

OFFICE SMOKING

systems, the survey noted, separation of smokers and nonsmokers would necessitate duplication of records or an increase in intra-departmental couriers. "In either case," the survey said, "overall productivity would be reduced."

All respondents comply with, and 50 percent try to exceed, legal requirements for hourly air replacement.

However, 55 percent reported they have never studied any aspect of office air quality; 40 percent have not done so since their facility first was occupied. Only five percent said they have contracted with outside consultants to study specific air problems.

Environetics International, Inc., is a full-service interior architecture, technology, and consulting management firm with offices in New York, Los Angeles, Washington, D.C.; Chicago; San Francisco; Houston; Boston; Minneapolis; London and Mexico City. This survey of office smoking issues was commissioned by the Tobacco Institute.

For additional information on this and other workplace smoking issues, write:


The Tobacco Institute
1875 I Street Northwest
Washington, DC 20006

CTD®

In February 1985, Environetics International, Inc., of Washington, D.C., completed a nationwide survey to define technical issues U.S. companies face in planning office space to separate smoking and nonsmoking workers.

In-depth, personal interviews were conducted with 40 senior facility managers of major labor-intensive companies, approximately 25 percent each in the manufacturing; transportation, communications and utilities; service, real estate, insurance and financial; and retail and food industries.

Senior facility managers were selected because of their insight into office planning opportunities and concerns.

Among the findings from the survey:

Corporations are reluctant to separate workers according to smoking preferences. Sixty-five percent of respondents said it would be difficult structurally to design office space to separate smokers and nonsmokers without efficiency losses. Although the facility manager would be the individual responsible for implementing any plan to separate

smokers from nonsmokers, only one respondent reported having any input on this type of management decision.

Comments from respondents included:

- "Anything is possible, but it would be *very* difficult and *very* costly."
- "Common sense and smoker courtesy are the only policies that will ever work in the workplace."
- "It's possible, but only after major dislocations."
- "Costs could be contained by using partitions; but any cost is more than should be necessary."

Layout flexibility and cost to company are the greatest concerns in designing space to separate smokers and nonsmokers. Other considerations included staff inconvenience, employee morale and time involved.

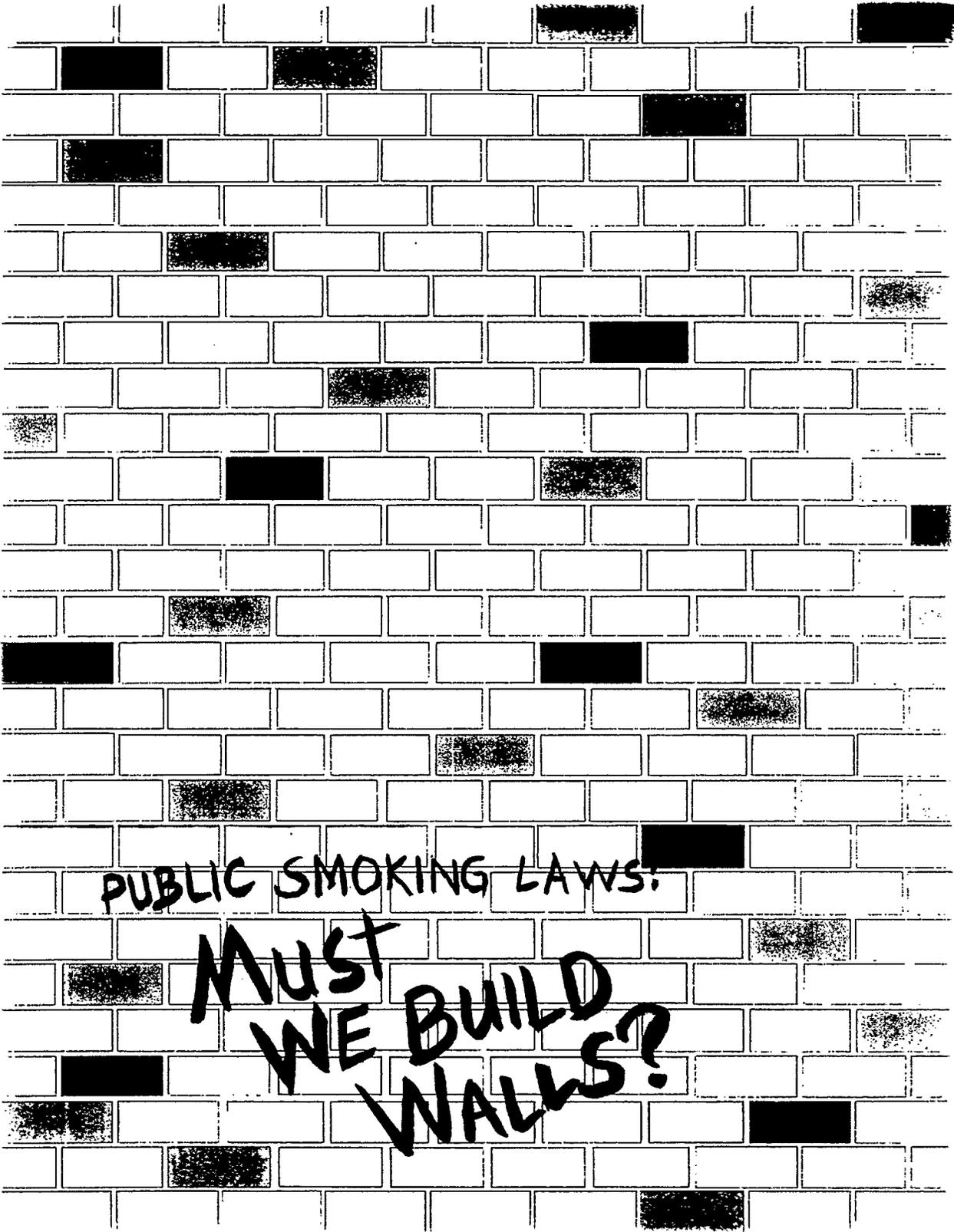
There is little agreement on how to separate smokers and nonsmokers in the workplace. Twenty percent of the facility managers surveyed said they had no idea how they could separate smokers from nonsmokers, should the need arise. Others suggested separate

workstations or floors, with use of modern office technologies to reduce the inconvenience of intraoffice dislocations.

Facility managers estimate a wide variety of costs to separate smokers and nonsmokers. Those interviewed gave cost estimates ranging from none to \$300 per square foot. One high technology company suggested installation of \$1,500 filters on each floor. And a bank estimated a cost of \$250,000 to build a "nonsmoking lounge" on each floor.

Problems with secretarial support and filing systems are compounded by efforts to separate smokers and nonsmokers. All respondents said most management and professional staff shared secretaries, with only a few top managers having private secretaries. If a secretary worked for two to five managers, some of whom smoke, then attempts to separate smokers and nonsmokers might mean the secretary works nearby some, but at considerable distance from others, the survey notes.

As most respondents said they used department-based records management



PUBLIC SMOKING LAWS:

**MUST
WE BUILD
WALLS?**

Public smoking laws: Must we build walls?

Whether you smoke or not, you know people who don't share your views on the subject. We all do.

You may find smoking enjoyable—or not to your liking. But most people don't dwell on it. It's just one small aspect of daily life, like preferring 007 adventures to Jane Austen, the Nashville sound to chorales, martinis to milkshakes.

But do you make a federal case of these differences?

A few anti-smokers do. They're trying to impose their will on everyone—by law. They would build walls, force a new identity on each of us. They would have everyone classified as a smoker or a nonsmoker, never—at least, in public—the twain to meet.

New prejudices, new problems

Most Americans live and work together harmoniously. Most of us accept others for what they are, what they can offer society as a whole. But now some would teach us new prejudices, presenting new problems, building new walls.

To separate smoker and nonsmoker at work and at play there must be signs. Partitions must be erected, systems redesigned, old work teams broken up. In Chicago, there was even, for a while, a court just to handle infractions of laws that tell smokers where and when they may light up.

Do we really need smoking laws? Must we partition society down the middle? What about the old courtesies? Must this new erosion of age-old personal liberties be permitted when the solution is so obvious?

Cooperation. Consideration. Concern for the preferences of others. Pretty basic stuff, no? But all too often forgotten in the rush of some to separate out others whose preferences differ from their own.

The jury is still out

Some anti-smokers claim they're thinking of the welfare of nonsmokers. But annoyance is one thing, health harm another. Two scientific workshops concluded independently in 1983 that the jury is still out, that there's not sufficient evidence to conclude that other people's smoke causes disease in nonsmokers.

Sure, smoking can be bothersome to some people sometimes. So can loud neighbors, a coworker who's had onions for lunch, an incessantly ringing, never answered, telephone. We don't, however, go running to city hall, the state capital or our congressman about it.

Everyday annoyances are *not* what laws are for. And the more we depend on laws to solve

people problems, the sooner we'll see the day when government makes *all* our decisions for us.

Smoking laws are unenforceable. They are costly in money and human relationships—and altogether unwise. For they breach personal property rights and they threaten us all, smoker and nonsmoker alike. They give government one more soy-so in our daily lives.

Unfair!

Where smoking laws are proposed for the private workplace, they promote discrimination. Is it fair, after all, that the person with the private office be allowed to smoke but the typing pool and others in shared work space aren't? That's one way to build walls in a hurry!

A news reporter may not have been entirely facetious when he wondered if, in light of a new workplace smoking law in San Francisco, employers shouldn't just flip a coin to decide whether to fire all smokers or all nonsmokers. One dissident nonsmoker there can cost a boss up to \$500 a day in city fines.

Old-fashioned courtesy is best

Surely better than government dicta are better communication, more consideration for the preferences of others, more good old-fashioned courtesy and tolerance.

"Few smokers will protest a civil request not to light up, at least for a time, or when in the presence of somebody who is offended," the McAllen (Tex.) Monitor wrote recently. "Few nonsmokers are consciously rude toward their smoking compatriots."

Smoking laws place coercive powers of government behind only one side of our hypothetical wall. The likely result? What the Texas newspaper worried could only be "a decline in good manners."

As we overcome old biases and enter a new era living together in harmony, we can't afford any diminution of good manners.

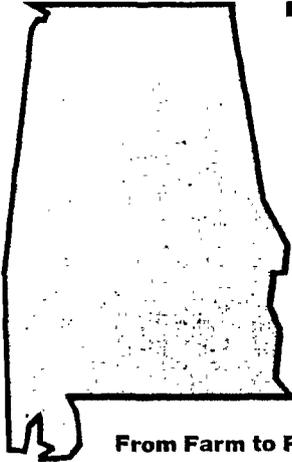
Smoking laws? No, thank you.

For further information write or call The Tobacco Institute. And when someone starts building walls in your community, speak up for courtesy instead.



The Tobacco Institute
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Tobacco in Alabama



From Farm to Factory

Alabama, in the heart of the nation's Cotton Belt, also grows flue-cured tobacco, the major ingredient in blended cigarettes. The cultivation and sale of the golden leaf, concentrated in the south-central area near the Florida border, are

important forces in the Cotton State's economy.

All of Alabama's tobacco crop is sold at auction markets in nearby Georgia.

Three manufacturers make cigars at factories in Selma, to the north in Cullman and the southeast in Dothan.

Growing Through the Cotton State Economy

A study by the University of Pennsylvania's Wharton Applied Research Center, published in 1980, examined the economic contributions of tobacco to the national economy and the economies of the 50 states.

The golden leaf's economic effects on Alabama stretch far beyond its fertile tobacco fields and its factories. A dramatic demonstration of the industry's contributions statewide is the Wharton finding that 2.1 percent of all private sector jobs are generated directly or indirectly by tobacco. That's the equivalent of one in every 48 jobs of all kinds.

Only about a sixth of these are directly related to tobacco industry activity between farm and sales counter. The rest are attributable to the multiplier, or ripple, effects of industry operations, as tobacco workers, their employers and essential suppliers spend their dollars for goods and services of other, nontobacco, industries. Thus are created more jobs, incomes and spending flows—because Alabamians and persons all over the world enjoy America's tobacco.

Paying Taxes to Benefit All Alabamians

Tobacco is more heavily taxed than any consumer product. Including the federal tax, which in January 1983 was doubled to 16 cents per pack of cigarettes, leaf products pumped almost \$8 billion in excises into federal, state and local coffers in the year ending June 30, 1983. This tax money helps pay for everything from vocational training to public libraries.

The state legislature increased the cigarette excise to 16.5 from 16 cents effective July 1, 1984. The state sales tax, as applied to cigarettes, amounts to another 3 cents per pack.

Fourteen counties and 221 cities impose taxes of their own on cigarettes; 28 cities and 5 counties additionally tax other tobacco products. These extra taxes contributed more than \$12 million to municipal treasuries.

Alabama also imposes excises on other tobacco products. In 1983, these netted \$1,534,614 more for state coffers.

All jobs numbers represent full-time-equivalent employment as calculated in Wharton's one-of-a-kind industry study. The concept tends to understate the number of persons employed because some tobacco employment is seasonal, requiring part-time workers. Many individuals in distributing and retailing are also involved with products other than tobacco.

All tax data are for the year ending June 30, 1983, except average retail price and taxes as percent of pre-tax average retail price, and the state sales tax rate, all of which are as of Nov. 1, 1983. Wharton data are for calendar 1979. Farm data are for calendar 1983.

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Cigarette Tax Facts 1983

Federal tax 16¢
 (8-16¢, 1/1/83)
 State tax 16¢
 (16-16.5¢, 7/1/84)
 Sales tax 3¢
 Total taxes per pack 35¢

Cigarette Sales & Taxes 1983

Packs sold 458,600,000
 State tax net collection \$68,278,000
 Est. sales taxes .. \$12,703,000
 Federal tax collection \$55,032,000
 Weighted avg. price per pack 90.8¢
 Taxes as percent of avg. price before taxes 63%

Tobacco's Direct and Indirect Contributions to the Economy of Alabama

Direct Contribution

Manufacturing
 Jobs 920
 Wages \$ 8,389,000
 Sales \$ 34,700,000

Wholesaling
 Jobs 900
 Wages \$ 11,147,000
 Sales \$221,100,000

Retailing/vending
 Jobs 2,210
 Wages \$ 20,687,000
 Sales \$329,200,000

Cigarette manufacture support industries
 Jobs 170
 Wages \$ 2,695,000

Indirect Contribution

Jobs 21,700
 Wages \$342,347,000

Total Direct and Indirect
 Jobs 25,940
 Wages \$385,496,000

About Alabama Tobacco 1983

Acres under production ... 456
 Pounds produced 793,399
 Crop value \$1,412,050
 Tobacco farms 60

Sources: Wharton Applied Research Center: *A Study of the U.S. Tobacco Industry's Economic Contribution to the Nation, Its Fifty States and the District of Columbia, 1979*, The Wharton School, University of Pennsylvania, Philadelphia 19104.

The Tobacco Institute: *The Tax Burden on Tobacco, Vol. 18, 1983*, 1875 I Street NW, Washington, DC 20006.
 U.S. Department of Agriculture: *Agricultural Stabilization and Conservation Service*, Montgomery, AL.

**Some
Considerations**

tobacco smoke) exposure has not been established."

Another, convened by the National Institutes of Health, U.S. Department of Health and Human Services, determined that the possible effect of ETS on the respiratory system "varies from negligible to quite small."

And in April 1984, Ernst Wynder of the American Health Foundation and H. Valentin of the Bavarian Academy for Occupational and Social Medicine, organized a workshop in cooperation with the World Health Organization and the International Green Cross. That workshop, in Vienna, Austria, concluded:

"Should lawmakers wish to take legislative measures with regard to passive smoking, they will, for the present, not be able to base their efforts on a demonstrated health hazard from passive smoking."

Finally, a February 1985 *Consumer Reports* article reviewed nonsmoker concerns about ETS, concluding that "the evidence of risk from passive exposure is sparse and often conflicting." The article adds, "the presumed health consequences of 'passive smoke' rest on very few undisputed facts."

Costs to Employers?

Many proponents of smoking controls in the workplace cite studies that claim to show smokers are absent more frequently and incur higher insurance costs than nonsmokers.

But according to Marvin Kristein, an American Health Foundation economist who promotes economic arguments for workplace smoking restrictions, "we lack meaningful 'case-controlled' company comparisons of experience with smoking employees vs. nonsmoking employees vs. ex-smokers and the impact on company cost." To achieve a scientific basis for such cost claims, Kristein says, "would require studies and data we do not now—and most likely will never—possess."

Smoking restriction advocates who argue that smokers are absent from work more often than nonsmokers rely on a statistical correlation that is weak at best. "One may argue that higher rates of absenteeism and smoking both relate to and reflect other factors," Kristein has written. In fact, numerous factors are associated with absenteeism, including age, sex, family responsibilities, job satisfaction and commuting time.

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With regard to the assertion that smokers incur higher medical costs, UCLA economist Lewis Solmon has written that such claims are based on studies alleging smokers have a higher accident rate than nonsmokers.

But, Solmon notes, since smokers are found more often among blue-collar workers, they are more likely to be engaged in strenuous physical activity and therefore are more likely to be exposed to physical harm through accidents. For example, premium rates for workers' compensation are determined not by employee smoking habits, but by occupational category, carrier experience with the business and the statutory level for workers' compensation in the particular state.

Morale? Productivity?

Another factor cited by some smoking restriction proponents is employee morale. But a recently completed survey by Response Analysis Corporation of Princeton, N.J., contradicts that claim.

The Response Analysis survey of some 2,000 union representatives and managers in business, industry and government focused on first level supervisors, such as foremen and administrative assistants. They are the ones who are particularly sensitive to factors

influencing employee productivity. The survey found:

- Two-thirds of the survey respondents said employee smoking either has a positive effect or no effect on productivity.
- Seventy-eight percent said a smoking ban would not enable their organization to accomplish the same work with fewer employees.
- Only three percent of respondents agreed that "not hiring people simply because they smoke makes sense."
- Of the respondents who said their organizations restrict smoking, less than 3 percent said they did so because smoking interferes with job performance.

Another study, released in 1984 by University of Minnesota researchers, reported similar results, finding that people who smoke tended to be *more productive* than those who do not.

No Legal 'Right'

Although some smoking restriction advocates suggest that organizations soon may be held liable by the courts for failing to adopt policies restricting workplace smoking, relevant case law provides virtually no support for the efforts of these individuals to impose their views on employers

A recent survey contradicts the claim that smokers are less productive than nonsmokers

A 1984 survey by a University of Minnesota researcher found smokers tended to be more productive than nonsmokers

and fellow workers. The courts have uniformly rejected arguments that a tobacco smoke-free environment is guaranteed by provisions of the U.S. Constitution.

Most recently, in *Paul Smith v AT&T Technologies Inc.*, a St. Louis County (Mo.) Circuit Court judge ruled in April 1985 that AT&T's refusal to ban smoking in certain work areas and to separate smokers from nonsmokers in others did not breach its duty "to exercise reasonable care to provide a reasonably safe work area."

In Washington, D.C., in 1983, Judge William Pryor ruled that "Common law does not impose upon an employer the duty or burden to conform his workplace to the particular needs or sensitivities of an individual employee."

The Tenth U.S. Circuit Court of Appeals in Denver dismissed a lawsuit brought by an Oklahoma Department of Human Services employee who claimed the State of Oklahoma had violated his constitutional rights by not prohibiting smoking in his office. The court rejected his plea, saying he had failed to prove he was deprived of a federal right by the lack of a no-smoking area.

Smoking restriction advocates cite three decisions to support their claim of a universal right to a tobacco smoke-free workplace: *Parodi v Merit Systems Protection Board*, *Vickers v Veterans Administration* and *Shimp v New*

Jersey Bell Telephone Company.

Parodi and *Vickers* involved claims by federal employees that their alleged hypersensitivity to tobacco smoke made them "disabled" or "handicapped" within the meaning of statutes applicable only to the federal government as an employer or to groups seeking federal aid. These cases have no relevance to the question of whether private employers have an obligation to provide a tobacco smoke-free environment.

The 1976 *Shimp* case, then, is the only one that has actually prohibited smoking in the workplace based on the theory that general common law can be used to compel smoking restrictions. A key determinant in *Shimp*, however, was the lack of any active defense by New Jersey Bell, which filed no answer to the complaint and submitted no affidavit in opposition to Shimp's request for a court order.

That the case has little precedential value is suggested by the court's dismissal of an identical complaint subsequently filed by Shimp's attorney before the same judge on behalf of another New Jersey Bell employee. In the second case, New Jersey Bell elected to defend itself.

Discrimination in hiring raises troubling legal questions, too, if the discrimination has a disproportionate impact in terms of race or gender.

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Courts also have held that, for employees working under collective bargaining contracts, smoking may be a condition of employment. As such, the court ruled in *Commonwealth of Pennsylvania v Pennsylvania Labor Relations Board*, an employer cannot impose smoking restrictions unilaterally when a collective bargaining agreement is in effect.

But legal questions aside, who would want to discriminate against smokers if the primary motive in hiring is to employ the best individual for the job?

Decisions involving smoking in the workplace are more appropriately committed to the good sense and common courtesy of smoking and nonsmoking employees. The question of when and how workers may smoke in the office is best settled by employer and employee consensus rather than by city council or state legislature.

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For more information
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