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10 years of the Workplace Smoking Ban in Ireland

2004 – A new beginning for Smokefree Ireland

By Professor Luke Clancy

On the 29th of March 2004, Ireland became the first country in the world to implement comprehensive national smokefree workplace legislation, which protects all workers equally including those employed in the hospitality sector in particular pubs and clubs. Since then, many countries throughout Europe and elsewhere have followed suit by enacting comprehensive or partial bans.

While smoking prevalence and second-hand smoke exposure rates were on the decline before the legislation, over a quarter of the population were still current smokers and a significant body of workers, particularly those in the hospitality industry were still exposed to environmental tobacco smoke (ETS) or secondhand smoke (SHS) continuously in their place of work. The National Survey of Lifestyles Attitudes and Nutrition (SLAN) conducted in 2002 showed that 29% of men and 16.6% of women reported often spending part of their day exposed to SHS in their workplace with exposure rates much higher among those working in pubs or clubs (47.3% of men and 31.6% of women).

When Ireland introduced its comprehensive smokefree laws, including all service and entertainment industries and most prominently pubs and clubs, the economic boom known as the Celtic Tiger was at its peak. Threats of loss of employment, damage to tourism and loss of taxes, while arguably unfounded and needing refutation were not serious challenges to a confident thriving economy with a “can-do” national attitude. It also meant that the resources necessary to implement the law and auxiliary policies, such as treatment of tobacco dependence, were available.

Somewhat more difficult was the cultural shift required to countenance what was pushed by opponents of the ban as an infringement of freedom. Research had shown that support for the ban was strong and not confined to non-smokers but yet the image of the poor old man being pushed out into the cold, wet, night air to have his cigarette was powerful. Irish people in Ireland have always been slow to officially complain so the vast majority who were non-smokers would never complain about SHS in a pub while it was legal. This raised serious doubts in some people’s minds about whether the law would be obeyed even if introduced. They argued that the cigarette and the pint were inseparable and nobody was going to interfere and policing the law was not going to be feasible. They forgot two very important precedents. In 1990, a much less affluent time, similar arguments had been current in the debate about making Dublin coal free and again a few years before the smokefree laws Ireland had banned plastic bags for routine use in supermarkets and shops. In both cases the law was accepted overnight with almost full compliance immediately and permanently. The Irish public were no more going to accept that dirty, unhealthy smoke filled pubs were here to stay than that Dublin should be smothered in dense preventable smog. The cure had

been offered and they embraced it with gusto making the Smokfree law the most popular event in 2004 in an RTE national poll.

A comprehensive review of the international literature carried out by respected scientists who had not been involved in the campaign and Chaired by Prof Allwright concluded that SHS has many adverse health effects, exposure infringes on the basic human right to good quality air. Problematically from an advocacy stance it stated that further research was required to measure and monitor occupational exposures and adverse health outcomes in Irish workplaces, and that high risk groups, specifically hospitality workers, pregnant workers, and those with genetic susceptibilities to SHS require special consideration. This weakened the rationale for immediate comprehensive legislation and was seized on by the Tobacco industry

International/ Exogenous factors

Meanwhile, eyes were on the USA where some states were introducing bans on smoking in the workplace which extended to bars and restaurants. These successful examples proved that comprehensive bans were implementable and enforceable, at least in America, and gave a preview of the tobacco industry's tactics in their effort to subvert legislative measures, which would later be repeated in other jurisdictions.

Kingdon's (1984) three stream policy model suggests that policy windows open, allowing issues to feature on the political agenda, when the three streams – the problem stream, the policy (solution) stream and the politics stream collide. The NGO demand led by ASH Ireland for a comprehensive ban on workplace smoking (policy stream) was a feasible solution to the problem of workplace exposure to second-hand tobacco smoke (problem stream), which already had significant cross party support led by Michael Martin (politics stream).

Arguments for this model strongly emphasised that hospitality workers were entitled to the same level of protection as government, professional or office workers. Mandate Trade Union, representing workers in the Dublin bar trade, actively advocated for a ban on smoking that extended to all hospitality venues and built support among their membership by giving information to them about the risks to their health of any exemptions in the hospitality sector and played a key role in supporting the Minister for Health's commitment to a comprehensive workplace smoking ban. The resulting health benefit and reduction in exposure was closely monitored.

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