

Department of Health

Vermont's Smoke-Free Laws: **Smoking in the Workplace**

In Vermont, smoking laws prohibit the possession of lighted tobacco products and tobacco substitutes in all enclosed structures in all workplaces. Tobacco substitutes include electronic cigarettes and any electronic or battery powered device that delivers nicotine or other substances into the body through inhaled vapor. A workplace includes any enclosed structure where employees perform services for an employer.

Where does the Smoking in the Workplace Law not apply?

The workplace smoking prohibition does not apply to any portion of a structure that serves as the employee's or employer's personal residence. The law does not apply to that designated portion of the indoor area of the (Bennington) Vermont Veterans Home, where smoking is permitted. The law also does not apply to the use of tobacco substitutes in businesses (vape lounges) established for the sole purpose of providing a setting for patrons to purchase and use tobacco substitutes.

What does the Smoking in the Workplace Law require an employer to do?

The smoke-free workplace law creates a ban on smoking and vaping in any and all buildings that serve as a place where employees work for their employer. Indoor smoking/vaping areas are not permitted.

The Department of Health recommends that employers post the 100% Smoke-Free poster, which is available to download and print at healthvermont.gov. The QUIT@WORK kit is also available for employers seeking to help link employees to free quit smoking resources.

May employees smoke/vape outside the building?

It depends. The law bans smoking on the outdoor campuses of public schools, registered childcare centers (at all times) and homes (while children are in care), within 25 feet of State-owned buildings, and on the grounds of State-owned and operated hospitals.

Can an employer establish other smoke-free policies, like for cars or outdoor areas?

According to the U.S. Surgeon General there is no safe level of secondhand smoke exposure. The Department of Health recommends that employers consider setting policies that ban or restrict smoking near windows, doorways and building air supply intakes. In addition to what is prohibited by law, many Vermont employers have already voluntarily established smoke-free campus policies or smoke-free outdoor areas around the perimeter of buildings. Setting smoke-free policies for company vehicles, or vehicles located on company property, is up to the individual employer. Sample policies are available online at healthvermont.gov.

What actions can employees take if they are exposed to smoke/vapor at their workplace?

They may file a complaint with the Department of Health by calling 1-866-331-5622. The Department of Health will provide the employer with notification of the alleged violation and ask that they provide a written plan to remedy the situation. An employer's ongoing violation of this law could result in a fine.

The law also prohibits an employer from retaliating against an employee because that employee assisted in the supervision or enforcement of the workplace smoking requirements. If an employee believes their employer has taken action against them due to such efforts they may, within 30 days after such a violation, file a complaint with the Commissioner of Health. The Commissioner will investigate such complaints and, if he or she determines that there has been retaliation, bring court action against the employer. The court may determine appropriate relief including, reinstatement and back pay.