

WARNING: You don't have to smoke to die from it. Second-hand smoke kills.

## Answers to Common Objections to Smoke-Free Workplace Laws

### This is America. Don't citizens have a right to smoke, even if it hurts them?

Yes, smokers are free to continue to smoke—as long as they don't expose others involuntarily to cancer-causing chemicals. American democracy has always created laws to protect society from threats to our health and safety. Sometimes limits must be imposed on the right of one individual to engage in behavior that, while acceptable if it affects the individual only, is harmful to others.

Protecting people from exposure to second-hand smoke is an example of society acting to safeguard citizens from involuntary exposure to dangerous risk. When one person's right to engage in certain behaviors conflicts with another person's right not to be harmed, limits have generally been placed on the harmful behavior.

### Can't non-smokers just avoid places where colleagues smoke?

Suggesting that an employee can just walk away from an area where someone is smoking is unfair and often unrealistic. Should non-smokers be forced to restrict their activities (e.g., not eating lunch in an employee cafeteria because people are smoking) in order to protect their health? More importantly, in many workplaces it is physically impossible to escape breathing toxic fumes from other people's cigarettes.

### Can't non-smokers choose *not* to work in a smoky environment?

It's unfair to argue that someone should find another job if he or she doesn't want to be exposed to smoke in a particular workplace. Jobs aren't usually that easy to come by. In addition, for many people —students supporting themselves through college, single parents who need flexibility in their work schedules, performers who need flexibility so they can go to auditions and study—restaurant and bar work is among the most available, flexible, and best-paying. Unfortunately, these workers are the *least* protected from exposure to second-hand smoke on the job.

### Why does New York City need a new smoke-free workplace law?

There are many laws designed to protect workers from occupational illness. For example, all employees are protected from exposure to asbestos and other dangerous chemicals. New York City's current smoke-free workplace law assures that some, but not all, employees are safe from the harmful chemicals that cause cancer and heart disease in second-hand smoke. A new law is needed to extend this protection to *all* workers.

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## **I can understand banning smoking in restaurants, where food is served and children are allowed, but why shouldn't adults be permitted to smoke in bars?**

Second-hand smoke is a lethal but *preventable* occupational health hazard for the employees of bars, restaurants, and other indoor places where smoking is now permitted. Working an 8-hour shift, bartenders inhale carcinogens similar to smoking more than half a pack of cigarettes. Exposure to second-hand smoke among food and hospitality industry workers has increased rates of lung cancer, heart disease, emphysema, asthma, respiratory disease, and many other ailments.

## **Many restaurants have made changes to comply with New York City's 1995 smoke-free law. Will this new law impose new and expensive requirements?**

The law in 1995 contained clauses that may have led to some restaurants and other workplaces renovating to create separate smoking rooms or install ventilation equipment, which is often ineffective. Extending the smoke-free law to all indoor workplaces creates a level playing field, eliminates the need to accommodate smoking, and would not cost businesses anything to implement. In fact, closing loopholes in the law gives restaurants greater freedom to maintain or change seating or architectural designs.