

Can your lifestyle habits cost you your job? Smoking and other behaviors as risk factors for unemployment.

Dr. Donna Shelley gave an informative talk regarding smoking regulations in the workplace and the accompanying legalities. From Alaska to Michigan, thousands of companies across the United States are enacting policies of not hiring smokers. Still others are giving employees an ultimatum that they quit smoking or risk losing their job.

Dr. Shelley posed the question whether this is a civil rights issue, a privacy issue, a matter of discrimination against smokers, or if it is a matter of unethical practices by employers. Workers who bring cases before our judicial system that cite "civil rights," "privacy," and "discrimination" have never ruled in favor of the employee. Mostly, the system finds that the behavior of these companies is unethical. Unethical practices, however, are not punishable by law, and, therefore, are usually ruled in the favor of the employer. Claims to a right to privacy are ignored by the legal system as well as the workforce because smoking is seen as much more of a lifestyle issue than a mere privacy issue. Smoking becomes a very prevalent part of a smoker's life and daily habits. The Americans with Disabilities Act (ADA) does not include smokers because smoking is seen more as a personal choice rather than a disability over which they have no control. This runs contrary to medical evidence which shows that smoking is a highly addictive problem with which many struggle and cannot overcome. To further this issue, as smoking rates continue to drop across the nation and the abundance of information against smoking increases, stigmatization of smokers also increases, leading to heightening of discrimination against smokers.

Whereas some states have no policies against smoking, others allow companies to fire workers who smoke. At the moment, 21 states protect tobacco use outside of the workplace. As smoking regulations increase on a state by state basis (e.g., state bans on smoking indoors), companies must properly respond to these requirements.

Since the mid 1980s, companies have continued to target smokers. The claims behind these actions are to promote a safe and healthy environment for all employees. The bottom line, however, is that smokers cost the employer more than non smokers. Smokers have higher insurance premiums which companies are left to pay. As a response, some companies have taken the next step and asked their employees to pay more in insurance premiums to cover the cost difference.

It is not clear where all the stringent smoking policies will end. Some are fearful that there may even be testing of workers as they enter their office to be sure there is no trace of smoke on their bodies. Questions are raised whether smokers in the workplace will have any rights in the future.