



UNIVERSITY OF THE  
WITWATERSRAND,  
JOHANNESBURG

# **POLICY DOCUMENT**

## **WITS SMOKING POLICY**

**Version No.2**

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<b>Policy Title</b>	SMOKING POLICY
<b>Policy Officer</b>	Ishmael Sibeko (OHS&E Office Systems & Operations Officer)
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## 1. CONTEXT / BACKGROUND

- South African laws prohibit smoking in public spaces. The University buildings (including its residences, sports stadia, eating areas and modes of conveyance) are public spaces and must align with relevant legislation. Accordingly, the University will engage relevant legislation to enforce good health practices.
- In terms of the Wits OHS&E Policy, the University strives to create an environment that is conducive towards achieving good health of its staff, students, contractors, service providers, suppliers and visitors. In view hereof, smoking is discouraged at the University as it pollutes the environment and is harmful to the health of both smokers and non-smokers.
- As Wits is classified predominantly as a non-smoking area, the University will tolerate smoking only to the extent that it does not compromise the health of non-smokers and the health and safety of its infrastructure, facilities and other assets. Smoking will only be permitted in certain clearly designated outdoor areas as long as;
  - There is no direct or secondary adverse impact on the health and well being of non-smokers.
  - There is no risk of fire or explosion caused as a result of such smoking activity.

## 2. DEFINITIONS

- **OHS Act** means the [Occupational Health and Safety Act, no 85 of 1993](#).
- **Public space:** In terms of the Tobacco Products Control Act, 1993 (as amended) a public space means '[any indoor, enclosed or partially enclosed area which is open to the public and includes a workplace... and a public conveyance](#)'.
- **Reasonable distance;** In terms of Government Notice No. R. 264, Regulations Relating To Smoking In Public Places and Certain Outdoor Public Places (2012) as well as the Tobacco Products Control Act, 1993 (Act No. 83 of 1993) a “Reasonable distance” means “[a distance that ensures that any person present in an area in which smoking is prohibited is not exposed to smoke created by any person smoking outside the area](#)”.
- **Smoking** means “[the deliberate action of inhaling and exhaling smoke, chemicals, vapour and/or any other products or substances arising from the use of, amongst others; Cigarettes, Cigars, Pipes, e-Cigarettes / Electronic Nicotine Delivery Systems \(ENDS\), Hookah Pipes, / Shisha Pipes / Arabic Water Pipes / Hubbly Bubbly Pipes or other device](#)”.

## 3. PURPOSE

This policy underlines the principles adopted by Wits to provide a working environment that is not harmful to the health or well being of employees, students, contractors, service providers, suppliers or visitors due to smoking. In view hereof, the purpose of this policy is three-fold:

- 3.1. To discourage smoking at the University.
- 3.2. To make explicit the non-permissible smoking areas within the University.
- 3.3. To ensure that smoking practices are aligned with relevant legislation, inter alia, the Tobacco Products Control Act, 1993, as amended.

## 4. PRINCIPLES

- 4.1 Wits has an obligation to ensure compliance with Section 29 of the Fundamental Rights in the Constitution of South Africa which states that every person shall have the right to an environment which is not detrimental to his or her health or well-being. Wits is also obligated to ensure compliance with the OHS Act, Section 8(1) which states that a working environment that is safe and without risk to health shall be provided and maintained by an employer. The University furthermore promotes the establishment of a healthy environment through its OHS&E Policy. As such, Wits is a safety, health and environmentally conscious employer and does not encourage the act / habit of smoking.
- 4.2 Smoking is prohibited on University premises except in designated smoking areas outside of buildings (i.e. only in safe outdoor locations) and such smoking areas are to be identified by “Smoking Area” signs.
- 4.3 By designating specific areas where smoking can take place does not mean that Wits condones smoking. Where it is tolerated it should be considered a privilege (not a right).
- 4.4 Although Wits may make provision for smokers it does so primarily by taking into consideration the health implications that smoking may have on non-smokers as well as the risks that it may impose on its premises and property. In view hereof, smoking must have no negative effect on the University’s business and/or activities and also not cause a risk to non-smokers or to Wits property.
- 4.5 It is hereby assumed that those persons who do smoke should;
  - i). be aware about the dangers of smoking,
  - ii). do so at their own accord / risk, and
  - iii). accept full responsibility for the health implications associated therewith.
- 4.6 Ashtrays should be placed at areas where smoking is permitted.
- 4.7 Where deemed necessary and appropriate, signs displaying the following statement could be posted at certain building entrances: “*Smoking prohibited except in designated smoking areas*”.
- 4.8 The sale of tobacco products, including the use of cigarette vending machines, is not permissible at the University (and, since the sale of tobacco products is not permissible at the University this also explicitly implies that the sale of tobacco products to and by any person under the age of 18 years is strictly prohibited).
- 4.9 The University prohibits the advertising and promotion of tobacco products, nor can there be any free distribution of tobacco products / gifts.
- 4.10 In the event of licensed restaurants on University premises, a clearly designated / signposted smoking area inside the restaurant could be provided on condition that the area is completely segregated from the rest of the restaurant (non-smoking area) as per current legislative requirements and providing that smoke is not able to enter other parts of buildings via openings, passageways, ducts or ventilation / air-conditioning shafts / systems.
- 4.11 Enforcement and Disciplinary Measures
  - Flouting any of the above policy principles should be brought to the attention of the appropriate Section 16.2 Assignee(s) and/or management representative responsible for the area.

- In all cases the right of a non-smoker to protect her or his health and comfort will always take precedence over a person's desire to smoke.
- If a staff member, student, contractor employee, service provider employee, supplier employee and/or visitor is found to have smoked prohibited substances while on the University's premises (i.e. A substance / drug that may adversely affect and / or alter normal behaviour) then the appropriate disciplinary measures / procedures should be enforced. These latter measures / procedures will apply irrespective of the mode of smoking engaged (i.e. cigarettes, pipes, e-cigarettes / electronic nicotine delivery systems, hookah pipes, or any other means).
- The University will take action to protect non-smokers from exposure to risks and hazards associated with smoking and to encourage existing smokers to quit.

#### 4.12 Non-smoking areas

Smoking areas are strictly limited to designated signposted outside areas that do not pose a threat to any people, equipment, hazardous area, building and/or vehicle. Notwithstanding the aforementioned, smoking is specifically NOT PERMITTED in the following areas:

##### 4.12.1 Inside any University building, including but not limited to:

- Residences and all residence rooms,
- Offices,
- Meeting / Committee rooms,
- Conference rooms / facilities,
- Seminar venues,
- Theatres,
- Auditoriums,
- Lecture rooms / Class-rooms / Exam venues,
- Eating / dining areas and kitchens,
- All laboratories (including computer laboratories),
- Workshops,
- Electrical sub-stations,
- Museums,
- Planetarium,
- Galleries,
- Elevators,
- Stairways / stairwells.
- Rest rooms and ablutions / toilets,
- Reception / waiting areas,
- Lobbies,
- Waiting rooms,
- Copier rooms,
- Lounges,
- Employee common rooms,
- Storerooms / storage areas,

- Passages,
  - Stadia,
  - Retail outlets,
  - Modes of public conveyance / vehicles.
- 4.12.2 Partially enclosed areas of buildings such as covered patios, verandas, balconies, walkways, tunnels and parking areas;
- 4.12.3 Any area in which a fire, explosion or safety hazard exists, including but not limited to hazardous substance / chemical storage areas, flammable liquid storage areas, gas storage areas, University owned vehicles, etc.;
- 4.12.4 Any other area not specifically designated as an area where smoking is permitted in terms of this policy.
- 4.12.5 **NB:** When outside smoking areas are designated consideration must be given to Government Notice No. R. 264 (2012) which states that: *“no person shall smoke any tobacco product within a 10 metre distance from a window of, ventilation inlet of, doorway to or entrance into a public place”*.

## 5. ROLES AND RESPONSIBILITIES

- The Directorate: OHS&E Management is responsible for developing and amending this policy.
- It is the responsibility of Deans, Heads of School, Directors, Entity / Unit Heads, etc. (i.e. Section 16.2 Assignees) to;
  - Assist with the allocation / designation of smoking areas in their respective areas of responsibility in terms of this policy as well as to ensure that arrangements are made for smoking areas to be appropriately signposted / demarcated. This is to be done in conjunction / consultation with an OHS&E Officer from the OHS&E Directorate.
  - Request PIMD to provide “Smoking Area” signage as well as signage stating: “Smoking prohibited except in designated smoking areas” as deemed appropriate and in compliance with the provisions of this policy.
  - Ensure that persons within their work areas are informed of the content of this policy.
- In the event of a smoking area being jointly used by various University entities then the arrangements for designating such smoking area should be jointly made amongst the concerned University entities whose employees make use of such smoking area and this is to be done in conjunction / consultation with an OHS&E Officer from the OHS&E Directorate. In the event of the building being jointly used by various University entities then the arrangements for requesting signage should be done jointly amongst the University entities whose employees make use of such designated smoking area.
- PIMD is responsible for providing / installing “Smoking Area” signage for designated smoking areas as well as signage stating: “Smoking prohibited except in designated smoking areas” (as deemed necessary and appropriate).
- The responsibility for arranging and purchasing ashtrays will be the University entity in which such smoking area exists. In the event that the smoking area is being jointly

used by various University entities then the costs for the ashtrays should be arranged jointly amongst the concerned University entities whose employees make use of such smoking area.

- Restaurant owners / management are responsible for ensuring that the necessary signage and ashtrays are provided and/or installed for smoking areas in restaurants (as appropriate).
- University management / Section 16.2 Assignees are to take appropriate action to protect non-smokers from exposure to risks and hazards associated with smoking.
- It is the responsibility of every person entering the University's premises to adhere to this policy.

## 6. REFERENCES

- OHS Act, 85 of 1993, Section 8(1)
- Constitution of South Africa, Fundamental Rights, Section 29
- Wits OHS&E Policy
- Government Notice No. R. 264, Regulations Relating to Smoking in Public Places and Certain Outdoor Public Places (2012).
- Tobacco Products Control Act, 1993, as amended.

## VERSION HISTORY

Version	Date	Summary	Changed by
1 (C2010/211)	14/10/2010	Last approved "Policy on Smoking". Revised by F Goolam and Sister Y Matimba on 7 and 14 October 2010	Revised by F Goolam and Sister Y Matimba
2	01/10/2017	Smoking Policy (Revised Version 2)	Revised by J I De Villiers