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Mrs. Maier

English 1302

Final Paper

Smokers, No Thanks

While eating lunch one day at Mission Memorial Hospital, Mary, an ER nurse, overhears two of her co-workers, Max and John, discussing a matter in which they heard the day before. She scoots her chair in a little closer in order to hear them better but being careful not to be noticed.

“Yea, so Chloe, the head nurse on the fifth floor, told me that the CEO told her that the hospital is going to pass a new policy for hiring only non-smokers.” Max exclaimed.

“Really,” John asked, “when is this supposed to happen?”

“Well, Chloe wasn’t exactly sure. All she said Mark told her was what I just told you,” replied Max.

Mary, speechless with shock, sits with her mouth wide open and gradually grows a huge smile on her face while thinking to herself how this is the best news she has heard all week. “What a great way to improve the hospital”, she thought. “But wait, what about all her co-workers who smoke”, she asked herself. “What would happen to them?”

Mary gathers the rest of her lunch and heads back to work, making sure to keep quiet about the issue until she is told from a reliable source. She doesn’t want to start telling this if it isn’t true and she sure doesn’t want to worry her smoking co-workers, whom she is greatly concerned for if this news is true. At the end of the day as Mary is clocking out, she is told there will be a staff meeting in the morning before her shift starts.

“Great!” she replies. “I’ll be there.”

Walking into the ER the following morning, Mary is eager to hear what information will be put out in the meeting, wondering if the issue she overheard the day prior will be something discussed. As everyone takes their seats the CEO of Mission Memorial, Mark Adams, walks in with a huge smile on his face.

“Ladies and gentlemen,” Mark starts, “the meeting this morning has been set up to inform all of you on a new policy that will be implemented in two months. Mission Memorial Hospital is making a turning point and we are becoming a smoke-free hospital.”

“What exactly will this entail?” asked one of the nurses. Mark answers, “Well first of all, there will be no smoking on or around campus. Smoke breaks will not be taken and there will be no smoking signs put up at all previous smoking areas as well as in areas that people may want to light up. Not only this, but we will no longer be hiring prospective employees who use tobacco.”

Hearing gasps and small talk going on in the room, the CEO raises his voice a bit to overtake the conversations and catch his employee’s attention again.

“I know some of you are concerned, but trust me; no one who is currently an employee at Mission Memorial will be affected. All of you who are smokers will still keep your jobs, but again, you will not be allowed to smoke anywhere on the premises and will be highly encouraged to partake in a smoking cessation program that the hospital is going to provide to all employees for free.”

Sighs of relief echo throughout the room and soon smiling faces are evident again. Mark continues to explain the Wellness Programs the hospital has established and ends the meeting on a positive note.

“The community will look highly at Mission Memorial for this and will hopefully start coming to us for their healthcare needs if they haven’t already. This change is for the best and soon all of you will see that.”

The room is silent for a split second and then a round of applause spreads all over as everyone heads out the door. Mary is delighted at the news she has heard and cannot wait to discuss it later with her co-workers. This will be a great opportunity for them to quit smoking she says to herself.

Although the characters and hospital in this story are not real, the policy being pursued is. Many workplaces around the world are putting more emphasis on the meaning of “smoke-free.” Smoking anywhere at many types of public facilities has become a popular issue in today’s society and several of these places are beginning, if they haven’t already, to ban smoking in or around the workplace. Many are going so far as to cease hiring smokers, no matter what their qualifications are.

Here in El Paso, Texas the one and only hospital with a plan to implement this policy in the state, is the University Medical Center (UMC), formally known as Thomason Hospital. President and Chief Executive Officer (CEO) of UMC, James Valenti tells in his letter to the El Paso community that UMC has been, since 2002, a smoke-free workplace where smoking is banned on or around any of the hospital’s property. Since becoming a University Medical Center, setting the example and taking it a step further in healthcare will result in implementing the policy of hiring only non-smokers. He continues to explain that employees of UMC who smoke will still keep their jobs. They will be “grandfathered” with regards to employment, but we are encouraging them to “kick the habit” (Valenti). In an article from the Statesman, an

Austin based newspaper, published on 14 July 2010, Valenti continues by saying that he expects the ban to “encourage employees to lead healthier lives” and states that “nearly 10 percent of the hospital’s 2,310 employees smoke.” Not only will the policy ban any type of tobacco users from being hired, but the current employees who use tobacco will be able to attend free cessation classes in order to help them quit smoking. Other Wellness Programs are being established for all employees of UMC to participate in, to include healthful eating classes. The New Hiring Practice for UMC will go into effect on October 1, 2010.

Those who oppose this plan are mainly the ones who use tobacco. They may say that this policy is unethical and that it is discrimination, but hospitals are not thinking this way. The University Medical Center should institute a policy that requires new hires to be non-smokers because it will allow hospitals to conserve money, smoking is a privilege and not a legal right for employees, and because smokers in the healthcare system send the wrong message to their patients.

Implementing the policy of hiring non-smokers at UMC will contribute to the conservation of some of the money that it loses on its smoking employees. Valenti states in his letter that the U.S Centers for Disease Control and Prevention estimates that smokers cost businesses “approximately \$3,400 per smoking employee on higher health costs and lost time.” To clarify why businesses lose money per smoking employee, a Business Knowledge Source website titled, “How does employee health affect insurance costs,” explains that the health of an employee affects insurance costs for an employer because “the unhealthier a person is, the more visits they take to the hospital or doctor’s offices, the more treatment they require and the more prescriptions they need filled. These frequent visits and healthcare requirements translate into

higher costs for insurance companies, who in turn pass the cost on to employers through higher premiums.” One can see why UMC would most definitely choose to pursue this policy.

Not only do hospitals lose money through the cost of higher premiums, but they also lose money for their smoking employee’s lost time. The national Centers of Disease Control and Prevention consider smoking the leading preventable cause of disease, disability and death (Roberts). Smoking weakens the immune system which causes health problems and leads to more sick days for the employee. Studies have found that employees who smoke miss five and a half more work days than non-smoking employees. On average, employees who smoke are absent from work 50 percent more than those employees who do not smoke (Are your employee smoke breaks costing you money?). Half of these “sick” days can be prevented and money can be saved if employees are non-smokers and are living healthier lifestyles.

Along with these two factors, loss of productivity is another reason why a hospital’s capital goes down the drain, so to speak. Valuable work time is lost when smokers go on their constant nicotine breaks. If a smoking employee takes a break every hour for 10 minutes on an 8 hour work day, an hour and 20 minutes has been wasted. Not only did the employee lose that time for jobs he or she could have been working on, but the employee just basically made an hour’s worth of money by doing nothing. The average cost per smoker includes \$1,760 in lost productivity according to a report by the U.S. Centers for Disease Control and Prevention (Powell). Poor work performance and lower attentiveness are effects of smoking and can also result in the loss of productivity, thus costing the hospital more time and money.

The second main reason that UMC should implement the policy of hiring only non-smokers is that smoking is a privilege and not a legal right. Many smokers may argue that they are protected by the Due Process Clause and/or the Equal Protection Clause in the Constitution.

Although they may believe they have an argument, the reality is that they do not. The Constitution does not specifically mention smoking; therefore there is no Constitutional right to smoke. A Staff Attorney at Public Health Law & Policy in Oakland, California, Samantha Graff gives a presentation on the specifics of how the Constitution does not help smokers in their argument of having a right to smoke. She supports these reasons by going into depth of the Due Process Clause and the Equal Protection Clause, both which people rely on as arguments for a having a right to smoke.

The Due Process Clause states a law will be considered constitutional so long as the law is not completely irrational or arbitrary (Graff). And The Equal Protection Clause guarantees equal protection laws to the people, but only extends this protection to groups based on race, national origin, ethnicity, and gender. In her presentation, Graff concludes that, “So long as proposed smoke-free legislation is rationally related to a legitimate governmental goal; the Constitution will not stand in the way of its passage.” So anyone who believes they can fight this battle with the help of the Constitution, they best think again and do their research before being disappointed with the reality.

Not only are smokers not protected by the Constitution, but they are also not protected by the state of Texas. The SLATI State Information of Texas website proves this by documenting all the State Legislated Actions on Tobacco Issues and reports that Texas does not have a smoker’s protection law. A Smoker Protection Law prohibits employers from discriminating against employees and prospective employees because of their legal use of tobacco products during non-working hours. Because a Smoker Protection Law is non-existence in the state of Texas, Texas employers are free to implement policies that restrict certain issues to provide a

safer and healthier working environment. This is why UMC can pursue this policy and it is perfectly legal.

Looking at another reason why UMC should implement the policy of hiring only non-smokers is because smoking in the workplace sends the wrong message to the community and it's patients, especially when you are speaking on terms of health care. Health care facilities are held to a much higher standard than most businesses because it is "health care" and by employing those who smoke, it decreases the positive viewpoints of the citizens within the community and also patients of the facility. The CEO of Truman Medical Centers in Kansas City, Missouri comments that "as a health care institution employers should be doing more than just taking care of sick people, they should be setting examples too." What kind of example does a health care facility set that employs those who smell like ash trays? One comment gathered from a blog from the Statesman says, "I remember when my dad had open heart surgery and totally losing respect for the doctors and nurses outside the hospital on smoke breaks." Public perspectives are very important, the more customers are happy with the service, the more business they will get.

Not only will implementing this policy help UMC receive positive feedback, but it will also emphasize the title of "Health Care." Valenti says, "As a healthcare organization", he recognizes, "that the hospital has an obligation to the community not only to care for those who are ill, but to help people from becoming ill." One way to help people from becoming ill is to pursue hiring non-smoking employees. One example of a hospital successful in implementing this policy is a Cleveland Clinic that won the Tom Hurst Award in 2008 for smoke-free hospitals. This award is given annually by the International Network towards Smoke-Free Hospitals to hospitals that have "developed innovative non-smoking policies" (Milicia and

Pruce). The University Medical Center, with its solid plan, will hopefully one day get the honor of receiving this award as well.

When it comes to health care and providing this care in excellence, becoming a smoke-free workplace only sounds logical. Some may ask themselves, why hasn't this policy already been in place? But most importantly, what other reasons should UMC have, other than the conservation of money and setting a better example to the community, to want to implement this policy? In a recent interview with the Human Resources Director for UMC, Gil Blancas, when asked what responses the hospital has gotten on this policy he answered, "Almost all of the responses that we have gotten from the community and our employees have been positive. UMC is one of the first institutions to implement such a policy and most everyone is happy with this decision. UMC is a community hospital and it is supported by the county commissioners and the board members."

Since UMC has citizens who support this decision there should be no reason why this policy shouldn't be implemented. By making the decision to become a completely smoke free hospital, the University Medical Center will see positive and effective changes within its hospital. UMC has the chance to make a difference. Helping its smoking employees become healthier and to live healthier lives will greatly impact the community and hospital itself. Although there may be some conflict with those who believe the hiring of only non-smokers isn't fair, the positive results will outweigh the negative ones and UMC will be happy with the outcome.

Not only will UMC see savings in their capital, but they will also see changes in their employees' work performance, and even in the community and patients' attitudes. Who knows, maybe it will even open the eyes of the other hospitals in the city, in the state and even in the rest

of the country, and guide them into revising their hiring policies. Blancas states that it is unlikely right now for the other hospitals in El Paso to implement the policy of hiring only non-smokers. This is because they are all part of large corporations and guidance for pursuing this policy will have to come from corporate. But he is still optimistic that they may one day get to this point. Remember, smoking is not a legal right, therefore those future hospital employees looking to be hired by UMC should ask themselves; which is more important, their health or their tobacco? Professor Banzhaf of Public Interest Law at GWU couldn't have said it any better, "Stop whining about 'discrimination' when companies make perfectly logical decisions not to hire people whose personal choices impose huge unnecessary costs on the firm and it's nonsmoking employees! It's time to begin accepting personal responsibility,"

Works Cited

- “Are your employee smoke breaks costing you money?” *Business Knowledge Source*. Web. 20 September 2010.
- Banzhaf, John F. III Professor. “Hospital Doesn’t Hire Smokers to Save \$12,000/yr/employee. It’s Part of Growing and Perfectly Legal Trend.” *PR Inside*. 31 March 2010. Web. 11 September 2010.
- Blancas, Gil. Telephone interview. 20 September 2010.
- Graff, Samantha. “There is No Constitutional Right to Smoke.” March 2008. Web. 11 September 2010.
- “How Does Employee Health Affect Insurance Costs?” *Business Knowledge Source*. Web. 20 September 2010.
- Milicia, Joe and Megan F. Pruce. “Cleveland Clinic Receives International Award for Smoke-Free Hospitals.” *My Cleveland Clinic*. 27 August 2009. Web. 10 September 2010.
- Powell, Cheryl. “Employers crack down on smoking: Some in area hire only nonsmokers because of rising health costs. Urine tests for nicotine scuttle job offers.” *Akron Beacon Journal* (n.d.). Print.
- Roberts, Chris. “Smokers not wanted: University Medical Center decides it won’t hire tobacco users.” *El Paso Times* 13 July 2010. Print.
- Roser, Mary Ann. “El Paso hospital won’t hire smokers; Austin facilities not following suit.” *Statesman*. 14 July 2010. Web. 12 September 2010.
- “SLATI State Information: Texas.” *American Lung Association*. Web. 12 September 2010.
- Valenti, James N. “Letter on New Hiring Policy.” *KTSM*. 9 July 2010. Web. 11 September 2010.

