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OPINION

Anti-smoking laws: planting the seeds of discrimination?

By GUY L. SMITH

MAYOR EDWARD KOCH'S announcement recently of an anti-smoking bill for New York City has serious implications for the metropolitan minority community as well as the city's larger smoking population.

However, well-intentioned the motive, a law that would segregate smokers and non-smokers in the workplace would also provide a perfect backdrop for employers who wish to discriminate against minority employees.

It is a well-documented fact that more Blacks smoke than whites, so it is not very difficult to imagine a situation where an employer would overlook a Black worker in line for a promotion on the basis that the new job would require him or her to supervise employees in the non-smoking area.

The AFL-CIO sees the threat. The union's executive council released a statement last month on the issue that said: "Unions are faced with legislation or unilaterally imposed employer policies that forbid smoking on the job and infringe on the rights of workers who smoke. Unions have the responsibility to represent the interests of all their members -- smokers and non-smokers.

The AFL-CIO believes that issues related to smoking on the job can best be worked out voluntarily in individual workplaces between labor and management in a manner that protects the interests and rights of all workers and not by

legislative mandate."

The New York City Chamber of Commerce and Industry, the New York Board of Trade, the Chamber of Commerce in Brooklyn and the Bronx, the New York State Hotel and Motel Association and the New York State Restaurant Association also see potential problems: prohibiting smoking in all enclosed public places except designated smoking areas could effect the quality of life that minority residents of the city enjoy. Such a plan would almost certainly allow the proprietor of a restaurant, club or theatre to pick and choose his or her clientele.

One has to wonder why the mayor would want to plant potential seeds of discrimination in places where we've all worked so hard to eliminate them.

There are two million New Yorkers who choose to smoke. There are also 65,000 commuters and 4.5 million tourists who smoke. Smokers have coexisted peacefully with the city's non-smokers for centuries. Where differences have arisen between them, no law regulation or restriction has been able to take the place of common courtesy, rationality or understanding.

This kind of cooperation works. It does not need to be forced upon us through legislation. New York City's most valuable resource is its people, in all their remarkable diversity. Legislation that systematically discriminates against one group of people has no place in the city's goals to achieve equity and fairness.

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