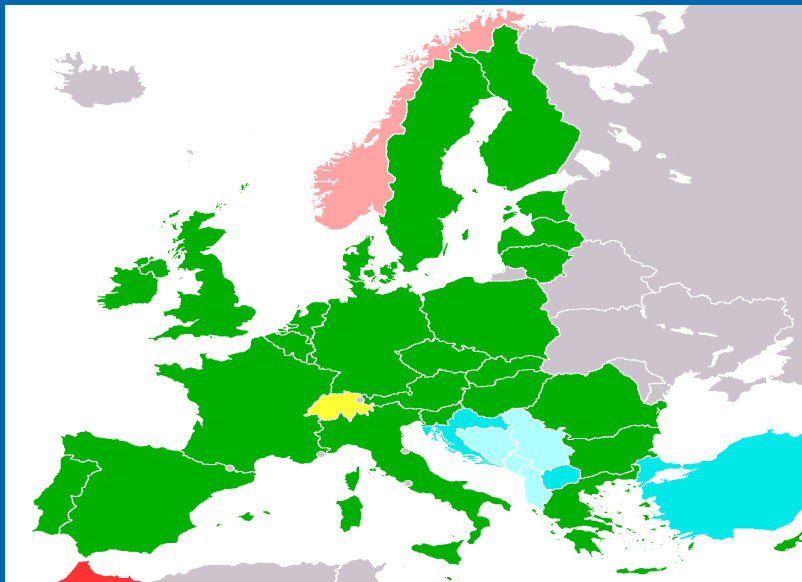


# About indoor air problems at the workplace. Do antismoke laws represent a helpful tool for employers?

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Exposure to environmental tobacco smoke is one of the leading cause of preventable death and diseases, being second only to solar radiation exposures. In Europe it provokes about 80.000 deaths/year, due to cardiovascular, respiratory or neoplastic pathologies. In terms of occupational safety and prevention, ETS is defined as "inhalatory exposure at work to environmental tobacco smoke due to smoking of costumers or co-workers. It was estimated (in the 15 - EU) that almost 7.500.000 people (800.000 of whom only in Italy) was exposed to ETS for at least 75% of working time.



Member States    Potential Candidates    Adhesion repelled  
Official Candidates    Application blocked    Adhesion rejected by referendum

STATE	WORKPLACE	BARS & RESTAURANTS	PUBLIC PLACES
Austria			
Belgio			
Bielorussia			
Bulgary			
Checoz Republic			
Croatia			
Cyprus			
Denmark			
England			
Estonia			
Finland			
France			
Germany			
Greece			
Hungary			
Ireland			
Italy			
Lathvia			
Lithuania			
Luxembourg			
Macedonia			
Malta			
Netherlands			
Northern Ireland			
Norway			
Poland			
Portugal			
Romania			
Scotland			
Slovakia			
Slovenia			
Spain			
Sweden			
Turkey			

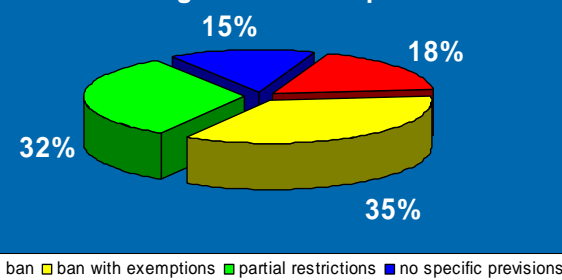
The promotion of smoke-free environments in the EU is defined by restrictions on smoking at work, in enclosed public places, in the hospitality sector and on public transports.

We think that the most significant indicators of the severity of smoking bans are the provisions related to the hospitality sector, as bars and restaurants are not only places of entertainment for the general public, but must be considered as workplaces where employees (waiters, bartenders, etc.) may be exposed to second hand smoke.

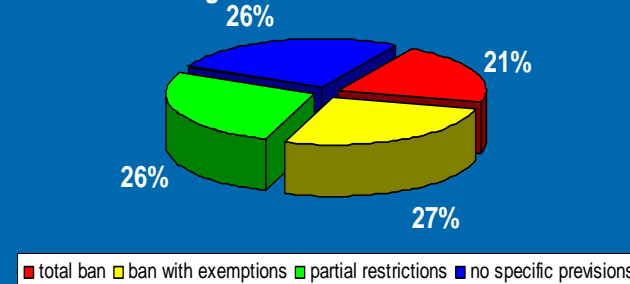
National legislations, though, are very different across the Member States as different policies have been applied:

- Comprehensive smoking ban** in all enclosed public places and workplaces including bars and restaurants (in some cases extended to open-air areas of the venue), without any exemptions or exceptions.
- Smoke-free laws with exemptions**, consisting in the chance, for employers, to create special sealed-off smoking rooms with separate ventilation system inside workplaces or hospitality venues (bars and restaurants). Few national legislations, though, provide that no employee should have access to this rooms, if not on voluntary basis, or that no food nor drinks may be served inside these rooms.
- Smoking ban with partial restrictions**, consisting in the possibility to designate proportional areas of premises or indoor public places or workplaces as smoking areas reserved for smokers, even though these are not physically separate.
- The application of regulations (banning or restricting smoking in public places, less frequently in workplaces or in the hospitality sector) are delegated to **voluntary agreement to law** by employers, while employees' health protection is submitted to the **adoption of special measures** preventing workers from environment tobacco smoke exposition.

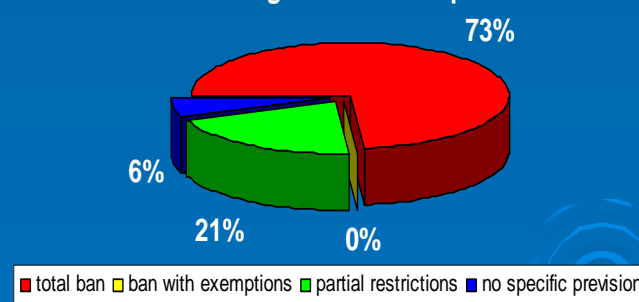
Smoking bans - Workplace



Smoking bans - Bars & Restaurants



Smoking bans - Public places



Results of a good application of smoking ban are represented by a concrete increase in indoor air quality and, as a consequence, by a significant reduction of the days of absence from work for respiratory illnesses. More over, smoke-free policies could motivate some smokers to quit or at least to reduce smoking, with positive impact even in domestic environment. On the contrary, lack of enforcement or incomplete regulations represent the platform for litigation by workers for health damages caused by exposition to environmental tobacco smoke.

The judicial experience in Italy is actually represented by the first two cases of smoke related damages which have been examined by Courts. In one case the Civil Court of Rome (Labour Section) condemned Ministry for Public Education to pay a 470.000 € compensation for a pulmonary cancer in a non-smoker employee who had worked for years in a room with other four people, all smokers. Anyway, as this was only the judgment of first instance, the sentence cannot yet be considered absolute.

In the other case, the Criminal Court of Milan condemned for second degree murder the management of a bank where an asthmatic employee died because of a lethal asthma attack due to exposure to ETS, as her workplace was near to the corridor where other employees used to smoke, as they hadn't taken measures to restrict tobacco smoke. In the second instance trial, the accused were acquitted of the charge of murder. Anyway, due to deep changes in the appraisal of smoke-related health damages introduced by the enforcement of smoking ban in Italy (January 2005), to avoid an appeal to the Supreme Court the Bank decided to pay a compensation for damages to the husband of the deceased employee within a private arrangement.

In the end, we think that support to regulations on tobacco smoking at the workplace is of primary importance, as non-fulfillment of specific laws can produce very harsh legal and economic consequences for employers.

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