

1. E-cigarettes in the work place

The use of e-cigarettes and electronic nicotine delivery systems (ENDS) is on the rise and presents a considerable challenge for employers.

E-cigarettes are battery-powered devices that mimic tobacco smoking and are often used as replacement for cigarettes. According to ASH (Action on Smoking and Health), around 10% of adults in the UK are currently using e-cigarettes.

2. The legal position

E-cigarettes fall outside the current legislation because the act of smoking requires a source of heat. This means that Companies can decide if they wish to allow smoking at work or not.

3. Issues to consider

3.1 Some employees may be unaware of a plan to stop smoking so employers may wish to consider this.

3.2 The vapour from e-cigarettes may be irritating to other employees and may present a fire risk through passive consumption. Research into e-cigarettes is ongoing and so employers cannot be certain that the vapour is harmless for people working in the same room.

3.3 Some e-cigarette users may be unaware of the risks of being smoked in the workplace. Companies decide to allow the use of e-cigarettes and so employers cannot advise employees to obtain approval so that line managers are at least aware of the situation.

3.4 If employees are using e-cigarettes, should they be allowed to smoke in designated areas? Users of e-cigarettes may be confused by traditional smokers. Perhaps arguing that they are not smoking and having to stand with colleagues using e-cigarettes may make this more difficult for them. It is also worth considering the creation of a separate e-cigarette area.

4. The way forward

Whatever they decide, employers should be clear about what their rules are on the use of e-cigarettes and review existing policies accordingly. It is also worth considering the creation of a separate e-cigarette area.

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