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Law in practice: Obstacles to a smokefree workplace policy in bars serving Asian patrons

Abstract

The California smokefree workplace ordinance (AB13) has been well-received, even in bars where deeply-established traditions of smoking may exist. However, a closer investigation of bars where indoor smoking persists reveals that bar workers in some immigrant communities continue to be exposed to secondhand smoke in their workplaces. To identify sociocultural factors that may impede the adoption of AB13, 150 observations and 29 qualitative interviews were conducted in 50 California bars serving Asian patrons. Observers witnessed indoor smoking in 82% of the bars. Interviews revealed that social relationships, social interactions, and confrontation avoidance complicated the positive reception of AB13 within these bars. By understanding the implications of sociocultural factors on policy, we provide a nuanced understanding of the challenges involved in implementing tobacco control policy in diverse settings, which may help inform future policy development and implementation in other jurisdictions.

Keywords

tobacco control; smokefree workplace; cross cultural policy; Asian immigrants

INTRODUCTION

Tobacco control policies prohibiting smoking in public places are growing in popularity, particularly since the turn of the millennium. Although smokefree workplace restrictions have generally been well-received, the extension of smokefree workplace policies to bars often faces resistance, perhaps because of deeply-established traditions of smoking in such settings. By strengthening the Smokefree Workplace Law (AB13) in 1998, California became one of the first jurisdictions in the world to apply smokefree workplace protection to bar workers.¹ Following its implementation, the respiratory health of bartenders significantly improved [1]. This finding has also been evidenced internationally where tobacco control policies in bars have decreased exposure to second hand smoke and improved bartender health [2–4]. AB13 has also received considerable public support in California. Tang and colleagues [5] surveyed randomly-selected bar patrons to assess changes in attitudes towards AB13 and found that approval for the law increased from 59.8% to 73.2% between March 1998 and June 2000.

Although several smokefree bar ordinances, both in California and abroad, enjoy relatively high rates of compliance [6–8], bar workers in some communities continue to be exposed to second hand smoke in their workplaces [9]. In previous research, the authors conducted 479 unobtrusive observations in 121 randomly-sampled stand-alone bars in San Francisco, CA and found that smoking in bars was significantly associated with patron ethnicity. Field staff observed smoking in 30% of bar observations and found that bars serving Asian and Irish

¹For more information on the Smokefree Workplace Law, see Kiser, D., and Boschert, T. "Eliminating smoking in bars, restaurants, and gaming clubs in California: BREATH, the California Smoke-Free Bar Program," *Journal of Public Health Policy* 22 (1) (2001): 81–87.

patrons were more likely to be smoky. Bars serving Latino patrons, on the other hand, were less likely to be smoky [9].

As a result, the authors conducted a second study to closely examine sociocultural and contextual factors that might inhibit or promote the adoption of tobacco control policy in bars serving these diverse ethnic groups. In this paper, we present findings specifically on bars serving Asian patrons. Findings on bars serving Irish and Latino patrons will be presented elsewhere. By analyzing the implications of sociocultural and contextual factors on policy, we hope to provide a more nuanced understanding of the challenges involved in implementing tobacco control policy, which may inform future policy development and implementation in other jurisdictions.

Relatively few studies have focused on cross-cultural differences in the practice of public health policy. Robert Hayden [10] compared the impact of mandatory seatbelt laws in Yugoslavia and Illinois, considering differences in implementation and enforcement mechanisms. He found unexpected differences in adoption of the policy in the two regions. In Yugoslavia, compliance rates were low despite strong enforcement efforts. In Illinois, even though the law was nominally enforced and public opposition was pronounced, compliance rates were comparatively high. In contrast to Americans, Hayden argued that Yugoslavs did not perceive laws to be “normatively binding” and thus did not feel an obligation to comply. Hayden's study suggests that cultural norms may well influence the effectiveness of policy.

Sociocultural norms and public health policies can be at odds. Some scholars suggest that the cultural norms of a group's home country may influence how a group reacts to a particular policy [11]. Policies restricting smoking may be particularly difficult for some immigrant communities to adopt, because until recently, few countries around the world had implemented tobacco control policies. Kim and Nam [11] argue that identifying barriers that specific immigrant communities may face regarding tobacco control policies is necessary for effective implementation.

Bar staff and owners in most California bars we have studied frequently described their perception of lax enforcement of the smokefree workplace law and their initial concern that preventing customers from smoking would hurt their businesses. Nonetheless, the majority of California bars appear to comply with the law. The case of Asian bar communities is different in that those common issues of concern were combined with culturally framed behaviors, attitudes, and practices that made the adoption of the policy problematic. We will use this case to illustrate the influence that sociocultural norms have on the reception of a smokefree workplace ordinance in California.

METHODS

Sample Selection and Data Collection

For the purposes of this study, we classified Asian bars as those with a predominantly Asian staff, serving an Asian clientele, and where an Asian language was the primary language used within the bar. From a census of all bars serving Asian patrons in two of the largest metropolitan counties in the state of California, we randomly sampled 50 stand-alone bars, 25 in each of the two counties. A stand-alone bar is one that is not connected to a hotel or restaurant and where drinking is the primary purpose of the bar. Because public health officials had noted the persistence of smoking within stand-alone bars [8], our study narrowed its focus on this particular category of bars. Pairs of trained field observers conducted three rounds of hour-long, unobtrusive observations in each bar between 2004 and 2005. Each observer produced two types of observational data: survey data and

descriptive field notes. The survey form included questions related to any evidence of smoking within the bars (e.g. ashtrays present or cigarette butts on the bar floor), the numbers of patrons or staff (both inside and outside) witnessed smoking, and the demographics of patrons. We also instructed observers to note the language in which conversations were held within the bar. Semi-structured field notes provided descriptive narratives of each observer's experience within each bar. A comprehensive description describing the study methodology can be found in [12]; further description of the sample frame can be found in [9].

Following the observational period, trained bilingual/bicultural field interviewers recruited 29 bar patrons, staff, and owners from the sampled bars for confidential, semi-structured interviews. The interviewing component aimed to contextualize observational findings and identify rationales of smoking within the sampled bars. The interview guide included questions about personal smoking habits, smoking norms in the respondents' home countries, personal smoking experiences within the bar, the community's feeling about smoking in general, and the respondents' understanding of and reaction to the smokefree workplace ordinance. Research staff instructed interviewers to use probing techniques in order to encourage respondents to expand upon their answers. Field interviewers purposively sampled long-time and frequent, or "regular," patrons and staff, who we expected had a breadth of knowledge about the bar. In total, interviewers conducted interviews with 9 bar staff, 7 bar owners, and 13 regular patrons (N=29). Eligibility consisted of working in, owning, or regularly frequenting the bars for at least one year. Interviewers offered all respondents the option of conducting the interview in English or another language, and none chose English. All respondents received a \$40 honorarium. With the permission of the respondents, interviewers digitally recorded the interviews for later transcription. Professional translators, who were native speakers of Mandarin, Cantonese, or Korean, translated all protocols and materials for the interviews, including the interview guide and consent forms. The Institutional Review Board of the Pacific Institute for Research and Evaluation approved all data collection procedures for the protection of human subjects.

Analysis

Because this paper is concerned with addressing sociocultural features of the bar communities, we report here primarily on qualitative findings from the semi-structured interviews, using the observational fieldnotes to triangulate emergent themes. We have provided details of the analysis of the quantitative data elsewhere [9]. Briefly, we uploaded the survey data to SPSS for analysis. In order to identify the degree of smoking in bars, we generated a basic frequency of the variable "any smoking witnessed inside."

A trained research assistant coded the qualitative data in ATLAS.ti, a qualitative data management software package [13], to index textual data for later retrieval and analysis. The initial codebook consisted of pre-defined codes informed by previous literature and the authors' research. The research staff met periodically to review the coding and interview results and added new codes as salient themes emerged from the data. The research team identified key findings through an inductive, pattern-level analysis by considering the *frequency* of similar items across all interviews, *corroboration* of items between interviews and observational data, and *congruence* of items with theory. We also searched for disconfirming evidence in order to clarify and reformulate emergent themes [14].

FINDINGS

Description of Sample Bars

Bars serving Asian patrons were certainly distinct from other bars in our study. Data from field notes and interviews indicated that patrons from bars in our study had arrived to the U.S. relatively recently from China, Taiwan, and Korea. Observers noted that patrons and staff spoke in their native languages, and English was rarely spoken. Respondents confirmed that most of the patrons were foreign-born, despite the fact that this study took place in the United States. Hostess-type bartenders and “bar girls”, responsible for entertaining a predominately male clientele, were an integral part of the environment of these bars [15]. And, even though we always attempted to match observer ethnicity to patron ethnicity, field observers reported that they still felt like outsiders in these bars.

Bars serving Asian patrons were also distinct from other bars in our study because of the frequency of smoking observed indoors. Field observers witnessed individuals smoking indoors on any observation in 82% of the 50 bars serving Asian patrons. These findings were roughly equivalent by county, with smoking observed in 80% of Asian bars in County 1 and 84% in County 2. Additionally, observers witnessed smoking on all three observations in over 50% percent of the sample bars. These findings are particularly intriguing when compared to the 24.4% rate of indoor smoking reported by Weber and colleagues [8] in their site inspections of randomly-selected Los Angeles County stand-alone bars. We propose that sociocultural factors unique to bars serving patrons who are primarily foreign-born Korean and Chinese helps to explain the pervasiveness of smoking in our sample bars.

Social relationships

Interviews revealed that the interests of customers came first. A female bartender in County 2 made clear that “the customer is king” and that “if you tell [customers] not to smoke, they will get mad and take off.” One owner, who stated that she felt “guilty” because she allowed smoking, explained

Smokers tend to smoke while drinking. While drinking, they are sitting comfortably and don't want to go outside to smoke. [laughs] Since they feel lazy and want to smoke while drinking, we let them do that.

Bar owner in County 1

While it is clear from the rest of the interview that she recognized the potential repercussions (such as fines) associated with permitting smoking inside the bar, she chose to suppress her own discomfort and allow patrons to continue smoking inside.

The relationship between bar staff and patrons was more than just one of business; it was also one of friendship. Field observers commented on the strong relationships they observed between bar staff and patrons, noting that frequently bar staff and patrons appeared suspicious of their presence likely because they were outsiders and not a part of the regular bar community. One bartender in County 2 described how the strength of interpersonal relationships took precedence over policy. He explained that the relationships between customers and bar staff were more important.

Easterners...are not that strictly law abiding. They do not like to follow the law. Take a look at the Americans, if you tell them not to smoke in here, do you see anyone taking a few puffs? They're not even smoking slightly...However, us Easterners, we care too much about social relationships. Eh, [patrons] feel that, 'I come here regularly. I've been coming to your bar this long, it's almost like we're friends. What's the deal?'

Bartender in County 2

Patrons, who enjoy smoking in bars, might feel betrayed by his/her friend (i.e., the bartender) if asked to comply with AB13. As a result, bar staff allowed their 'friends' to smoke inside in order to protect and maintain these commercial friendships [16].

Social interactions

Field observers noted the continual presence of cigarettes in most bar social interactions, with patrons and bar staff sharing and offering cigarettes to one another. Female bar staff, whose job was partly to direct and take part in bar social interactions, frequently took on the role of lighting patrons' cigarettes for them.

The four staff members down liquor shots with the older Korean patron who sits near the bar, and share food with him that is brought in a white plastic bag from one of the staff member's cars. Throughout our observation, the female bartenders light the patrons' cigarettes for them.

Interviews contextualized our observational data, suggesting that smoking was integral to nightlife and socializing, and therefore, AB13 conflicted with established norms. For example, a person going outside to smoke interrupted his or her conversation with friends and, thus, disrupted the social interaction. Many patrons used this argument to oppose smokefree bar policies. However, such a viewpoint was especially salient for Asian interview respondents. One patron explained that going outside for a smoke break was "weird" because it conflicted with group dynamics—a central feature in bar life sociability.

If we're dancing and drinking and in the middle of drinking, you have to go wash the dishes, that feeling would be quite weird...In other words, you're chatting, then when you want to smoke, you might say, 'ah, I'll chat later, now I'm going to go have a smoke.' When you come back, you're out of sync with the conversation, and you can't catch up.

Patron in County 2

Patrons reported that smoke breaks severed the social interaction such that one was not able to overcome the disruption to rejoin the group after smoking. By prohibiting smoking inside bars, AB13 may have created a situation ("smoke breaks") that conflicted with cultural expectations of normative social interactions in bars.

Although respondents were well-aware of the harmful effects of second hand smoke, smoking was considered such an essential part of sociability that it invariably took precedence over any concerns about health. One respondent who said that smoking "causes diseases" talked about the importance of smoking in social transactions in mainland China—cultural norms that likely persist within these communities in the United States.

The Chinese born in the Mainland, when they reached eleven or twelve, no matter where they go, they'll be exposed to cigarettes. There are places called "San Zai Hok" where people hang out. When you want to do business in the Mainland, you'll have to get in touch with those people. If you don't smoke, you can't do business there. [laughs]...Smoking is very important.

Bartender in County 1

For the most part, interviews revealed that the negative health effects of smoking were disassociated from the social effects of smoking. However, some respondents reasoned that patrons who didn't smoke and who were concerned about the effects of second hand smoke did not have to frequent bars that allowed indoor smoking. The bar was considered a place

for relaxation, entertainment, and networking with friends, and smoking was an essential component for creating that type of environment.

Avoiding confrontation

AB13 required that the bar staff and owners upheld the policy within their own establishments, or else the bar would be held responsible for any infractions. Interviews revealed that bar staff and owners anticipated confrontations resulting from any direct implementation of the law and therefore chose to ignore AB13. As one bartender explained:

I think that bars condone smoking to stay afloat and that there are no bars that really encourage smoking. We let the patrons smoke because, if we make them stop, it will piss them off and it will decrease our revenues.

Bar staff and owners were reluctant to engage in direct confrontations with their patrons over the smoke-free ordinance. People from other bars in our study, those not serving a primarily Asian clientele, also talked about confrontations they faced when enforcing AB13. Nevertheless, they enforced the policy. In bars serving Asian patrons, however, avoiding confrontation appeared to take precedence over the law, in part because of the importance placed on maintaining social relationships.

In Asian bars, where the interest of the collective is especially important, upholding the smoke-free law was more than just a legal action. Patrons perceived compliance with AB13 to be confrontational in that it placed the interests of the bar owner (individual) over the interests of the bar community (collective). One patron explained that prohibiting smoking inside could be construed as the bar owner rejecting his/her own community. "If you ask people not to smoke inside, then it's like you don't want their business." Because patrons might "get pissed off," bar owners and staff preferred to avoid confrontation rather than jeopardize their relationships with patrons and their bar revenues.

Field staff observed few direct confrontations about smoking, perhaps because of the apparent acceptance of smoking within most of the sample bars. However, attempts by bar staff to prevent patrons from smoking occurred a couple of times in locations where bar staff appeared suspicious of the field observers. In one location in County 2, where field staff believed that the bartenders considered them undercover police officers, they witnessed a bartender attempt to uphold AB13.

The middle-aged patron took out a cigarette to smoke, but the bartender told him not right now. When he asked why, she said that he just could not. He asked again, and she said that he should know he was not allowed to smoke. He said he did not care about the law, and she told him to go ahead and smoke.

Although observation alone can not tell us if the bartender, in fact, was suspicious of our field staff, we still observe how the interests of the patron were prioritized, likely in order to minimize conflict.

DISCUSSION

Although comprehensive tobacco control policies in California are credited with contributing to a decrease in smoking among the general population [17], this reduction is not evidenced among Asians in California, which is home to over 4 million Asians or Asian-Americans [18]. Statistics from World Health Organization surveys in the late 1990s showed smoking in Asian countries to be much higher than in California [19]. In particular, research indicates that in China and Korea over 60% of men smoke [20]. Such data supports the findings in this study that indicate that smoking in bars serving Asian patrons in California may be intensified by recent immigrants.

Interview data from our study indicated that while Asian bar patrons and staff may be well aware of the law, sociocultural factors contributed to continued smoking within these bars. The importance of social relationships, the emphasis placed on normative social interactions, and an aversion to confrontation all complicated the implementation of AB13 in these bars. Other scholars in fields ranging from anthropology to international business and cross-cultural communication have addressed the saliency of these sociocultural norms in Korean and Chinese communities [21–24]. Bar staff placed much value of the social relationships developed within the bar community, desiring to avoid conflict with patrons at all costs even if it meant breaking the law. The importance of social relationships also is related to a tendency to complete social interactions, suggesting that bar patrons and staff are made uncomfortable with the interruption caused by smoke breaks because it disrupted normative bar interactions and cohesion between people.

The situation of persistent smoking in these bars is also complicated by the socially integrative role of smoking. Other research has found that sharing cigarettes with friends, and even strangers, in China and Korea is quite common [25,26], and smoking in groups appears to help establish and maintain social relationships. Pan [26] asserts that “social smokers” emerged in China because of the use of cigarettes for social networking. People who might not otherwise smoke choose to use cigarettes socially to avoid jeopardizing their social relationships. Kim, Son, and Nam [27] found that Korean male smokers believed that the sociability created by smoking was smoking's most attractive feature. Because bars serve sociability, and drinking and smoking appear to go hand in hand [28], the poor reception of tobacco control policies in bars serving Korean and Chinese patrons is further explained by recognizing the socially integrative role of smoking within these communities.

The sociocultural features operating within many bars serving Asian immigrants in California may keep the state's multi-faceted tobacco control program from wielding as much influence with Asian bar-goers as it does with other bar communities, and also other non bar-going Asian communities. Zhu and colleagues [29] found that Asian immigrants have a high ratio of quitting once they are exposed to California smokefree norms and policies. However, in order for Asian bar communities to benefit, they need to be exposed to work and recreational environments in which the new smokefree norms are reinforced through the adoption of AB13.

Because of the importance placed on the collective interests of the bar community, increasing community-wide support for tobacco control policy may help to facilitate acceptance of AB13 among bar owners. Also, developing programs to foster and promote interpersonal relationships between patrons and staff, as well as to enhance the quality of service within the bar, might create added attractions for patrons which would outweigh any temporary inconvenience caused by banning indoor smoking. This might also prevent patrons from abandoning a smoke-free bar for a smoking bar. Finally, all intervention campaigns are most likely to succeed when they are conducted in conjunction with an increase in the visibility of enforcement, so that bar staff and owners perceive a tangible consequence to permitting smoking inside of their establishments.

Although many workplace smoking ordinances, both in California and abroad, enjoy relatively high rates of compliance, some communities still suffer disproportionately from the effects of second hand smoke. By gaining a more nuanced understanding of the many factors that impede the reception of policy in certain communities, enforcement officials may be better prepared to confront potential obstacles, and policy makers and legislators may consider these obstacles with reference to their own jurisdictions when drafting legislation.

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