

Tobacco-free workplace

Updated August 2013

Communications

Supervisor communications

Sample Letter to Supervisors

To: All management staff

From: CEO or VP of Human Resources

Re: Tobacco-free workplace policy

Beginning on [policy implementation date], [Organization] will become tobacco-free in buildings and on premises, whether owned or leased and in company vehicles at all times. The policy will thus apply to all grounds and include personal vehicles parked on grounds. The policy will apply to all forms of tobacco (including but not limited to: cigarettes, cigars, smoke-less/chewing tobacco, snus) and e-cigarettes.

[Organization] is dedicated to providing a healthy and productive work environment for employees, customers, and visitors. Tobacco use is a major cause of preventable disease and death. Moreover, workplace policies that restrict tobacco use do help individuals who would like to quit.

This information is being sent at this time only to supervisors. Very soon, we will be making an announcement to all staff. I ask that you discuss this policy with your staff as soon as possible after the announcement, and periodically up until and through implementation, to ensure every employee is aware of the policy.

As a member of the management team I need your help to enforce this policy as you enforce other policies. If you see someone using tobacco or e-cigarettes on property or in a company vehicle, remind him or her of the policy and promptly complete the tobacco use violation citation. If you see someone repeatedly disregarding the policy, you are encouraged to contact your department's HR consultant to receive assistance with enforcement protocols.

To help you discuss this policy with your staff, attached is a packet, which includes the following.

- A copy of the policy
- A schedule of informational meetings for employees
- Employee Q&A
- Manager Q&A (to answer questions you may have about the policy); and manager enforcement information

The experience of other companies has shown that by announcing the policy implementation at least four months in advance ... employees have time to digest the information and make an appointment to talk with their medical provider about quitting, receive quit medications and make quit attempts (where desired). The main item about this policy is that employees are not required to quit. The crux of the policy is about health. Should this policy be the catalyst that helps a person to quit – that is a healthy outcome.

The first two to three weeks of policy adoption is a critical time period. As long as the policy is fairly and universally enforced during the beginning weeks, compliance with it will quickly become the norm. I ask each of you to join me in promoting adherence to this policy during the coming month. Please say something to any employee you see violating the policy. Our employees will be watching your actions.

I recognize that this new policy places supervisors and managers who use tobacco in a potentially difficult position. Your actions will be particularly important. If our employees see you leaving the campus to use tobacco, they will follow suit.

If you have questions about the policy or its implementation, please contact your department's HR consultant.

Thank you for your assistance in helping us implement this important new policy.

Manager Q&A information sheet

Note: This sample Q&A is provided as an example of the kind of communication some employers have found useful. It is not intended to capture every scenario – and your organization may need to tailor responses to fit your corporate/organization policies (such as pertaining to leaving the premises on paid break time). It is not intended to advise on supervisory procedures or to provide legal guidance. Please use it as a starting point to create communications that are appropriate for your employees and organization.

The policy states that employees may not use tobacco on [Organization] grounds or in the parking lot. Is it a violation of the policy if an employee uses tobacco during paid or unpaid time if the employee is not on the grounds?

If an employee is off [Organization] property he/she is not in violation of the policy. Employees must follow policy(s) associated with work time.

The policy states that supervisors are expected to approach employees they observe potentially violating the policy. Is a supervisor expected to do so just for employees that he/she supervises?

Managers and supervisors are expected to enforce the policy with *any* employee he/she observes who may be in violation of the policy. Approach any individual you see in violation of the policy, remind them of the policy in a courteous manner and follow up with human resources to complete the tobacco use violation citation.

How should a manager/supervisor respond to an employee if the employee asks if leaving the building area is prohibited during his/her break?

Although a break is paid time, there is no corporate or overall policy that states that employees must not leave the work site during his/her break. However, no additional break time is allocated for employees who choose to leave the premises to use tobacco. If the manager/supervisor currently has instituted a policy that employees may not leave the work site during their break, the manager/supervisor should contact Human Resources to discuss this issue.

Exempt (salaried) employees often do not take regularly paid breaks, but may still leave the property to use tobacco. What should a supervisor do if it appears that exempt employees are taking an excessive amount of time on “tobacco breaks” because they are getting in their cars and leaving the property?

Exempt employees are paid an annual salary to accomplish their job. Such employees may work more than eight hours in a day/forty hours in a week if that is what is necessary for the employee to complete his/her work (or the employee may work fewer hours as long as the employee meets the job expectations). Therefore, it would generally not be appropriate to track the breaks of an exempt employee. However, if it appears that an exempt employee is spending an “excessive” amount of time on tobacco breaks and as a result the employee is not meeting the established job expectations, the manager/supervisor should deal with this situation as any other performance issue. Contact Human Resources to determine the appropriate course of action in these situations.

What should a supervisor do if it appears hourly employees are exceeding their allowable breaks because they are now getting in their car and leaving the property?

Treat the “extension” of allowable break time as any other misconduct/performance issue – conduct a fair and thorough investigation, determine if there is just cause to issue discipline, and issue the appropriate level of discipline.

Since the employees may be disciplined for exceeding the allowable break time, it is important that all similarly situated employees be treated in a consistent manner. That is, managers/supervisors must hold

ALL employees (not just smokers) accountable to the break time outlined in the [organization guidelines or policies].

Contact Human Resources to determine the appropriate course of action in these situations.

How should a manager/supervisor respond to an employee if the employee asks why the employer is instituting a policy only dealing with smoking when there are other unhealthy habits, e.g., obesity, lack of exercise, about which the employer should be concerned?

Tell the employee that the [Organization] agrees that other lifestyles issues are important for the overall health of an employee. The health risks posed by tobacco use are long documented. A tobacco-free workplace policy is a straight-forward example of how the organization is creating a stronger culture of health at the workplace. Other strategies are in place/being put into place to help employees make healthier choices for physical activity and healthy eating. The organization is looking at a well-rounded approach to help create healthier choices at the workplace. [Insert examples should you have them.]

How should a manager/supervisor respond to an employee if the employee asks how the employer can legally prohibit an employee from smoking during his/her lunch period since this is the employee's own time and smoking is legal?

Remind employees that drinking is also legal, but that [Organization] has had policies for some time that prohibit the use of alcohol. Thus the banning of smoking is not new ground. Clarify that the policy only addresses smoking on [Organization] property. An employee is allowed to tobacco on breaks and during lunch if he/she leaves the campus.

How should a manager/supervisor respond to an employee if the employee asks what the employer is doing to help employees stop smoking?

The manager/supervisor should inform the employee that there are resources available to employees who are considering quitting smoking. [Insert information on tobacco cessation program offered by health plan; and QuitPlan of Minnesota for those who do not have health insurance.]

How should a manager/supervisor respond to an employee if the employee asks if he/she could be fired for violating the smoking policy?

The manager/supervisor should respond that the employer views violations of the smoking policy the same as violations of any other [Organization] policy. Ultimately an employee could be discharged for repeatedly violating the smoking policy.

How will new employees be informed of the smoking policy?

Employees who attend new employee orientation will receive a copy of the smoking policy as part of the new employee orientation packet. In addition, it is strongly recommended that managers/supervisors give all new employees a copy of the tobacco policy during a staff meeting

Employee communications

CEO announcement memo to employees

To: [Organization Name] Employees

From: [Name], [Chief Executive Officer]

Through our human resources policies and our [wellness initiative name], [organization] is committed to providing a healthy work environment for our employees, contractors and visitors. In recognition of this priority, we have made the decision to implement a tobacco-free workplace policy. The policy applies to all forms of tobacco and e-cigarettes. All buildings, grounds and company vehicles will be tobacco-free at all times. In addition, personal vehicles parked on company grounds are to be tobacco-free. The policy will take effect on [insert date here].

Tobacco use is a major risk factor for heart disease, stroke, several cancers and respiratory diseases. Tobacco-free workplaces help support employees who want to quit and employees who have quit and want to stay quit. We will be announcing available resources to support employees who wish to quit smoking or using tobacco.

I understand that this decision will be welcome news to some employees and unwelcome news to others. We are not requiring that any employee quit smoking or using tobacco, but we will be prohibiting use on [organization] property.

I have asked [insert name of tobacco-free policy committee chair] to chair a committee of employees comprised of current smokers, former smokers and non-smokers. This group will work out the details of our tobacco-free campus policy and will help plan its implementation. If you have questions, ideas or comments about this issue, please direct them to [insert name and phone number of policy committee chair].

Members of the implementation committee include:
[insert committee member names here]

We look forward to sharing more news with you as we move closer to the implementation date.

Yours in health,

[leader name]

Sample newsletter text on policy

Building and grounds to be tobacco-free

As of [date], the buildings, grounds and company vehicles of [Organization] will be tobacco-free (including e-cigarettes) at all times. In addition, tobacco may not be used in personal vehicles parked on company property. This new policy strengthens [Organization]'s commitment to providing a healthy environment for employees and visitors.

“A tobacco-free workplace may be the change that helps some tobacco users quit. This policy is all about health. Should it help bolster a tobacco user’s desire to quit – we’ve helped to create a healthier environment for that employee. The policy is all about creating a healthier environment for all employees.” said [committee chair or CEO]. Employees who have questions or comments about the policy are invited to submit them [list options for employee feedback]. More details on the policy will be distributed to employees via their supervisors during the month of [date].

No one is required to quit smoking or quit using tobacco to comply with this policy. For employees who are interested, the following quit-smoking resources are available at no charge [list contact information or stop-smoking program phone # and other stop-smoking resources].

For individuals who wish to leave [Organization] property to use tobacco, maps clearly showing the property lines for of [Organization] are available [list location here]. As a part of being a good neighbor, employees are asked to be considerate of those businesses and property owners by appropriately disposing of all materials used for smoking, including cigarette butts and matches.

Tobacco-free workplace employee information sheet

Why this change in policy?

Promoting the health and wellness of employees is a priority of our organization. Tobacco-free workplace policies promote health by:

- Encouraging individuals to quit smoking or to cut down.
Tobacco use is the number one cause of preventable illness and death in Minnesota and across the nation. Stopping smoking has immediate short-term health benefits and dramatic long-term health benefits for most people.
- Providing an environment that supports employees who are trying to quit.
Since the majority of people who smoke would like to quit, this policy change could help many of your coworkers who are interested in quitting. That is significant because smoking is highly addictive and quitting is difficult.
- Protecting all employees, contractors and visitors from the health hazards of secondhand smoke.
There is no "safe" level of exposure to secondhand smoke. Even occasional exposure to the many chemicals, poisons and cancer-causing substances found in secondhand smoke is hazardous to everyone's health.

NOTE: Employees who smoke (or use other forms of tobacco) are not required or expected to quit, but must abide by the policy.

When will the policy go into effect?

The policy will become effective on [date].

- The policy was announced in [month, year] and has been discussed with employees in [list employee feedback opportunities, e.g., intranet, newsletters]. Prospective hires and new employees have been informed about this change.
- Since [date], [organization] has been promoting resources for employees who want to quit smoking and who are seeking assistance.

I currently smoke. Does this mean I have to quit?

No, you are not required to quit using tobacco. All employees, contractors and visitors must abide by the policy.

Where can I use tobacco/smoke?

Tobacco use (any form of tobacco or e-cigarettes) is not permitted at any time in [organization] buildings, on grounds, in company vehicles or personal vehicles parked on company grounds. Employees who wish to use tobacco must leave [organization] property. Employees who choose to use tobacco on neighboring properties are asked to be considerate of neighboring businesses and property owners by appropriately disposing of all materials used for smoking, including cigarette butts and matches. Do not litter.

Can I use tobacco in my car while parked on [organization] property?

Employees are not allowed to smoke or use other forms of tobacco or e-cigarettes in vehicles parked on [organization] property at any time.

I don't know where company property begins and ends. How will I know I'm not smoking on company property?

Property maps will be placed on the employee intranet site and will be distributed at building meetings. You can check these maps to ensure you are not smoking on [organization] property. [Organization] encourages employees who choose to use tobacco just outside our property to be safe and to be good neighbors. Do not litter.

If I leave the property to use tobacco and incur an injury or accident, will I be compensated under Worker's Compensation?

If any employee leaves the premises to smoke or use other forms of tobacco, [organization] is not responsible for any injuries or property damage. Employees who have paid breaks may not leave property to use tobacco.

Do tobacco users get longer breaks?

Tobacco users do not get longer breaks. All employees are expected to follow the work time schedule established for their work area. Refer to Human Resources Policy [_____].

How will the tobacco-free policy be enforced?

Employees are expected to abide by the new policy, just as they are expected to abide by other policies that are introduced or strengthened, for example, the anti-harassment policy and the dress code policy. Tobacco-free policy violations will be handled like violations of any other policy, according to the corrective action procedures outlined in the policy manual.

Supervisors/Managers/Leadership will approach anyone in violation of the policy (employees, contractors and visitors) and initiate a tobacco-free policy violation citation with Human Resources for employees who violate the policy. Human Resources will then follow up with the employee's supervisor. Any problems should be brought to the attention of the appropriate supervisor or Human Resources and handled according to the corrective action procedures outlined in the policy. Human Resources will investigate and work with management to take appropriate corrective action.

If I see someone smoking on [organization] property, what should I do?

Use your judgment based on the situation. Staff are encouraged to spread awareness of the policy, but are not required to enforce it or to approach any individual. If you remind someone of the policy, keep it short, simple and friendly. Avoid any confrontation, lecturing, threatening, etc. We want to keep [organization] buildings and grounds as safe and friendly — and healthy — as possible for all employees, contractors, and visitors.

- **If you do not know the person**, especially if you think she or he may be a visitor, you may approach them and courteously say, "You might not know that we now have a tobacco-free campus policy. Tobacco use is not allowed on any [organization] property." Then continue on your way.
- **If the person is an employee you know**, and you know or guess that he or she is already aware of the new policy, you can just say "Hi --remember that we're tobacco-free now". Then continue on your way. The individual may not stop smoking on the spot, but may go off campus in the future.
- **If you see someone repeatedly disregarding the policy**, you are encouraged to contact human resources, either by e-mail to [HR contact name] or by contacting your department's HR consultant.

I would like to quit smoking. Where can I get help?

If you'd like to quit, [organization] has the following resources available at no cost to employees: [Describe quit program through health plan and QuitPlan of Minnesota]. These resources have been proven to increase the likelihood of quitting successfully. Confidentiality is assured if you choose to use these.

Suggestions for inviting and responding to employee feedback on a tobacco-free workplace policy

Expect employees to have opinions regarding the implementation of a tobacco-free workplace policy. While the implementation of the policy is not open to debate, it is worthwhile to provide employees with opportunities to voice their opinions and to ask questions. Opportunities for employee feedback are an important part of the communication's plan, and could include:

- E-mails to a central mailbox that are then posted with responses on the company Intranet site
- Lunch time presentations / Q&A session hosted by members of the advisory committee.
- A "comments" box. Comments and responses are posted on a bulletin board or in an employee communication/newsletters.

Providing feedback

Use the following should it help you in responding to employee questions:

Are tobacco users going to get longer breaks?

No, there is no distinction between tobacco-use breaks and other breaks. All hourly employees are expected to follow work time policies. Refer to Policy [_____].

Who is going to enforce this policy? Are employees going to be expected to tell on each other?

Supervisors/managers/leaders will enforce the new policy, just as they enforce any other employee conduct policy, such as our anti-harassment policy and dress code policy. Violations of the policy will be handled according to the corrective action procedures outlined in the policy.

I find this policy very discriminatory against smokers and tobacco users. Smoking is legal and this policy is taking away my rights.

The policy does not require employees to quit smoking. It only requires that they do not smoke or use other forms tobacco at any time in [Organization] buildings, grounds, company vehicles or personal vehicles parked on company property. Alcohol use is legal too, but employers routinely restrict it to protect worker health and safety.

Why can't I use tobacco in my car?

As part of our commitment to create a stronger culture of health at the workplace, the policy includes cars parked on grounds to eliminate smoking in and around our parking lots. You may use tobacco in your car if it is parked on the street.

What about employees who are obese? No one is forcing them to stop eating hamburgers and fries. They are likely to have as many health problems as smokers/tobacco users.

The evidence of the health hazards of tobacco use and exposure to secondhand smoke is very strong. This is one step our organization can take to promote the health of employees. It is not the only step.

We offer a number of ways for employees to choose healthy behaviors at the workplace. The following to support employees' healthy behaviors [consider listing benefits and opportunities such as healthy options in cafeterias, discounts at fitness centers, walking paths near/at your worksite, premium discounts for healthy behaviors, health promotion programs for employees, etc.].

The policy will be bad for business. Employees will be stressed and less focused on work. Smoking is a huge stress reliever for me. Why take it away?

The goal of the policy is to provide a healthy work environment for all employees. Many of our colleagues who use tobacco try to quit every year. This policy provides a work environment that supports them in their efforts to quit and to stay quit.

What's wrong with designated smoking areas as long as the area is not blocking entrances and the smoke doesn't bother other employees? Smoking huts would provide a place for smokers in bad weather and wouldn't harm anyone else.

The goal of the policy is to provide a workplace that promotes the health of all employees. This is best accomplished with a completely tobacco-free workplace. Smoking huts concentrate smoke and smoke odors and implicitly promote smoking.

I was a smoker for many years. Then I quit for a time. Then when I had smoking around me every day at work I started back. When this policy takes effect, I will probably quit again as I would not go out of my way to smoke.

The last thing we want is to have a workplace that encourages individuals to start smoking. Supporting coworkers who try to quit smoking is one of the goals of this policy.

I think the policy is wonderful and will eventually help me to totally stop smoking.

The policy is intended to make it easier to quit and easier to cut down to fewer cigarettes each day. In addition, for employees who are interested in quitting, the stop-smoking program is available. It's confidential and free!

I hate having to walk through the designated smoking areas to enter the building. It's unhealthy and unpleasant. I think the new policy will enhance our work environment and [Organization]'s image.

The policy is in line with [Organization]'s mission and goals, including promoting health and productivity of our employees.

It's about time [Organization] caught up with other employers in offering a tobacco-free place to work.

We are not alone. Across Minnesota and across the U.S., leading employers have already become tobacco-free workplaces. It makes sense from a business and a health standpoint.

I have asthma. Any time I have to walk through a group of smokers, or sit in a meeting with someone who smells like smoke, I risk an asthma attack. Anything that will reduce smoking and smoke odors is worth it to me.

Research has strongly proven the negative health effects of secondhand smoke. It is important for us, as an employer, to provide a safe work environment for all employees.

Thanks for trying to make this a great place to work.

Employees are vital to our success. We compete with other employers for employees. Anything we can do to make [Organization] a healthy place to work helps us retain you and other valuable employees and attract future employees who want to be healthy as well as productive.