

### Ministerial Decision

Minister of Human Resources and Social Development,  
Based on authorities duly granted to him.

Having reviewed Article (11bis) of Labor Law, issued under Royal Decree No. (M/51) dated 23/08/ 1426 H., amended under Royal Decree No. (M/24) dated 12/05/ 1434 H., Royal Decree No. (M/46) dated 05/06/1436 H., and Royal Decree No. (M/14) dated 22/02/1440 H., providing to the effect that "...the Minister may take necessary actions aiming to improve the labor-market ...;" and after reviewed the Smoke-free Workplace Decision No. (149516) dated 09/08/1440 H.; and reviewed the Implementing Regulations of Anti-Smoking Law, issued under the Minister of Health's Decision No. (1438-1351412) dated 27/07/1438 H

decides as follows:

**first:** Smoke-Free Workplace Guide issued under the Ministerial Decision No. (149516) dated 09/08/1440 H. shall be adopted, in accordance with the draft attached thereto.

**Second:** Penalties for violating occupational health and safety stipulated under the Violation and Penalty Table shall be applied to the violating entities.

**Third:** This decision shall enter into force as of 01/01/1441 H., corresponding to 01/09/2019.

**Fourth:** Vice Minister for labor sector informs the concerned authorities of this decision to work accordingly.

Minister of Human Resources and Social Development,  
Eng. Ahmed bin Suleiman Al-Rajhi

(Signed)

# Smoke-Free Workplace Guide

## CONTENTS

---

4.....	Introduction:
4.....	2. Guide Objective:
4.....	3. Legal References of Guide:
4.....	4. Definitions:
5.....	5. Scope of Smoke-free Workplace:
6. Specifications of Smoking Areas if Made Available within Workplaces (or	
5.....	establishments):
7. Most Important Procedures for Protecting Safety and Health of Workers from	
6.....	Smoking Harmful Effects:
8. Penalties to violations of occupational safety and health to be applied in case of	
6.....	non-compliance:

## INTRODUCTION

Smoking (tobacco and its derivatives) poses a risk to society in general and the smokers in particular as well as nonsmokers who inhale the fumes of tobacco products- known as secondhand smoke- in terms of health, economic, social, environmental and practical aspects. Driven by the Ministry of Human Resources and Social Development's concern for protecting the safety and health of workers, properties and environment as well as creating a healthy and clean environment, the Ministry issued the Ministerial Decision No. (149516) dated 09/08/1440 H., encompassing the prohibition of smoking in workplaces in order to enhance attractiveness of work environment.

Moreover, as driven by the Ministry's concern for clarifying the details of this decision to the employer and workers, this Guide has been issued, pursuant to the Anti-Smoking Law issued under Royal Decree No. (M/56) dated 28/07/1436 H., and the Implementing Regulations of Anti-Smoking Law issued under the Minister of Health's Decision No. (1438-1351412) dated 27/07/1438 H.

### Guide Objective

This Guide is issued for instructing the employers and workers of the required procedures for applying the Smoke-free Workplace Decision.

### Legal References of Guide:

- Article (11bis) of Labor Law, issued under Royal Decree No. (M/51) dated 23/08/ 1426 H., amended under Royal Decree No. (M/24) dated 12/05/ 1434 H., Royal Decree No. (M/46) dated 05/06/1436 H., and Royal Decree No. (M/14) dated 22/02/1440 H.
- The Anti-Smoking Law issued under Royal Decree No. (M/56) dated 28/07/1436 H.

- The Implementing Regulations of Anti-Smoking Law issued under the Minister of Health's Decision No. (1438-1351412) dated 27/07/1438 H.
- The Smoke-free Workplace Decision No. (149516), issued by the Minister of Human Resources and Social Development on 09/08/1440 H.

#### Definitions:

##### Smoking:

Subject to Article (2) of Anti-Smoking Law, issued under Royal Decree No. (M/56) dated 28/07/1436 H., smoking means: " Smoking means the use of tobacco and its derivatives; including Cigarettes, Cigar, mu'assel, paan, hookahs, and other tobacco products, whether it is through Cigarettes, Cigar, Tobacco Pipe, inhalants, shisha, chewing, storage and any other method."

Moreover, pursuant to The Implementing Regulations of Anti-Smoking Law issued under the Minister of Health's Decision No. (1438-1351412) dated 27/07/1438 H.; "Smoking means, the use of tobacco and its products in any manner whatsoever. For example; without limitation: cigarettes, e-cigarettes, cigars, fruit-flavored tobacco, paan, hookah, e-hookah, tobacco pipe, chewing and storing tobacco, snuff, chewing tobacco, inhalant, snus, or any other means by which raw or processed tobacco or any of their derivatives is used."

#### Scope of Smoke-free Workplace:

Pursuant to Article (7) of the Ministerial Decree No. (M/56) dated 28/07/1436 H. and Clauses (1, 3, 4, 5, 6, 7 & 8) thereof, smoking is prohibited in workplaces of the entities subject to the Labor Law, including:

- a. Places and areas surrounding mosques;
- b. Educational, health, sports, cultural, social and charitable institutions;

- c. Sites for production, distribution, transportation, refining of oil and its derivatives as well as sites for fuel and gas stations;
- d. Working areas in companies, institutions, bodies, factories, banks and others;
- e. Public transportation means including land, air or sea as prescribed in the Executive Regulation;
- f. Places for processing and packaging food and beverage;
- g. Warehouses, elevators and toilets;

Moreover, smoking ban within workplaces (or entities) also includes- pursuant to paragraph (9) - "Public places not mentioned in the preceding paragraphs ...;" under the Anti-Smoking Law, issued under Royal Decree No. (M/56) dated 28/07/1436 H. Relatedly, the Implementing Regulations of Anti-Smoking Law, issued under the Minister of Health's Decision No. (1438-1351412) dated 27/07/1438 H., stipulates:

"Ensure a distance not less than 8 meters away from any places specified for the entrance, gathering, and passing of people in the above-mentioned places or any other places such as complexes, malls, exhibition halls, festivals, forums, restaurants, cafes, recreational and entertainment areas, public parks, etc."

**Specifications of Smoking Areas if Made Available within Workplaces (or entities):**

- a. Smoking areas shall be located at a distance of at least (15) meters away from places dedicated for entrance, exit or use by workers or visitors or the equipment-designated places. In addition, smoking areas shall be outdoors;
- b. They may not be surrounded by walls; i.e. open-sided and the floor of their boundaries shall be marked out.
- c. They shall be covered to avoid sun damage.

- d. Smoking areas shall be provided with the appropriate fire-fighting equipment, such as fire extinguishers and fire alarm systems.
- e. Smoking areas shall be provided with fire extinguishers or cigarette waste receptacles and be periodically and appropriately cleaned and disposed of cigarette stubs. Smoking areas as well shall be separated from other work wastes.
- f. Floors of such areas- if covered- shall be made of inflammable materials and easy to clean. Carpet or vinyl floors are prohibited.
- g. Number of persons inside this area may not exceed the specified number, with a space not less than 1.40 m<sup>2</sup> for each.
- h. Any kind of services may not be provided within such areas, including food and beverages.
- i. These areas may not be provided with any form of entertainment or recreation, display screens or air conditioners.
- j. Smoking areas may not be provided with any kind of seats, unless necessary for certain category of persons with disabilities, provided to be made clear within the designated place.
- k. Services for non-smokers such as (telephone – fax – printers – etc.) may not be provided in such areas.
- l. A health warning signs, according to designs and expressions available on the website of the National Committee for Anti-Tobacco shall be placed within such areas.

#### Most Important Procedures for Protecting Safety and Health of Workers from Smoking Harmful Effects:

The employer is responsible for providing safe and healthy work environment. To this end, he shall take some of the procedures relevant to smoke-free workplace, including:

- a. All precautions necessary for protecting workers from work-related dangers and diseases shall be taken.
- b. Instruction for the safety of both workers and work shall be placed at a prominent place within the entity.

c. Workers shall be obliged to use and maintain the relevant precautions as well as applying the instructions set for preservation of health and protection against injuries and diseases.

c. Precautions relevant for protection against fire hazards shall be taken.

**Penalties to violations of occupational safety and health to be applied in case of non-compliance:**

In Case of non-compliance by the entity or its workers with the decision of smoke-free workplace, they shall be penalized with the penalties specified under the List of Violations and Respective Penalties adopted by the Ministry. The occupational safety and health-related violations include:

Article included in the Violation table	Most Important Explanation Thereof
Non-compliance by the employer with rules of protection and occupational health and safety together with their prescribed procedures and levels in the entity; as well as the employer's failure to take the precautions relevant to protection of workers against the hazards and diseases related to work and usage of its relevant equipment by way of using their established prevention techniques.	<ul style="list-style-type: none"> <li>- The air is polluted with smoking fume or the existence of cigarette stubs in places other than their designated ones.</li> <li>- Existence of smoking room or area in workplaces where smoking is prohibited.</li> <li>- The smoking area is provided with specifications other than those set forth in that Guide, in a manner detrimental to the purpose of the specified specifications.</li> </ul>
Failure by the employer to place the instruction for the safety of both workers and work shall at a	Absence of "No Smoking" signs in all main workplaces in case of finding persons smoking inside the designated workplaces.

<p>prominent place within the entity.</p>	
<p>Non-compliance by the worker with using and maintaining the relevant precautions as well as applying the instructions set for preservation of health and protection against injuries and diseases.</p>	<ul style="list-style-type: none"> <li>- Existence of workers smoking at workplaces</li> <li>- Existence of workers who do not abide by the safety and health procedures taken by the employer for smoking ban and prevention of its relevant health damage.</li> </ul>
<p>Failure by the employer to take the relevant precautions for protection against fire hazards, including developing the evacuation plans, securing escape corridors and routes and preparing tools and firefighting equipment.</p>	<ul style="list-style-type: none"> <li>- Absence of warnings and work procedures established by the entity for prohibiting smoking at the most dangerous and fire-borne places, (such as gas sites, fuel truck, chemicals, ...ect.); as well as finding persons smoking at such places without providing the place with precautions for protection against fire hazards, such as water sprinkler, fire distinguishers, smoke detector and the like.</li> <li>- The smoking area is provided with specifications other than those set forth in that Guide, in a manner detrimental to the purpose of the specified specifications.</li> </ul>