

Department of Health

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

In 2009, Vermont amended its Smoking in the Workplace Law to prohibit smoking inside all areas of the workplace. Prior to this amendment the law allowed employers to designate smoking areas if they obeyed certain rules. Now the law requires all indoor areas of workplaces to be 100% smoke-free.

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 employees or employers personal residence. The law also does not apply to that designated portion of the indoor area of the (Bennington) Vermont Veterans Home, where smoking is permitted.

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

The smoke-free workplace law creates a ban on smoking in any and all buildings that serve as a place where employees work for their employer. Indoor smoking 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 outside the building?

Yes, in most cases. The workplace law bans smoking on the outdoor campuses of public schools, registered childcare centers and homes (while children are in care), within 25 feet of State-owned buildings, and on the grounds of State-owned and operated hospitals. 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. This will help to prevent smoke from entering the building.

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

The law only applies to workplaces within enclosed structures, like office buildings, with a few exceptions (see above). However, many Vermont employers have already voluntarily established smoke-free campus policies or smoke-free outdoor areas around the perimeter of buildings. Setting policies for smoking in 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 at their workplace?

They may file a complaint with the Department of Health by calling 1-866-331-5622. The Department of Health will give the employer written notification of the alleged violation and remind them of the indoor smoking prohibition. If the employer refuses to come into compliance a penalty of \$100 may be imposed.

The law 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.