New XpertHR Report Helps Companies Deal with "Vaping" Debate

Explains Pros and Cons of E-Cigarettes in the Workplace

New Providence, NJ (August 21, 2014) – With the rise in popularity of e-cigarette devices, employers must decide what, if anything, should be done about e-cigarettes when they are brought into the workplace. Should employers ban e-cigarettes to prevent co-workers from coming into second-hand contact with the vapor? Or, should they allow vaping, which might cut down on the number of smoking breaks and encourage employees to quit cigarettes?

In its new report, *[E-Cigarettes in the Workplace: A Policy Toolkit to Manage This New Risk](#)*, XpertHR explains the first thing to consider is that nicotine addiction is not a recognized disability under federal or most state laws. This means employers are not obligated to allow e-cigarettes or "vaping" in the workplace as a means of reasonable accommodation to an employee who is trying to quit smoking.

E-cigarettes are so new that little is known yet about which chemical compounds are in the products and what their health impact might be. Although many employers do not yet have policies on e-cigarettes, those that do are leaning toward excluding e-cigarettes just like they do any other form of tobacco.

In making a decision to limit or ban an activity at work, employers should weigh the advantages and disadvantages, says the new [XpertHR report](#). The primary considerations of vaping at work are:

1. The health effects of e-cigarette vapor.
2. The effect that allowing vaping in the workplace will have on employee productivity.
3. The risk of liability created by vaping in the workplace.

E-cigarettes aren't yet federally regulated as tobacco products, but many cities and some states are already moving to include the devices in their smoking bans. Some businesses have been proactive in handling the growing number of employees who are switching to e-cigarettes by addressing e-smoking in their company policies.

"The first thing an employer should do when creating an electronic cigarette policy is decide whether e-cigarettes will be completely banned, allowed in smoking areas, allowed in certain approved areas outside of the regular smoking areas or allowed everywhere inside the workplace," says Ashley Shaw, JD, Legal Editor, XpertHR. "No matter what an employer decides to do about electronic cigarettes, it is important to create a new written policy, or update an existing smoking policy, stating what is or is not allowed."

The first step in developing an e-cigarette policy is to research the state and local laws where the employer operates. If state or local law prohibits the use of e-cigarettes in the workplace, the employer should adopt a written policy that affirms the state or local rule. Once a decision has been made on whether to allow vaping in the workplace, the employer should distribute the written policy to employees in advance of its official effective date.

To receive a free copy of XpertHR's whitepaper and policy toolkit, which includes a template policy, *E-Cigarettes in the Workplace: A Policy Toolkit to Manage This New Risk*, visit www.xperthr.com/pages/e-cigarette-policy-toolkit.

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