

Tobacco legislation here and abroad

Did you know that any institution or workplace in South Africa has a legal right to prohibit smoking?

According to the current Tobacco Products Control Act, 83 of 1993 Notice, published in the Regulation (GN R975 of 2000) relating to smoking of tobacco products in public places, this is indeed the case. As such, the Faculty of Medicine and Health Sciences' (FMHS) decision to make the Tygerberg Campus a 100% smoke- and tobacco-free zone from 1 January 2019 is completely within our rights.

We've made this call in the interest of protecting the health of everyone on campus. It's been conclusively established that designated smoking areas are ineffective in preventing harm from second-hand smoke. It's also a well-known fact that exposure to tobacco smoke causes death, disease and disability, which is why there's a move worldwide to do away with designated smoking areas.

According to the Act, any employer, owner, licensee, lessee or person in control of a public place must ensure that:

- Employees who don't want to be exposed to tobacco smoke in the workplace are protected.
- Employees are allowed to object to tobacco smoke in the workplace without retaliation of any kind.

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

Stellenbosch University is therefore entitled to ban smoking completely on the Tygerberg Campus. As an employer, the University is also under no obligation to provide smoke breaks to staff or to set aside alternative, designated smoking areas.

Tougher legislation on the cards for SA

If South Africa's newly proposed Control of Tobacco and Electronic Delivery Systems Bill is passed, all South African smokers will soon find it tougher to find public places in which to smoke.

According to the Bill, which was approved by the Cabinet of the Republic of South Africa and published for public comment in 2018, smokers won't be able to smoke in any outdoor public spaces. This includes smoking sections in restaurants, at work, in private vehicles (if there's more than one person inside), the common areas of apartment blocks and townhouse complexes, or any places where children are being taught or cared for.

The Bill is in line with global tobacco control recommendations and also allows for the effective regulation of new tobacco products (e.g. e-cigarettes). These and other novel and emerging tobacco products are not adequately covered under South Africa's current tobacco control legislation, which was drafted to regulate the use of cigarettes and other traditional tobacco products.

The FMHS's new Smoke- and Tobacco-free Campus Regulations are therefore also in line with where the country as a whole is headed in terms of legislation with regards to designated smoking areas and emerging tobacco products.

Need help quitting?

We're here to assist. Visit Tygerberg Campus Health Services for an assessment, counselling and access to smoking-cessation tools, including medication and/or nicotine-replacement therapy.

Campus Health Services are situated on the 2nd floor of the Tygerberg Student Centre. Alternatively, call +27 21 938 9590 to book an appointment. Let's do this together; let's be tobacco free!