


University of the Western Cape			
 UNIVERSITY of the WESTERN CAPE	SMOKING POLICY	Document Type	Policy
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Smoking Policy

C2024/02
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1. Introduction

- a. The purpose of the smoking policy at the University of the Western Cape is to comply with the Control of Tobacco Products Act, Act No 83 of 1993, as amended, as well as the regulations made thereunder, compliance with the OHS Act No. 85 of 1993 and to encourage a healthier and more productive environment to work in and to promote staff and student wellness.
- b. The aim is to align the University's policies with regard to health matters on campus with the democratic values of the Constitution and with relevant legislation in order to:
 - i. Enhance the fundamental rights of non-smokers by controlling and discouraging the use of tobacco products and prohibition of Cannabis and related products on University property; and
 - ii. Reduce the incidence of tobacco-related illnesses and deaths amongst employees, students, and visitors of the University.
- c. The University of the Western Cape trusts that through the acceptance of this policy, courtesy, consideration, and respect for one another's preferences and needs will contribute to and promote harmony and productivity in the workplace.

2. Purpose

The objectives of the Policy on Smoking in the Workplace are to:

- a. ensure compliance with applicable legislation.
- b. protect non-smokers from involuntary exposure to second-hand (passive) smoking.
- c. establish a smoke-free environment for non-smoking staff members, students, and visitors.
- d. regulate where smoking is permitted and where smoking is not permitted.

3. Scope

The University of the Western Cape aims to create an environment that safeguards the well-being, safety, and health of all on campus which includes the students, staff, and visitors (irrespective of the reason) to its campuses.

This Policy is applicable to all students, staff (and contract staff), contractors, sub-contractors and their employees, vendors and their employees, spectators, and visitors.

4. Definitions

'Tobacco product' means a product containing tobacco that is intended to be smoked, and includes, but is not limited to, any device (including vape), pipe, water pipe, papers, tubes, filters, portion pouches or similar objects manufactured for use in the smoking of tobacco.

'Cannabis' is also termed and not limited to; Hemp, Dagga, Marijuana, Spliff, Weed, Blunt, and Joint.

'Smoke' means to inhale, exhale, hold, or otherwise have control over an ignited tobacco, Cannabis, weed, or plant, and 'smoked' and 'smoking' have corresponding meanings; mean inhaling, exhaling, holding or otherwise being responsible for a relevant product or electronic non-nicotine delivery system producing any emission.

'Workplace' means any indoor or enclosed or partially enclosed area where employees perform the duties of their employment. It includes any corridor, lobby, stairwell, elevator, cafeteria, wash-room, and any other common area frequented by employees during the course of their employment.

'Partially enclosed' areas such as covered patios, verandas, balconies, walkways, and enclosed or partially enclosed parking areas that form part of any public place are also defined as part of the workplace.

'Public Place' means any indoor or enclosed or partially enclosed area which is to open to the public or any part of the public and includes a workplace and a public conveyance as well as the area within **10** metres of any doorways or entrances to the public place, workplace or public conveyance.

5. Policy Principles

Smoking, selling, distributing, cultivating, advertising of Cannabis and its products is prohibited:

5.1. In any public area or any UWC property.

Smoking of Tobacco and its products is prohibited:

5.2. Indoor in any enclosed area, partially enclosed, public place, and workplace of UWC property.

5.3. In shared and common areas including open-plan offices or workstations, stores, corridors, lobbies, stairwells, elevators, and ablution facilities.

5.4. In any space that is within a prescribed distance from an operable window or ventilation inlet of an entrance or exit of a place where smoking is prohibited.

5.5. In areas where flammable materials or substances are kept or in any confined spaces. All warnings indicating that flammable materials are present must be heeded at all times.

5.6. In all vehicles belonging to the University.

5.7. On the University sports grounds and other recreational areas such as the University's swimming pools, gymnasiums, sport treatment rooms, student centre, etc.

5.8. In an enclosed common area of a multi-unit residence; a private dwelling, if that private dwelling is used for any commercial lecturing, tutoring or otherwise as a workplace.

5.9. All smoke-free zones will be identified by the internationally accepted signs posted in a conspicuous manner.

5.10. The policy extends to cigarettes, e-cigarettes, vapes and water pipes (such as a hubbly bubbly).

Sale of Tobacco Products

5.11. Over the counter sales of tobacco products to children under the age of 18 years are strictly prohibited.

5.12. Sale of tobacco products is restricted to authorised vendors to an over-the-counter point of sale at a shop or kiosk and only in its original packaging.

5.13. The promotion and advertising of tobacco products on campus is prohibited on, however, the authorised retailer of tobacco products may indicate the availability of tobacco products and their price only by means of signs at the point of sale that:

- a. Do not exceed one square metre in size; and
- b. Are placed within one metre of the point of sale.
- c. All signs that indicate the availability of tobacco products and their price must contain the following messages in letters that are at least 2cm in height and 1,5 cm in width:
 - i. **"WE CANNOT, BY LAW, SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18 YEARS"**; this message must appear at the top of the sign and across its full width; and
 - ii. **a health message** as contained in the regulations.

5.14. No tobacco vending machines are allowed on campus except in a designated smoking area endorsed by Management and where no people under the age of 18 is permitted.

6. Policy Provisions

6.1 Designated Smoking Areas (For Tobacco Smoking ONLY):

6.1.1 Where smoking is allowed in an enclosed area designated for that purpose, the area must be well ventilated and the exhaled fumes may not affect any other enclosed area in close proximity.

- i. At the entrance of designated smoking areas signage with the following wording must appear:

"SMOKING ALLOWED. SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMAN AND NON-SMOKERS. FOR HELP TO QUIT SMOKING CONTACT THE CAMPUS HEALTH CENTRE."

- ii. On the signage referred to above appears in black and is at least 20mm in height, and 15mm in breadth against a white background.

iii. The University may display the signage in the following manner; printed on A4, black lettering on white paper.

6.1.2 Appropriate signage is to be fixed in a conspicuous manner at facilities designated as non-smoking and for smoking. The prescribed health warnings must be displayed at the entrance to any designated smoking area or room.

6.1.3 Smoking is permissible in open areas (i.e. areas not enclosed), except where notices warning of the presence of flammable materials indicate otherwise, or where this policy or signage indicates otherwise.

7. Policy Control

7.1 Roles and Responsibilities

7.1.1 All students, staff (and contract staff), contractors, sub-contractors and their employees, vendors and their employees, spectators, and visitors (irrespective of the reason), are required to adhere to and comply with this Policy.

7.1.2 This policy applies to all of the premises and buildings owned or leased by the University of the Western Cape or over which it has control.

7.1.3 The Risk Management Committee of Council and the Student Health Department will be responsible for the establishment of an awareness campaign on campus to promote the provisions of this policy.

7.1.4 A smoker must at all times have due regard for the health and preferences of non-smokers.

7.2 Implementation

Upon approval date by Council.

7.3 Monitoring

Employees of the University in managerial and supervisory capacities will be responsible for ensuring that their staff comply with the principles and provisions of this policy within their respective work areas.

Organisers, conveners, or event coordinators of functions/events will be responsible for ensuring compliance with this policy.

Food vendors, contractors, sub-contractors and their employees, vendors and their employees, spectators and visitors, and other service providers will be responsible for ensuring compliance with this policy at shops, take-aways, kiosks, kitchens, and dining halls.

7.4 Reporting

Every five years and as regulation or legislation occurs.

7.5 Action in the case of non-compliance

7.5.1 Tobacco - Any employee or student of the University who violates the provisions of this policy may be subjected to the University's disciplinary process. Campus Protection Services has the right to assist with the enforcement of this policy.

Any person who is **not** an employee or student of the University who violates the provisions of this policy may be subjected to an appropriate response by Campus Protection Services or other personnel.

7.5.2 Cannabis - Any employee or student of the University who violates the provisions of this policy may be subjected to the University's disciplinary process. Campus Protection Services has the right to assist with the enforcement of this policy.

Any person who is **not** an employee or student of the University who violates the provisions of this policy may be dealt with by an appropriate response by Campus Protection Services and may be escalated to the South African Police Services or other Law Enforcement Agencies.

7.6 Release

Upon approval date by Council.

7.7 Review

Every five years and as regulation or legislation occurs.

8. Supporting Documents / Annexures

8.1 Tobacco Products Control Act (Act 83 of 1993)



Tobacco Products
Control Act 83 of 1993:

Amended by:

- Act 12 of 1999



Tobacco Amendment
12 of 1999.pdf

- Act 23 of 2007



Amendment 23 of
2007.pdf

- Act 63 of 2008



amendment Tobacco
Act 63 of 2008.pdf

8.2 Regulations:

- Smoking in Public Places (R975 of 2000)



R975 of 2000
South_Africa_Notice_o

- Point of sale of Tobacco Products (R976 of 2000)



R976 of 2000
South_Africa_Regulatic

- Labelling, Advertising and Sale of Tobacco Products (R1148 of 1995)



South_Africa_Regulati
ons_on_Labelling_199

9. Related Documents (to be read in conjunction with)

- Fine Schedule of The City of Cape Town (U18's).



Fines Summary of
Tobacco Control legis



cannabis-private-pur
poses-bill-b19-2020.p

10.Version history

Version	Date	Summary of changes	Changed by	Date of next review
Version 1	23/09/2004	Approved by Council	N/A	01/10/2009
Version 2 Amendment 1	26/11/2009			01/12/2014
Version 3 Amendment 2	27/11/2014			01/12/2019
Version 4 Amendment 3	28/03/2024	Alignment with new legislation additions on provision for vending machines, Role clarification changes, Name change of Policy.	Risk and Compliance via the Safety Health and Environment Department	01/04/2029