

SMOKER-FREE POLICIES

The case for smoker-free workplaces

N John Gray

Debate

The recent experience of making bars in New York and Ireland smoke-free seems likely to give further impetus to the push for smoke-free workplaces and public places. The primary stimulus for the smoke-free workplace has always been employee occupational health, but an important secondary benefit is the consistently reported significant effect of reduced smoking frequency and increased quit rates among employees in smoke-free workplaces.^{1,2}

I have always thought the ultimate objective is a workplace which is both smoke-free and smoker-free. The practicality of this objective depends on a number of variables, especially smoking prevalence rates and applicable laws in the country concerned. While it may not be practical across the community, it seems appropriate for exemplar organisations such as hospitals, cancer charities and cancer institutes to explicitly aim for both smoke- and smoker-free workplaces.

BECOMING SMOKER-FREE

In the late 1980s, the Anti-cancer Council of Victoria (Australia) went both smoke-free and smoker-free. We had been a smoke-free workplace for some years already and there was no difficulty with the new policy as the staff understood our function as a role model for the community. However, since Victoria had an anti-discrimination Commission, we sought its permission to discriminate against smokers seeking employment with us. Given our role as exemplar, the commissioners agreed that a policy of not employing smokers was acceptable. Obviously, sacking smokers already on staff was not an acceptable option but we were quite soon down to a single continuing smoker, who was an addicted but valued employee. The efflux of time resolved this and following that individual's departure for standard reasons we had only one difficulty—a new employee who lied about smoking when applying for a job and was later observed to be a smoker. This resulted in the employee being dismissed as the conditions of employment had been breached. As director, I felt bad about this but the dismissal was accepted as a reasonable response and showed we were serious about the policy.

We were an organisation of about 100 staff, the community smoking rate was about 30% at the time, and the public issue we were then debating was the very early one of the right of non-smokers to have a special section in restaurants.

The process takes time but is important, especially for exemplar institutions. We did not provide free nicotine replacement therapy (NRT) and counselling then, although I would do so in similar circumstances today.

EXPANDING THE POLICY

In thinking that "smoke-free and smoker-free" is a better objective than merely the former, I was initially thinking about exemplar institutions. However, the question arises as to whether this policy should be more widespread. If we take the view that reducing smoking rates by all acceptable and effective means leads to greater population wide health benefits, then "smoker-free" workplace policies merit consideration, and we need to consider just how far we are willing to go down the path of paternalism.

An entirely benevolent employer (say, Mr Bonamour) might well decide to offer education, counselling, free NRT, and financial incentives such as an extra salary premium for non-smokers. If he does this, it would be consistent, albeit somewhat paternalistic, to refuse to hire new staff who smoke.

Developed societies are paternalistic. We try to protect bar workers from drinkers' secondhand smoke even if they say there are willing to take the risk, and we encourage insurers to support such initiatives by increasing premiums for bar owners. We also enact laws requiring seat belts and crash helmets.

On the other hand, if our employer is a money grubbing Mr Scrooge only interested in his share options, he might refuse to hire smokers because they take time off for smoking breaks and take more sick leave than do non-smokers.³⁻⁶ Mr Scrooge's policy is not nice, but it may also mean his company can stay in business, which means his non-smoking employees will stay employed. A few percentage points of extra productivity can be important.

Being nice myself, and seeing smokers as victims, I prefer Mr Bonamour's approach to Mr Scrooge's. However, I want to help smokers stop smoking and the threat of non-employment may be an effective way of doing it. This is "tough love" at work. Smoker-free policies may be on the way in.

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Debate

The smoker-free workplace: the case against

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Once taunted the chairman of British American Tobacco Australia in a letter to a newspaper because he had let it be known that he did not smoke. I argued “While the male head of a lingerie company would not be expected to “choose” to wear women’s underwear, smoking is a choice open to all. It is scarcely imaginable that the chairman of Ford would drive a Toyota or the head of the Meat Marketing Board would be a vegetarian. Such lack of personal confidence in their products would probably see them not long in their jobs. The tobacco industry does not seem to mind such an irony.”

Some jest that smoking should be compulsory for all tobacco industry executives, but should the reverse ever be made to apply: that employers could choose to insist on smoker-free workplaces? Employers can oblige their staff to wear uniforms and conform to dress codes and address customers with repeated inanities like “not a problem” or sundry company greetings. In several nations, a large majority of workers cannot smoke at work. But should employers be able to insist that a worker cannot be a smoker, even if they only smoke after hours? Smokers have been repeatedly shown to have higher workplace absenteeism than non-smokers. In many workplaces, smokers take additional breaks to smoke outside and there is no evidence that these breaks somehow supercharge their subsequent productivity, causing compensatory boosts. Smoking breaks can also cause deep resentment among non-smokers who see colleagues being “rewarded” for their smoking.

DISCRIMINATING AGAINST SMOKERS

Against this background, talk of policies to allow employers to discriminate against the hiring of smokers is understandable. But is it justifiable? When running a cancer control agency, Nigel Gray introduced policy to not hire smokers, reasoning that smoking employees sent an unacceptable message to the community his agency served.

Because you can often smell smokers, and see their packs bulging from shirt pockets or peeping from handbags, it is reasonable to assume that a clandestine smoker working for a cancer control agency will sooner or later be “outed”. Few smokers smoke in total secret. Their friends and families know they smoke, and know where they work. Word gets around. A smoking cancer control advocate walks the thin ice of public hypocrisy which could conceivably undermine the reputation of their agency. Nigel Gray would presumably have the same understandable reservations in hiring a deeply tanned white person to work in skin cancer education, or mammogram and Pap smear refusniks to spearhead these campaigns.

So I would support Nigel in his policy of not hiring smokers in cancer control. But I am convinced that to extend such a policy to the wider community—into employment situations where smoking was quite irrelevant—would be unethical.

Nigel advances two arguments: employers’ rights to optimise their selection of staff (smokers are likely to take more sick leave and breaks); and enlightened paternalism (“tough love”). The first argument fails because while it is true that smokers as a class are less productive through their absences, many smokers do not take extra sick leave or smoking breaks. By the same logic, employers might just as well refuse to hire younger women because they might get pregnant and take maternity leave, and later take more time off than men to look after sick children.

But what about paternalism? There are some acts where governments decide that the exercise of freewill is so dangerous that individuals should be protected from their poor judgements. Gray’s instances of seat belt and motorcycle crash helmets are good examples. Goodin’s famous essay on the ethics of smoking¹ argues that we do not allow someone to knowingly drink a glass of cholera infected water, assuming such behaviour must indicate mental incapacity. Gray argues that his spectre of “quit or reduce your chances of employment” is founded on similar enlightened paternalism. I think the comparisons are questionable.

Seat belt and helmet laws represent trivial intrusions on liberty and cannot be compared with demands to stop smoking, something that many smokers would wish to continue doing. By the same paternalist precepts, employers might consult insurance company premiums on all dangerous leisure activity, draw up a check list and interrogate employees as to whether they engaged in dangerous sports, rode motorcycles, or voted for conservative politics.^{2,3} Many would find this an odious development that diminished tolerance. There is not much of a step from arguing that smokers should not be employed (in anything but tobacco companies), to arguing that they should be prosecuted for their own good. I demur.

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