



EMPLOYEE PRIVACY: WHO'S PEEKING INTO YOUR PRIVATE LIFE?

Busybodies. Snoops. Meddlers. In the past, these were labels attributed to those who pried into another person's private life. Now, however, some employers routinely scrutinize personal details of their employees' private lives that have nothing to do with how well they perform their jobs.

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While some businesses may enact policies that prohibit smoking on the job, no employer has the right to prevent an employee from smoking on his or her own time. Unfortunately, some companies don't see it that way. Just ask Janice Bone, who was fired by Ford Meter Box Company of Wabash, Indiana, for smoking off the job.

And, it's no longer just smokers who are being targeted by overzealous employers. In Rhode Island, an overweight hospital attendant was told to lose weight if she wanted to be rehired for a job she had previously held. And in Athens, Georgia, last year, a local school district began screening job applicants for cholesterol, with the intention of turning away individuals with high cholesterol levels.

Employers try to justify such practices as workplace smoking bans by arguing that smokers are less efficient or absent more often from work than nonsmokers. However, this claim is unsubstantiated.

A study done at the University of Minnesota found that smokers were actually more productive than nonsmokers. And a study conducted by the National Chamber Foundation, the research arm of the National Chamber of Commerce, found that smoking did not contribute to worker absenteeism.

Legislation to protect employee privacy is vital because it ensures the rights of all law-abiding adults to pursue legal lifestyle choices—including the right to smoke off the job—without fear of retribution.

The American people overwhelmingly support these safeguards, as evidenced by a recent Louis Harris poll for Equifax, where 85 percent of respondents (including 91 percent of human resource personnel) agreed that it is not appropriate for an employer to use an applicant's political association or lifestyle—including whether they smoke off the job—as a precondition for employment, or as criteria for awarding raises or promotions.

Employee privacy laws have been introduced in over half of the states and passed in 20, including Arizona, Colorado, Connecticut, Indiana, Kentucky, Louisiana, Maine, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee and Virginia. Privacy laws are endorsed by the Council of State Governments and the American Civil Liberties Union.

As Americans, we feel strongly about our privacy. So we must do whatever is necessary to keep employers from peeking into our private lives.