

# University Smoking Policy

## Document summary

<b>Effective date</b>	30 <sup>th</sup> June 2017	<b>Last updated</b>	14 <sup>th</sup> March 2016
<b>Document owner</b>	Office of the Registrar, The University of Cape Town		
<b>Approved by</b>	The Council of the University of Cape Town	<b>Reviewed by</b>	The Senate of the University of Cape Town
<b>Enquiries</b>	Properties and Services		

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## Purpose and scope

The University of Cape Town Senate finds and declares that the purposes of this policy are:

1. To clarify the stance of the University of Cape Town with regards to smoking (see definition below) on any of its premises.
2. For the Policy to cover all physical areas covered by the University of Cape Town.
3. To protect the public health and welfare by prohibiting smoking on the University of Cape Town campus.
4. To guarantee the right of non-smokers to breathe air not adversely affected by second-hand smoke (also known as environmental tobacco smoke) while recognizing that the need to breathe air not adversely affected by second-hand smoke shall have priority over the desire to smoke; and
5. To encourage a healthier, more productive living/learning environment for all members of our campus community.

## Guiding principle

- The University of Cape Town is committed to providing a safe and healthy working and learning environment for the students, faculty, staff, and visitors to its campuses, as such it hereby adopts the following policy with regards to smoking

## Definitions

Term	Definition
E-cigarette	Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapour of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
Smoking	Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, including a hookah pipe, or any other lighted or heated tobacco or plant product, including marijuana, intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates a vapour, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Policy.
Workplace	As defined in the Tobacco Products Control Amendment Act (Act 12 of 1999) (a) means any indoor or enclosed area in which employees perform the duties of their employment; and  (b) includes any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area frequented by such employees during the course of their employment; but  (c) excludes any private dwelling, and any portion of an area mentioned in paragraph (a) specifically designated by the employer as a smoking area and which complies with the prescribed requirements."
Service Area	Any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not such service includes the exchange of money including, but not limited to ATMs, telephone kiosks, ticket lines and bus stops.
Service Line	An outdoor queue in which one or more persons are waiting for or receiving service of any kind.

## Applicable to

**All members of the University. All students, faculty, and staff, vendors operating on University grounds, visiting workers, contractors, sub-contractors and their employees, and other parties e.g. visitors, regardless of the purpose for their visit.**

## Policy Background

The risks attributed to tobacco smoke on the health of both the smoker and non-smoker have been widely documented in international peer reviewed publications. In South Africa during 1993, the Tobacco Products Control Act, 1993 (Act 83 of 1993) and later updated in Gazette No. 34302 of May 2011 was promulgated with the aim protecting the health of the non-smoker. There is more wide-ranging smoking legislation in the offing.

The Tobacco Products Control Act, 1993 (Act 83 of 1993) provides for the protection of non-smokers, it does not provide any benefit or protection for smokers.

2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) second-hand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to second-hand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to second-hand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to second-hand smoke; (5) establishing smoke free workplaces is the only effective way to ensure that second-hand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of non-smokers to second-hand smoke; and (6) evidence from peer-reviewed studies shows that smoke free policies and laws do not have an adverse economic impact on the hospitality industry. (U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centres for Disease Control and Prevention, National Centre for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006).

According to the 2010 U.S. Surgeon General's Report, *How Tobacco Smoke Causes Disease*, even occasional exposure to second-hand smoke is harmful and low levels of exposure to second-hand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke. (U.S. Department of Health and Human Services. *How Tobacco Smoke Causes Disease: The Biology and Behavioural Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centres for Disease Control and Prevention, National Centre for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010).

Studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing second-hand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy non-smokers, including heart disease, stroke, respiratory disease, and lung cancer.

According to the World Health Organization, scientific evidence has firmly established that there is no safe level of exposure to second-hand tobacco smoke, a pollutant that causes serious illness in adults and children, and that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to second-hand smoke.

Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are

inconsistent or non-existent." Summary of results: laboratory analysis of electronic cigarettes conducted by FDA," *Food and Drug Administration (FDA)*, April 22, 2014  
<http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>, last accessed on August 22, 2014.

E-cigarettes produce a vapour of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. In South Africa, smoking in the workplace is regulated by the Tobacco Products Control Act, 1993 (Act 83 of 1993) and the Tobacco Products Control Amendment Act (Act 12 of 1999). The University as an employer is obliged to take steps to protect its non-smoking members from the smoke of smokers.

Section 6, 7, 8, 9: Tobacco Products Control Act.

6) An employer, owner, licensee, lessee or person in control of a public place must ensure that no person smokes anywhere other than in the designated smoking area in that public place.

7) An employer must ensure that-

- a) employees who do not want to be exposed to tobacco smoke in the workplace are protected from tobacco smoke in that workplace; and
- b) employees may object to tobacco smoke in the workplace without retaliation of any kind.

8) Employers must have a written policy on smoking in the workplace, and the policy must be applied within three months from the date of coming into operation of the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999).

9) Any employer, owner, licensee, lessee or person in control of any public place or part of a public place may totally prohibit smoking in that place.

The University is not obliged to provide either smoke breaks or set aside smoking areas. In fact if it does provide smoke breaks it can insist its smoking workers work time-taken, or even can deduct smoking time from wages, source labourguide.co.za  
(<http://www.labourguide.co.za/general/606-smoking-in-the-workplace>, last accessed 30 July 2014).

The employer is entitled to ban smoking completely in his building or in the workplace if he wishes to, and he can designate any area of his choice to be the smoking area. The employer is under no obligation to provide an alternative smoking area in the event of inclement weather. In short, the employer is under no obligation to facilitate the addiction of the smoker to the drug nicotine source labourguide.co.za  
(<http://www.labourguide.co.za/general/606-smoking-in-the-workplace>, last accessed 30 July 2014).

## Policy details

In light of the above findings, the University of Cape Town shall affect the following smoking policy effective 30<sup>th</sup> June 2017.

### 1 Smoking restrictions

- 1.1 The University Smoking Policy applies to all University of Cape Town facilities and vehicles, owned or leased, regardless of location. Smoking shall not be permitted in any enclosed place, including private residential space within University of Cape Town housing. Smoking shall also be prohibited from service areas and service lines, balconies, verandas, covered walkways and parking areas, and links to other buildings.

- 1.2 Smoking shall be prohibited from all areas (enclosed or not) where food and beverages are prepared/purchased/consumed and within five metres of these areas. The areas in question include but are not limited to Cissie Gool Plaza, Health Sciences Quad, Quad between Kramer and All Africa House, University Avenue between Molecular and Cell Biology and NSLT block, and the area between Leslie Social Sciences and the Geological Sciences buildings.
- 1.3 Smoking shall be prohibited from within ten metres of any entrance/exit to buildings, air-conditioning intake, or operable windows.
- 1.4 Smoking shall also be prohibited from any outdoor area during an organised gathering for the purposes of musical, dance, theatre, drama, entertainment, education, sport, performance or fair, parade, market or event.
- 1.5 The Physical Planning Unit will provide plans of the University showing the restricted areas to inform and assist the University community.

## **2 Informing and Involving the university community**

- 2.1 Copies of this policy shall be distributed to all faculty and staff and shall be included with information given to all admitted students. Announcements shall also be printed in campus newspapers to insure that everyone understands the policy. No Smoking signs shall be posted at all points of entry to the University of Cape Town campuses and at all University of Cape Town building entrances.
- 2.2 This policy is being announced 3 months prior to its implementation in order to give smokers time to adapt to its restrictions and to facilitate a smooth transition to the new University environment.
- 2.3 Questions and problems regarding this policy should be handled through existing departmental administrative channels and administrative procedures.

## **3 Designated smoking areas**

- 3.1 In accordance with legislation and as part of the University's desire to promote a healthier working environment, the University has chosen not to promote/support smoking and has opted not to allocate designated smoking rooms or areas inside the restricted areas listed in Section 1. No ashtrays shall be provided at any location on campus where smoking is prohibited.

## **4 The Individual: Cessation of Smoking**

- 4.1 The University acknowledges that smoking is addictive and smokers can find it difficult to stop. The current healthcare service provider to the University offers University members advice on smoking cessation and incentives through its *Vitality* healthy lifestyle initiatives. The University Student Wellness Service also provides advice and support to the student body on smoking cessation and any preventative measures to improve a student's health. Contact details for the Student Wellness Service are found in Annexure 1.
- 4.2 A table containing a list of sources of assistance and information pertaining to cessation of smoking appears as Annexure 1.

## **5 The selling of smoking related products on campus**

The following shall apply to all vendors operating on University grounds, Faculty, staff, students, visiting workers, contractors, sub-contractors and their employees, and other parties e.g. visitors, regardless of the purpose for their visit.

- 5.1 Cigarettes, including e-cigarettes, cigars, and pipes, including hookah pipes, shall not be sold or distributed as samples on university grounds, either in vending machines, the student union, or any area on campus.

## **6 In further recognition of the incompatibility of University of Cape Town's educational mission and the promotion of tobacco products, effective 30<sup>th</sup> June 2017**

- 6.1 No tobacco-related advertising or sponsorship shall be permitted on University of Cape Town property, at University of Cape Town -sponsored events, or in publications produced by the University of Cape Town, with the exception of advertising in a newspaper or magazine that is not produced by the University of Cape Town and which is lawfully sold, bought, or distributed on University of Cape Town property. For the purposes of this policy, "tobacco related" applies to the use of a tobacco brand or corporate name, trademark, logo, symbol, or motto, selling message, recognizable pattern or colours, or any other indicia of product identical to or similar to, or identifiable with, those used for any brand of tobacco products or company which manufactures tobacco products.

**The success of this policy will depend on the thoughtfulness, consideration, and cooperation of smokers and non-smokers.**

## **Policy violations**

Violations of the policy will be treated in accordance with general campus disciplinary procedures.

## **Roles and responsibilities**

**All students, faculty, and staff, vendors operating on University grounds, visiting workers, contractors, sub-contractors and their employees, and other parties e.g. visitors, regardless of the purpose for their visit share in the responsibility for adhering to and enforcing this policy.**

## **Legislative and Regulatory Framework**

- Tobacco Products Control Act, 1993 (Act 83 of 1993).
- Tobacco Products Control Amendment Act (Act 12 of 1999)
- Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- Constitution of the Republic of South Africa, Section 24.

## **Reference Legislation (still to be promulgated)**

- Tobacco Products Control Act, 1993 (act No. 83 of 1993), Regulations relating to smoking in Public Places and Certain Outdoor Public Places R. 264 in Government Gazette No, 35198, 30 March 2012.

## Approval and version history

**Review period:** Every five years

<u>Version</u>	<u>Amendments</u>	<u>Approved by</u>	<u>Signed</u>	<u>Date</u>
0.1	Transferred into UCT policy template by BR.			22 08 2014
0.1.1	Purpose and Scope, Section 4: wording. Section 1.5: added. Section 4 Individual Cessation of Smoking: added. Annexure 1: added			19/22 04 2016
0.1.2	Definitions formatted for consistency and reviewed by ED: P&S			25 08 2016
0.1.3	<i>Document Summary</i> updated. <i>Policy Details</i> – effective date 30 <sup>th</sup> June 2017 <i>Clause 2.2 Month (3)</i> added <i>Applicable to and Clauses 5 and 6</i> – Specific inclusion of vendors operating on campus			14 03 2017



## Annexure 1: Sources of assistance to stop smoking

The UCT Student Wellness Service. Provides advice and support to the student body on smoking cessation and any preventative measures to improve a student's health. Schedule an appointment with one of the Clinical Nurse Practitioners who will provide the relevant information.	The Student Wellness Service 28 Rhodes Ave Mowbray 7700 Tel: 021 650 1017 / 1020
National Quit Line / National Council Against Smoking (NCAS)– A telephonic advice service is provided during office hours on quitting smoking. They can also post a personal guide to quitting	Tel: 011 720 3145 <a href="http://www.againstsmoking.co.za">www.againstsmoking.co.za</a>
CANSA (The Cancer Association of South Africa) CANSA's eKick Butt Programme is an online cessation programme	Tel: 0800 22 66 22 (toll-free) Tel: 021 689 5381 (08:00 to 16:30 weekdays) E-mail: <a href="mailto:info@cansa.org.za">info@cansa.org.za</a>
The Heart and Stroke Health Foundation South Africa	Heart and Stroke Health Line 0860 1 HEART (0860 1 4278) <a href="http://www.heartfoundation.co.za/smoking">http://www.heartfoundation.co.za/smoking</a>
Smokenders -7 week quit smoking programme. One-on-one counselling	Tel: 021 788 9120 E-mail: <a href="mailto:info@smokenders.co.za">info@smokenders.co.za</a>
Further information: Western Cape Government	Kick the Habit: Stop Today - ( <a href="https://www.westerncape.gov.za/general-publication/kick-habit-stop-smoking-today">https://www.westerncape.gov.za/general-publication/kick-habit-stop-smoking-today</a> )

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