

# Will that be anti-smoking legislation or non?

If you build a smoker-friendly bar, the employees will come



MIKE  
SMITH

point

I smoke. As one of the few members of this fine campus who choose to kill themselves slowly in this fashion, I also feel that I have to argue for what some would consider a rather unfavourable position: the rights of smokers. Specifically, I'm talking about the ill-conceived and poorly implemented smoking bylaw of this fair city—and in case you couldn't tell, I'm soundly against it.

Bars and restaurants in this city have been smoke-free since July of 2005 under the auspices of municipal bylaw 13333. This bylaw affects all businesses equally, and even prevents smoking on a patio. Why is this so bad? There are two main reasons: it takes away the rights of businesses to run themselves in the way they want to, and secondly, it provides no meaningful exceptions that would make common sense.

Any worker in as tight an employment crunch as the food service industry need only walk a few blocks to find a job that fits the environment they want. Given this employee-friendly market, a bar or restaurant that offered a smoking environment would have to raise wages to compensate. Mine workers are working in pretty hazardous conditions, but they do it because it makes them money. Of course, a place that offers smoking would have to have additional business to make it worthwhile to raise wages—and if we're to

believe their complaints of lost customers due to the ban, they'd get them back.

Plenty of restaurants were smoke-free before the bylaw because they understood what their customers wanted, and I'd hazard a guess that given the level playing field that now exists, many wouldn't go back to smoking even if the City allowed it again. The idea is to allow people to choose, not the government. If you don't like alcohol, don't go to the bar. Don't like smoking? That "Smoking Allowed" sign at the front door takes away your right to complain when you enter. If smoking was outlawed merely by the demand of consumers I'd be willing to accept it, but by forcing such a ban the government overrides the rights and demands of patrons.

It's no different than legislating that beer should no longer be allowed to be consumed in business establishments—

smoking is just easier to vilify. I'm not arguing that second-hand smoke isn't a legitimate health risk, but merely that people choose to smoke; similarly, by entering a business that allows smoking, you're choosing to put yourself at risk.

Without any exceptions, this law makes no sense. Take the case of one Chris Hansen, a tobacco store owner on Whyte Avenue. He was fined for smoking in his shop. Who is at risk here? How upset are Mr Hansen's customers going to be when he lights up a cigar as they hand over cash for a pack of cigarettes?

At this point, I'd like to propose my own little bylaw if I may: the banning of fish in public places. I can't stand the smell, and if I dine at a seafood restaurant I feel the need to puke. But what's that you say? I can avoid that situation entirely by making an intelligent choice on where to dine? Shocking.



The rules need to apply to everyone, Mike—smokers included



PAUL  
OWEN

counterpoint

There's no such thing as "smokers' rights," Mike—a hobby doesn't intrinsically come with special privileges. As a basketball player, it's against the law for me to go out and play a pick-up game in the middle of the High Level Bridge at 4:30pm on a weekday. This isn't because The Man is trying to keep me from doing what I want to do, but because to do so would be a public nuisance—sort of like smoking in the bars and restaurants around this city.

Workers, on the other hand, do have specific rights—because without them, people with ideologies like the one you propose would be able to treat their employees poorly without ramification. You claim this to be a non-issue because of the prevalence of service-industry jobs in Edmonton, but I don't see you advocating that businesses be allowed to revoke overtime pay or maternity leave if they so choose.

These laws are in place to ensure that workers aren't treated unfairly, and subjecting them to smoking in businesses is placing them in an environment that's detrimental to their health. Suggesting that those employees merely hand in their aprons and walk down the street to the next "Help Wanted" sign isn't an option.

Jobs, like people, aren't all created equal, and many workers can't afford a cut in pay or ben-

efits just to avoid smokers. To propose that these people potentially lower their standard of living to help you avoid a couple minutes in the cold is more than a little self-serving.

Allowing people to choose whether or not a business allows smoking is also folly. The second one place starts cornering the market on smokers, the rest will wonder why they're still alienating a significant part of their potential clientele. The only way a smoking ban works is if it's enacted unilaterally; otherwise, the nature of competition would put things exactly back to the way they were before the smoking ban.

Finally, to argue that some exceptions to the bylaw be made is to argue that businesses should be able to ignore the minimum acceptable working conditions placed on other shops.

Bingo hall employees deserve the same laws protecting their rights that their counterparts at Hudsons, the Powerplant or even McDonalds do.

Moreover, if the sole reason for exempting a business is that they're losing money, then why couldn't the Powerplant become a smoking bar in order to reverse its failing financial situation?

This Mr Hansen needn't sample his own wares in order to peddle them, and a bar doesn't have to allow smoking to be successful. Those that claim otherwise need to look at their own business plans before they start accusing the government of forcing them to close their doors.

This isn't a case of choosing not to go to a seafood restaurant, Mike—that's a personal distaste for salmon. What we're talking about here is an individual desire not to die of lung cancer or a heart attack—neither of which you need worry about over at Mr Pickwick's fish and chips.



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