**Conflict of Interest Policy: Tobacco Industry Non-Engagement Provision**

**Purpose**

To establish clear standards regarding tobacco industry relationships, consistent with Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) and its [Guidelines for Implementation](https://fctc.who.int/resources/publications/m/item/guidelines-for-implementation-of-article-5.3), which requires the protection of public health policies from commercial and other vested interests of the tobacco industry.

**Application**

For those that have adopted some form of Conflict of Interest (COI) Policy, adopting the Resolution Procedures from [Section 5 to 9](#Section5to9) is highly encouraged.

For operational tools supporting this policy—including screening checklists, classification of violations, and independent review procedures—refer to the associated COI Toolkit.

**1.a. Definition of Interest and Conflict of Interest**

For the purpose of this policy, an interest[[1]](#footnote-1) refers to any personal, financial, professional, academic, or institutional connection that could reasonably compromise—or be perceived to compromise—an individual’s judgment, objectivity, or ability to act solely in furtherance of tobacco control objectives.

A conflict of interest arises when such an interest creates an actual, potential, or perceived risk that an individual’s actions, decisions, positions or responsibilities may be influenced—directly or indirectly—by factors that are not aligned with the organization’s duty to protect public health from the commercial and other vested interests of the tobacco industry, in accordance with Article 5.3 of the WHO FCTC and its Guidelines for Implementation.

The following core protocols must be applied with respect to interests:

* Identify – All relevant interests must be disclosed, documented, and assessed, regardless of when the relationship occurred.
* Prevent – Pre-engagement screening and due diligence are required to prevent exposure to tobacco industry engagements.
* Manage – In case of conflict of interest, appropriate restrictions shall be imposed (e.g., recusal, transparency or refer to the Framework for Sanctions and Corrective Actions in Cases of Conflict of Interest).
* Resolve – All violations shall be addressed through corrective actions, including termination of relationships, public disclosure. If there is difficulty or inability to resolve the issue, refer it for independent review.

All references to “interest” or “conflict of interest” throughout this policy shall be interpreted in accordance with this section.

**1.b. Definition of Tobacco Industry Entities**

1. In accordance with WHO FCTC Article 5.3 Guidelines [1], tobacco industry entities include [2], but is not limited to:
   1. Tobacco manufacturers, wholesalers, importers, and exporters
   2. Parent, subsidiary, and affiliate companies of tobacco manufacturers
   3. Any organization or individual that represents tobacco industry interests, including but not limited to:

* Law firms representing tobacco companies
* Public relations companies working for the tobacco industry
* Consultants and lobbyists advancing industry positions
  1. Organizations receiving funding from the tobacco industry, including:
* Front groups and third-party allies [3]
* Research institutions accepting tobacco funding [4]
* Foundations established by tobacco companies [5]
  1. Entities that work to further tobacco industry interests, including:
* Industry-established "corporate social responsibility" initiatives [6]
* Organizations promoting "reduced-harm" products while opposing evidence-based measures [7]
* Entities that consistently advance tobacco industry policy positions [8]

**2. Comprehensive Disclosure Requirements**

All board members, staff, consultants, contractors, vendors, and partners must disclose:

1. Any current or past professional relationship with tobacco industry entities
2. Financial interests in tobacco industry or their related businesses
3. Immediate family members (spouse, parents, children, siblings) or members of the household who work or have worked for tobacco industry entities
4. Participation in tobacco industry-sponsored events, initiatives (i.e. Corporate Social Responsibility), or research
5. Any other relationship that could reasonably be perceived as creating a conflict of interest with tobacco control objectives

Disclosure shall not be limited by time period. All relevant actual, potential, or perceived interests must be disclosed regardless of when the relationship occurred or ended.

Refer Section 1 for the full definition of interest and conflict of interest.

**3. Non-Engagement Standards**

Our organization will not, among others:

* Accept funding or resources from tobacco industry entities (direct or indirect)
* Partner with organizations that have tobacco industry connections
* Include in governance or advisory roles individuals with tobacco industry ties
* Participate in tobacco industry-sponsored initiatives, including "corporate social responsibility" programs
* Engage with industry-established research programs or foundations
* Participate in forums, meetings, or initiatives where the tobacco industry is included as a stakeholder

**4. Limited Exception Clause**

**4. a. Scope of Exceptions**

Exceptions to the non-engagement standard shall be considered **strictly necessary for the effective promotion of tobacco control objectives, such as:**

a) Legitimate monitoring, research, or advocacy activities that serve tobacco control objectives, such as:

* Attending shareholder meetings to advance accountability
* Participating in legal proceedings against the tobacco industry
* Conducting research / reporting on industry tactics and interference

b) Legally mandated interactions required by court order, legislative summons, or regulatory requirement

**4.b. Limitations on Exceptions**

No exceptions shall be granted for:

* Activities that could be reasonably perceived as legitimizing the tobacco industry
* Engagements that involve funding or resource exchange
* Activities where industry could claim partnership or collaboration
* Any interaction where public health benefit cannot be clearly demonstrated
* Situations where alternative approaches without industry engagement exist

**4.c. Exception Authorization Process**

A written authorization should be secured for the exceptions if these comply with the conditions provided. The authorization must be specific and timebound and should comply with established procedures of the governing body/ board. Disagreements regarding exceptions may also be subjected to external review upon request. In addition, the following mandatory safeguards should be adopted:

* Pre-notification to relevant tobacco control partners
* Public transparency about the engagement purpose
* Detailed documentation of all interactions
* Immediate reporting of any attempted tobacco industry influence
* Post-engagement assessment and public reporting

**5. Resolution Procedure**

When a potential tobacco industry relationship or link or conflict of interest is identified:

a) The concern shall be documented and reported to organizational leadership immediately

b) The relationship shall be independently verified through established fact-finding procedures

c) If a tobacco industry connection is confirmed, the organization shall:

* Terminate the relationship with the entity or individual
* Publicly disclose the situation and actions taken
* Review internal processes to prevent recurrence

d) There shall be no exceptions to this procedure based on:

* Length of time since the tobacco industry connection
* Financial value of the relationship
* Perceived "independence" of industry-supported entities
* Claims of changed industry behavior or practices

**5.a. Preventive Measures During Investigation**

**While a case is under investigation, the organization shall implement preventive measures including:**

* Refraining from any actions or communications that could be construed as aligning with or endorsing the entity under investigation
* Requesting the entity or person involved to temporarily suspend relevant activities
* Warning relevant agencies, partners, or stakeholders of potential risks associated with engagement

**6. External Resolution**

For situations requiring independent assessment:

* 1. Submit the case to an independent review body when internal resolution is challenging
  2. Provide all relevant documentation and context
  3. Implement recommendations from the independent assessment

**7. Policy Integration**

These policy provisions or a version thereof shall be:

* 1. Incorporated into existing conflict of interest policies
  2. Referenced in all partnership agreements
  3. Included in onboarding materials for new staff and board members
  4. Reviewed annually to ensure alignment with evolving tobacco industry tactics

**8. Non-Compliance**

Non-compliance includes failure to adhere to disclosure, non-engagement, or conflict resolution requirements as defined in Sections 1 through 8. It is also defined as failing to abide by the key provisions of this policy, including for instance: a) Failure to disclose any interests that exist; b) Having interaction with the tobacco industry that is not strictly necessary or not compliant with **non-engagement standards[[2]](#footnote-2)**; c) Creating or failing to prevent any actual, potential, or apparent conflict of interest from arising[[3]](#footnote-3); d) Accepting any contribution from the tobacco industry[[4]](#footnote-4)

Individuals who demonstrate recurrent misconduct or non-compliance shall be permanently excluded from the organization regardless of any corrective measures they may propose.

The Framework for Sanctions and Corrective Actions in Cases of Conflict of Interest will be referred to as guidance on assessing the severity of the case and the sanctions involved.

**9. Transparency**

Transparency shall serve as the paramount principle underlying all remedial or punitive measures concerning non-compliance. All findings and outcomes of investigations should be transparently communicated to appropriate stakeholders, ensuring legal compliance with privacy regulations while maximizing public awareness of tobacco industry interference tactics.

**Adoption**

Adopted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Organization]

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Authorized Representative]

**Disclaimer:** This represents minimum standards only. Organizations should adapt and strengthen these materials to address their specific context and evolving industry tactics, provided all modifications enhance protection against tobacco industry interference.

[1]: World Health Organization. (2008). Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control.

[2]: Preventing tobacco Industry Interference. A Toolkit for Advocates and Policymakers. GGTC. 2023. Available at: <https://files.ggtc.world/uploads/2024-02-01/03-07-53-470050/GGTC%20Toolkit%20(Redesign)%20171123.pdf>

[3]: Smith, K. E., Savell, E., & Gilmore, A. B. (2013). What is known about tobacco industry efforts to influence tobacco tax? A systematic review of empirical studies. Tobacco Control, 22(2), 144-153.

[4]: Cohen, J. E., Zeller, M., Eissenberg, T., et al. (2021). Criteria for evaluating tobacco control research funding programs and their application to models that include financial support from the tobacco industry. Tobacco Control, 30(3), 337-344.

[5]: Tobacco Tactics. (2021). Foundation for a Smoke-Free World. University of Bath. <https://tobaccotactics.org/wiki/foundation-for-a-smoke-free-world/>

[6]: Fooks, G. J., Gilmore, A. B., Smith, K. E., Collin, J., Holden, C., & Lee, K. (2011). Corporate social responsibility and access to policy élites: an analysis of tobacco industry documents. PLoS Medicine, 8(8), e1001076.

[7]: Tobacco Control Research Group. (2022). Philip Morris International's Smoke-Free World Campaign. University of Bath. <https://tobaccotactics.org/wiki/philip-morris-internationals-smoke-free-world-campaign/>

[8]: World Health Organization. (2012). Tobacco industry interference with tobacco control. Geneva: World Health Organization.

1. This includes, but is not limited to:

   Financial or material benefits (such as funding, gifts, grants, or investments)

   Current or past employment, consultancies, or advisory roles

   Close personal or familial relationships with individuals connected to tobacco industry entities

   Affiliations with research, academic, or nonprofit institutions that have received support from the tobacco industry or its agents [↑](#footnote-ref-1)
2. E.g. “does not engage with the tobacco industry and those furthering its interests.” Global Center on Good Governance in Tobacco Control (GGTC). CONFLICT OF INTEREST STATEMENT. <https://ggtc.world/coi-policy> [↑](#footnote-ref-2)
3. E.g. “publicly correct any perception of partnership that may have been created as soon as they become aware of it.” JOINT MEMORANDUM CIRCULAR NO. 2010-01. <https://ggtc.world/dmdocuments/Philippines%20-%20JMC%202010-01%20-%20national.pdf> [↑](#footnote-ref-3)
4. E.g. “entities being funded, supported or influenced in their governance by tobacco-related entities.” Global Center on Good Governance in Tobacco Control (GGTC). CONFLICT OF INTEREST STATEMENT. <https://ggtc.world/coi-policy> [↑](#footnote-ref-4)