education and awareness campaigns is in place and is aimed at encouraging and supporting employees who wish to stop smoking. Our internal team of Health & Wellness practitioners, as well as the Employee Assistance Programme professionals, are there to monitor and provide support to all employees who wish to stop smoking.

2.1.1 Smoking Policy

- a) All employees have to be fully conversant with this policy and how it relates to the provisions of the Occupational Health and Safety Act and its amendments, Act 85 Of 1993 (OHSA) and the Tobacco Products Control Act, 1993 (Act No. 83 of 1993). This shall include making the contents of this policy available to all new appointees during human resources induction programmes.
- b) Compliance with this policy is mandatory for all employees and persons visiting all Eskom premises, with no exception.
- c) Employees or persons who violate this policy, shall be subjected to disciplinary action in accordance with Eskom's disciplinary procedure.
- d) Any disputes involving smoking violations shall be handled in accordance to Eskom dispute resolution procedure.
- e) Eskom encourages all smoking employees to stop smoking. The health and wellness department staffs are available to support and assist employees who wish to stop smoking.

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2.2 Policy Principles or Rules

- a) Smoking tobacco products (including electronic cigarette or e-cigarette) is prohibited within the building structures of Eskom with no exception. This includes passages, toilets and staircases
- b) Smoking is not allowed in “partially enclosed” public places, covered patios, verandas, balconies, walkways, and parking areas, nor in any Eskom vehicles.
- c) Workplace areas and premises should display appropriate no smoking signage in line with the stipulations of the Tobacco Act.
- d) Smoking outdoors is regulated. Where possible, Eskom shall provide outdoor designated areas as areas in which smoking is permitted, such areas should comply with the requirements stipulated in the tobacco Act, and should not be within 20meters distance from the main entrances to the buildings, from a windows or door way into a public place; and should be clearly marked and demarcated.
- e) Suitable signs marked “SMOKING AREA” shall be displayed outside the building in all designated smoking areas.
- f) **No person under the age of 18 may be allowed into a designated smoking area.**
- g) All designated smoking areas shall display the following message at their entrances: “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.
- h) 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 SHALL BE PROCECUTED AND MAY BE SUBJECT TO DISCIPLINE OR A FINE”.
- i) Smoking shall be permitted in that area only and in no other part of the workplace.
- j) No employee or visitor shall smoke any tobacco product within 20meters distance from the main entrances to the buildings, from a windows or door way into a public place
- k) No employee or visitor may smoke along any pathway or walk way leading to the designated smoking area, nor any grassy area, courtyard, parking lot and in the canteen.
- l) Smokers and users of tobacco products must dispose of the remains in proper containers provided for in the designated areas.
- m) Ashtrays should also not be made available or displayed at entrances of the buildings or in any areas where smoking is prohibited.
- n) Employees who do not smoke should avoid the marked outdoor designated smoking areas, to prevent exposure to second-hand smoke.

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3. Supporting Clauses

3.1 Scope

3.1.1 Purpose

This policy guarantees all employees the right to work in a smoke-free environment. The purpose of this policy is to promote health and safety and prevent disease through the elimination of environmental tobacco smoke (ETS) and to comply with the requirements of the Occupational Health and Safety Act and the Tobacco Products Control Amendment Act by providing and maintaining a work environment that is safe and without risk to the health of employees.

This policy sets restrictions on smoking areas, accommodating the preferences of smokers as well as non-smokers.

3.1.2 Applicability

This policy shall apply throughout Eskom Holdings SOC Limited, its divisions, subsidiaries, and entities in which Eskom has a controlling interest, including Eskom's clients, visitors, and contractors.

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] 32-1122: Health and Wellness Policy
- [2] 32-727: Safety, Health, and Environment Policy
- [3] Occupational Health and Safety Act, No. 85 of 1993.

3.2.2 Informative

- [1] ISO 9001 Quality Management Systems.
- [2] Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- [3] Tobacco Products Control Act 83, 1993, as amended
- [4] Tobacco Products Control Amendment Act, No. 12 of 1999
- [5] Tobacco Products Control Amendment Act, No. 23 of 2007
- [6] Tobacco Products Control Amendment Act, No. 63 of 2008
- [7] Drugs and Drug Traffic Act No. 140 of 1992.

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3.3 Definitions

Definition	Explanation
Occupational health practitioner (OHP)	Unless the context dictates otherwise, shall mean either an occupational health nursing practitioner or an occupational health medical practitioner.
Environmental tobacco smoke	This is 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.
An electronic cigarette, also known as an e-cigarette or personal vaporiser	Is a <u>battery-powered</u> device that provides <u>inhaled</u> doses of <u>nicotine</u> by way of a <u>vaporised</u> solution. It is an alternative to <u>smoking certain tobacco</u> products, such as <u>cigarettes</u> , <u>cigars</u> , or <u>pipes</u> .
Premises	As defined in the HSA, include any building, vehicle, vessel, train, or aircraft in which a person performs work in the course of his/her employment.
Prohibited	Something that we must refrain from doing because it is illegal.
Public place	Means 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 or ship.
Workplace	<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>
Smoke	Means to inhale, exhale, hold, or otherwise have control over an ignited tobacco product, weed, plant, or electronic cigarette, and “smoked” and smoking” have corresponding meanings.

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3.4 Abbreviations

Abbreviation	Explanation
BU/OU	Business unit /Operating Unit
ETS	Environmental tobacco smoke
HR	Human resource
NCAS	National Council Against Smoking
EAP	Employee Assistance Programme
OHP	Occupational health practitioner
OHSA	Occupational Health and Safety Act
ER	Employee Relations
OHNP	Occupational Health Nurse Practitioner
EAP	Employee Assistance Programme

3.5 Roles and Responsibilities

- a) In terms of the OHSA, business unit managers and departmental managers are assigned duties by the Chief Executive (CE), which include being responsible for the implementation of this policy and for ensuring compliance with it.
- b) Management shall, within clearly defined parameters of cost effectiveness, support Wellness and EAP practitioners in providing health promotion and cessation programmes to employees who smoke, and wish to stop smoking.
- c) On all Eskom premises where customers or the general public are provided with service, appropriate signage declaring that Eskom premises are smoke-free areas shall be visibly displayed at all times.
- d) 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.
- e) All employees have to be fully conversant with Eskom's policy on smoking and how it relates to the provisions of the Occupational Health and Safety Act (OHSA) and the Tobacco Products Control Amendment Act. All new appointees should, familiarize themselves with the contents of this policy.
- f) Employees are responsible for complying with the provisions of this policy, which encompasses the general duties of employees at work as stipulated in the OHSA.
- g) Employees are required to report immediately any contraventions of this policy and any abuse of the facilities provided in terms of this policy to a health and safety representative or a member of the Health and Safety Committee, or any member of management who may be more accessible. All allegations of non-compliance shall be investigated by management.

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3.6 Process for Monitoring

It is the responsibility of the BU/OU managers/supervisors and departmental managers to ensure that:

- This policy is implemented.
- Regular audits in line with the Eskom Internal Audit procedures are conducted to ensure compliance.

Employees are encouraged to consider stopping to smoke and take advantage of the cessation programme.

4. Acceptance

This document has been seen and accepted by EXCO.

5. Revisions

Date	Rev.	Remarks
October 2010	0	Adopted for Back to Basics
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 "Smoke Free stance"

6. Development Team

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7. Acknowledgements

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