

WHOSE BUSINESS IS IT ANYWAY?

*A National Opinion Survey
on Workplace Decisions
and Employee Privacy*

January 1990



National
Consumers
League
Founded 1899

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NATIONAL CONSUMERS LEAGUE

Founded in 1899, the National Consumers League is a non-profit, membership organization representing consumers and workers before federal, state and local governments to promote fairness in the marketplace and the workplace.

In testifying before Congress and commenting on proposed regulations, the League represents its members on such issues as meat and poultry inspection, minimum wage, telemarketing fraud, product labeling and child labor.

The League also coordinates cooperative efforts among federal and state agencies, consumer groups, labor unions and private sector companies to detect and promote public awareness of and prevent unfair or fraudulent practices against consumers and labor.

The League conducts programs and develops brochures and other materials to educate consumers on food and drug safety, insurance, health care, air safety, Medicare and other issues.

League members are from every state and every walk of life. They are teachers, farmers, steelworkers, nurses, students and senior citizens.

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T A B L E O F C O N T E N T S

	<u>Page</u>
I. INTRODUCTION.	i
II. EXECUTIVE SUMMARY.	iii
III. MAJOR FINDINGS.	v
IV. RESEARCH DESIGN.	ix
V. READING NOTES.	xi
VI. DETAILED FINDINGS.	1
APPENDIX A: TECHNICAL NOTES.	23
APPENDIX B: QUESTIONNAIRE	28

I. INTRODUCTION

Despite passage of a number of laws to protect privacy rights and prevent discrimination, serious concerns exist that intrusions into employees' personal lives are persistent and abusive.

In recent years, the public debate on privacy most often has been focused on such issues as drug-testing programs and employer access to computerized information, including personal health, financial and credit records.

However, there are more subtle and no less alarming ways in which employers may abuse an individual's right to privacy.

Intrusion of employers into the private lives of employees and prospective employees takes many forms, from asking personal questions during the job interview process to terminating employees because their off-the-job activities do not conform to employer expectations. In some instances, actions being taken by employers appear to be arbitrary and discriminatory.

The National Consumers League (NCL), the oldest consumer organization in the nation, has been a leader in protecting

consumers' rights. Because of rising concerns about the abrogation of privacy rights, the NCL has become increasingly active in monitoring abuses, particularly with respect to privacy in the workplace.

To document public attitudes on workplace privacy, the NCL commissioned a public opinion survey by ICR Survey Research Group, an independent survey research firm in Media, Pa.

The ICR survey addressed such areas as the extent to which employers ask personal questions in job interviews, the appropriateness of these types of questions, the legitimacy of employers making workplace decisions based on areas other than job performance and whether employers are justified in requiring employees to make lifestyle changes.

The following report describes the results of the National Consumers League's ICR survey, which, taken together, indicate where the public draws the line between acceptable and unacceptable employer practices concerning an individual's private life. The national sample for the survey was 1,007 adults; 500 men and 507 women.

II. EXECUTIVE SUMMARY

The nationwide poll conducted by the ICR Survey Research Group for the National Consumers League makes clear how the public feels concerning attempts by employers to influence what workers do on their time off the job and what the public believes is inappropriate for employers to ask about workers' private lives.

The striking conclusion of the poll is this: Americans believe that what workers do on their own time is their own business.

The overwhelming majority of Americans consider it inappropriate for employers to decide to hire or fire an employee because he or she dates a person of a different race, has a dangerous hobby (such as sky diving), takes part in a political demonstration, gambles at a racetrack or holds an unusual second job.

The vast majority of respondents also said an employer has no right to monitor personal telephone conversations, forbid an employee or job applicant from dating an employee of a rival firm, refuse to hire an overweight person, refuse to hire a smoker or require an employee or job applicant to quit smoking, change his or her diet or quit a second job.

A large majority of respondents said the employer has no right to ask about religious preference, plans to have children, whether they have elderly parents, whether they smoke away from work or the types of hobbies they may have. Yet many respondents said these questions are being asked during job interviews.

The National Consumers League believes the message of the poll is clear -- intrusive questioning of job applicants, requiring employees to modify lifestyles or basing employment decisions on private activities of an employee away from the workplace violate an employee's right of privacy.

Decisions to hire and fire should be based exclusively on a person's ability to do the job.

Both employees and employers need to be better educated about what employer actions are legal and how employees are protected by law.

While laws regarding privacy and discrimination specifically proscribe some employer hiring and firing practices and policies, it may be that laws need to be expanded to prevent continuing abuses.

Invasion of privacy should not be tolerated, regardless of the rationale or perceived connection with job performance.

III. MAJOR FINDINGS

THE PUBLIC OVERWHELMINGLY BELIEVES THAT EMPLOYERS ARE NOT JUSTIFIED IN FIRING EMPLOYEES OR DENYING JOBS TO APPLICANTS BECAUSE OF THEIR ACTIVITIES OFF-THE-JOB.

More than four-out-of-five Americans reject firing employees or denying jobs to applicants on the basis of a variety of off-work activities.

Those surveyed were presented with five examples of activities that employees may pursue on their own time away from work. Respondents were asked if they thought it was appropriate for the employer to base a decision to hire or fire on these activities.

The vast majority considered it inappropriate for an employer to hire or fire an employee based on his or her:

	FIRING/NOT HIRING <u>INAPPROPRIATE</u>
Dating a person of a different race.....	95 percent
Having a dangerous hobby.....	91 percent
Taking part in a political demonstration.....	90 percent
Gambling at a racetrack.....	83 percent
Holding an unusual second job.....	83 percent

**AMERICANS STRONGLY BELIEVE THAT EMPLOYERS DO NOT HAVE THE
RIGHT TO FORCE EMPLOYEES TO ALTER THEIR LIFESTYLES.**

The vast majority of Americans believe that employers do not have a right to take actions related to employee lifestyles and habits. Specifically, Americans believe the employer has no right to:

NO EMPLOYER RIGHT

Monitor personal telephone conversations.....	93 percent
Forbid an employee or job applicant from	
dating an employee of a rival firm.....	89 percent
Refuse to hire an overweight person.....	81 percent
Refuse to hire a smoker.....	76 percent
Require an employee or job applicant to	
quit smoking.....	74 percent
Require an employee or job applicant	
to change their diet.....	73 percent
Require an employee or job applicant	
to quit a second job.....	69 percent

THE MAJORITY OF AMERICANS HAVE BEEN ASKED QUESTIONS OF A PERSONAL NATURE UNRELATED TO JOB QUALIFICATIONS IN THE JOB INTERVIEW SETTING.

Overall, 79 percent in the nationwide poll said that in job interviews they have been asked at least one of seven personal questions unrelated to job qualifications.

The seven questions concern whether job applicants are living with a non-family member of the opposite sex, whether they have elderly parents, their religious preference, plans to have children, whether they smoke outside of work, their hobbies or other activities off-the-job, and marital status.

Of these questions, marital status is the most frequently asked in interviews, with almost two-thirds saying this subject has been raised by employers.

Questions about hobbies or other off-the-job activities have been asked of slightly less than half of those interviewed (46 percent). Almost one-fourth report that they have been asked about their religious preference. Questioning about other areas was reported less frequently.

AMERICANS STRONGLY DISAPPROVE OF EMPLOYERS ASKING QUESTIONS CONCERNING THE PRIVATE LIVES OF EMPLOYEES AND PROSPECTIVE EMPLOYEES.

Overwhelmingly, those interviewed said the employer has no right to ask six of the seven questions:

NO RIGHT TO ASK

Living with a non-family member	
of the opposite sex.....	87 percent
Has elderly parents.....	84 percent
Religious preference.....	84 percent
Plans to have children.....	81 percent
Smoking off-the-job.....	74 percent
Off-the-job hobbies, activities.....	63 percent
Marital status.....	47 percent

Of the seven question areas, only questions concerning marital status are perceived by a majority as being appropriate for employers to ask. Even this question, however, is disapproved by a majority of women (54 percent).

IV. RESEARCH DESIGN

A. The Sample

ICR Survey Research Group conducted telephone interviews with a sample of the general population of U.S. adults, 18 years of age and over. A total of 1,007 interviews were conducted, 500 with men and 507 with women.

The sample was based on a random digit dialing probability sample of all telephone households in the continental United States and provided an equal probability of selection for each and every telephone household. Thus the sample represents telephone households with both listed and unlisted numbers in their proper proportions. In addition, a procedure was employed to randomly select an adult within the household who would participate in the interview.

All completed interviews were weighted by age, sex and geographic region to assure accurate and reliable representation of the total population of adults, 18 years and older.

The estimated margin of error for this survey is \pm 3 percent.

B. INTERVIEWING

Interviewing was conducted during evening hours from November 17 to November 20, 1989, from central locations using WATS facilities. To avoid sample bias, interviewers made up to two callbacks at each household where the designated respondent was not at home at the time of the first call.

All interviewing and processing of data was conducted using a computer-assisted telephone interviewing (CATI) system.

A copy of the questionnaire follows the detailed findings section of this report.

V. READING NOTES

Percentages read across when % signs appear in left-hand columns.

Percentages read down when % signs are at the top of columns.

Throughout the report, - signifies any value less than 1/2%.

Where percentages add to more than 100% (or total shown), it is due to multiple answers.

Where percentages add up to less than the total or less than 100%, the differences are due to the exclusion of the "don't knows" and "no answers."

Sometimes where figures do not add to the totals shown, differences are due to "rounding" the percentages.

All bases shown are unweighted.

VI. DETAILED FINDINGS

THE PUBLIC OVERWHELMINGLY BELIEVES THAT EMPLOYERS ARE NOT JUSTIFIED IN FIRING EMPLOYEES OR DENYING JOBS TO APPLICANTS BECAUSE OF THEIR ACTIVITIES OFF-THE-JOB.

More than four-out-of-five Americans reject the firing of employees or denying of jobs to applicants on the basis of any of a number of off-work activities. Ninety-five percent believe taking such actions against a person who dates someone of another race unjustified, while nine-out-of-10 say such actions are inappropriate toward people who engage in political demonstrations or dangerous hobbies.

Seen as slightly less objectionable (83 percent) are employer decisions to fire or not hire because the employee or applicant gambles at racetracks or because he or she has an unusual second job.

In virtually all subgroups, at least three-quarters feel that dismissal of an employee or denying a job to a job applicant because of his or her outside activities is inappropriate.

3. I'm going to read a list of personal activities which people do off-the-job. After I read each item, please tell me whether you think it is appropriate to deny someone a job or fire a person because they were involved in...

FIRING/NOT HIRING INAPPROPRIATE

<u>Base</u> ¹ :	(1007)
Dating person of different race	95%
Dangerous hobbies	91
Political demonstrating	90
Gambling at racetrack	83
Unusual second job	83

The views of men and women are similar on all but two of these questions, those being gambling and having unusual second jobs. In both cases, women are slightly more inclined to see these employer actions as appropriate, although even among women the overwhelming majority disapprove.

Younger men (under age 40) are most likely to object to employer actions against both those gambling at racetracks (91 percent) and those with unusual second jobs (91 percent), while older women are least likely (78 percent and 77 percent, respectively) to do so.

1. Base equals total number of respondents

PERCENT SAYING FIRING/JOB DENIAL INAPPROPRIATE

	<u>Men</u>	<u>Women</u>	<u>Men</u> <u>Under 40</u>	<u>Women</u> <u>40+</u>
<u>Base :</u>	(500)	(507)	(249)	(238)
Gambling at racetrack	87%	80%	91%	78%
Unusual second job	86	80	91	77

All five items show differences among age groups, with those who are older more likely to feel that employers have more rights to fire or not hire individuals involved in the types of activities specified. As the table on the following page shows, on questions involving dating a person of a different race or having dangerous hobbies, only those over age 65 are more likely to grant employers greater freedom in this regard. On other issues, sympathy with employers increases more gradually with age.

PERCENT SAYING FIRING/JOB DENIAL INAPPROPRIATE

	<u>Age</u>				
	<u>18-34</u>	<u>35-44</u>	<u>45-54</u>	<u>55-64</u>	<u>65+</u>
<u>Base :</u>	(383)	(208)	(141)	(120)	(128)
Dating person of different race	99%	98%	97%	95%	85%
Political demonstrating	96	89	89	81	85
Dangerous hobbies	95	90	90	93	81
Gambling at racetrack	89	87	83	74	78
Unusual second job	90	85	81	78	74

Those with lower incomes are less likely to oppose employer actions against those who gamble at racetracks.

PERCENT SAYING FIRING/JOB DENIAL INAPPROPRIATE

	<u>Income</u>				
	<u>Under \$15K</u>	<u>\$15K- \$24.9</u>	<u>\$25K- \$39.9</u>	<u>\$40K- \$49.9</u>	<u>\$50K+</u>
<u>Base :</u>	(185)	(207)	(277)	(101)	(154)
Gambling at racetrack	78%	83%	86%	86%	88%

**AMERICANS STRONGLY BELIEVE THAT EMPLOYERS DO NOT HAVE THE
RIGHT TO FORCE EMPLOYEES TO ALTER THEIR LIFESTYLES.**

The vast majority of Americans believe that employers do not have a right to take any of a number of actions that interfere with employee lifestyles. Responses ranged from more than 90 percent who object to employers listening to employees' personal phone calls without their knowledge, to a low of 69 percent who oppose requiring an employee to quit a second job.

All segments of the public feel very strongly that employers should not listen to employee telephone conversations without their knowledge, with almost 90 percent in every subgroup opposing such activities.

The public also feels strongly (89 percent) that an employer has no business requiring an employee to stop dating an employee of a rival firm. There is slightly less opposition to employer actions requiring dietary changes for health reasons (73 percent), refusing to hire an individual who is overweight (81 percent) or a smoker (76 percent), or requiring an employee to quit smoking (74 percent).

4. Please tell me if you think that any employer has a right to take any of the following actions. Do you think an employer has the right to...

	<u>NO EMPLOYER RIGHT</u>
<u>Base</u> :	(1,007)
Listen to employee calls	93%
Forbid employee/applicant dating rival firm employee	89
Refuse to hire overweight person	81
Refuse to hire smoker	76
Require employee/applicant to quit smoking	74
Require employee/applicant to change diet	73
Require employee/applicant to quit second job	69

Women are more likely than men to believe that an employer does not have the right to deny a job to a person who is overweight. This is particularly true for younger women (under age 40), who are more likely to object to not hiring an overweight person (90 percent) than other groups, especially older (age 40 or older) men (65 percent). Perhaps this is because younger women are more weight-conscious than other groups.

Women also are somewhat more likely than men, especially older men (62 percent), to believe that an employer does not have the right to require an employee to give up a second job.

PERCENTAGE SAYING EMPLOYER DOES NOT HAVE RIGHT

	<u>Men</u>	<u>Women</u>	<u>Men 40+</u>	<u>Women Under 40</u>
<u>Base :</u>	(500)	(507)	(240)	(253)
Refuse to hire an individual who is overweight	74%	87%	65%	90%
Require an employee or applicant to quit a second job	65	73	62	74

In many cases, those who are older are more likely to believe that an employer has more rights with respect to employees. Those over 65, for example, are much more likely to believe an employer has the right to require employees to change their diet or stop smoking. Such attitudes may result from acceptance of these practices during earlier periods in their working lives when employer practices were less closely scrutinized.

While they are frequently more sympathetic to employers than other age groups, those who are older generally also reject these employer intrusions. On the question of an employer's right to stop an employee from dating someone working for a rival firm, those over 65 are most likely to object.

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OBJECTIONS TO EMPLOYER ACTIONS

	<u>Age</u>				
	<u>18-34</u>	<u>35-44</u>	<u>45-54</u>	<u>55-64</u>	<u>65+</u>
<u>Base :</u>	(383)	(208)	(141)	(120)	(128)
Require an employee or applicant to stop dating an employee of a rival firm	93%	86%	91%	79%	94%
Refuse to hire an individual who is overweight	87	82	84	72	71
Require an employee or applicant to change his diet for health reasons	78	71	73	77	65
Require an employee or applicant to quit smoking	82	76	70	79	54
Refuse to hire an individual who smokes	83	78	77	80	52

Those in the highest income groups are more likely to uphold an employer's right to not hire smokers or people who are overweight. At the same time, there are no major differences among income groups with respect to requiring an employee to change his or her diet or to quit smoking.

Those in the highest income group also are least inclined to object to employers requiring employees to quit a moonlighting job.

OBJECTIONS TO EMPLOYER ACTIONS

	<u>Income</u>				
	<u>Under \$15K</u>	<u>\$15K- \$24.9</u>	<u>\$25K- \$39.9</u>	<u>\$40K- \$49.9</u>	<u>\$50K+</u>
<u>Base</u> :	(185)	(207)	(277)	(101)	(154)
Refuse to hire an individual who is overweight	82%	85%	81%	79%	72%
Refuse to hire an individual who smokes	75	79	81	76	69
Require an employee or applicant to quit a second job	73	73	67	71	58

Regional differences appear with respect to requiring employees to change their diet and requiring employees to quit smoking. Those in the West have less objection to employers making demands that an employee change his diet for health reasons. Those in the South are less likely to object to an employer requiring an employee to stop smoking or an employer refusing to hire a smoker.

OBJECTIONS TO EMPLOYER ACTIONS

	<u>Region</u>			
	<u>North East</u>	<u>North Central</u>	<u>South</u>	<u>West</u>
<u>Base</u> :	(228)	(261)	(325)	(193)
Require an employee or applicant to change his diet for health reasons	78%	74%	73%	66%
Require an employee or applicant to quit smoking	82	71	69	78
Refuse to hire an individual who smokes	85	74	71	76

THE MAJORITY OF AMERICANS HAVE BEEN ASKED QUESTIONS OF A PERSONAL NATURE UNRELATED TO JOB QUALIFICATIONS IN THE JOB INTERVIEW SETTING.

More than three-quarters (79 percent) of the American public have been asked during job interviews at least one of a number of personal questions such as their religious preference, their plans to have children or about their off-the-job hobbies and activities.

Of those questions listed, marital status is the question most frequently asked of these interviewees, with almost two-thirds saying this question has been raised by employers.

Questions about hobbies or other off-the-job activities have been asked of slightly less than half of those interviewed (46 percent). Twenty-three percent report that they have been asked about their religious preference during a job interview, half as many as have been asked about off-the-job activities.

Asked slightly less frequently is whether the job applicant smokes off-the-job, with 16 percent indicating they have been asked this question.

Eleven percent say that they have been asked about their plans to have or not have children. Slightly fewer (7 percent) say they have been asked whether they have elderly parents, and asked less frequently is whether the individual is living with someone of the opposite sex who is not a family member.

1. Sometimes during the course of an interview, questions are asked concerning the job applicant's activities off-the-job. During a job interview, have you ever been asked questions about...

HAVE BEEN ASKED
PERSONAL QUESTIONS IN INTERVIEWS

<u>Base :</u>	(1,007)
Marital status	65%
Off-the-job hobbies/activities	46
Religious preference	23
Smoking off-the-job	16
Plans to have children	11
Elderly parents	7
Living with non-spouse	5
Total (asked any above question)	79%

Women are more likely than men to report being asked their religious preference, whether they are living with a man to whom they are not married and about their plans to have children. Not surprisingly, younger women (those under 40) are asked about plans to have children more frequently (21 percent) than older women or men of any age.

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Men are slightly more likely than women to report being asked about off-the-job hobbies/activities, and single individuals report being asked about their outside activities much more frequently (63 percent) than those who are married (41 percent).

ASKED PERSONAL QUESTIONS IN INTERVIEWS

	<u>Men</u>	<u>Women</u>
<u>Base :</u>	(500)	(507)
Off-the-job hobbies/activities	49%	43%
Religious preference	19	27
Plans to have children	7	15
Living with non-spouse	2	7

	<u>Women</u> <u>Under 40</u>	<u>Women</u> <u>40+</u>	<u>Men</u> <u>Under 40</u>	<u>Men</u> <u>40+</u>
<u>Base :</u>	(253)	(238)	(249)	(240)
Plans to have children	21%	9%	9%	4%

ASKED PERSONAL QUESTIONS IN INTERVIEWS

	<u>Single</u>	<u>Married</u>
<u>Base :</u>	(198)	(609)
Off-the-job hobbies/activities	63%	41%

In general, those who are younger are more likely to say they have been asked about off-the-job hobbies/activities, smoking outside of work, plans to have children and living with someone to whom they were not married. Younger interviewees are only about half as likely to have been asked about religion as are those interviewees ages 55 to 64.

ASKED PERSONAL QUESTIONS IN INTERVIEWS

	<u>Age</u>				
	<u>18-34</u>	<u>35-44</u>	<u>45-54</u>	<u>55-64</u>	<u>65+</u>
<u>Base :</u>	(383)	(208)	(141)	(120)	(128)
Marital status	67%	74%	64%	74%	47%
Off-the-job hobbies/ activities	58	55	38	38	19
Religious preference	17	23	19	40	26
Smoking off-the-job	19	26	12	11	6
Plans to have children	15	14	10	2	6
Living with non-spouse	6	6	1	4	4

Income level of Americans is related to several areas, especially off-the-job hobbies/activities, with those with higher incomes more likely to have been asked about these. This may be the case because employers of those in higher income jobs are either concerned about maximizing employee work hours or about how employee extra-work pursuits might reflect on the company.

Questions about religious preference, on the other hand, are more often reported by those in the lower income groups, as are questions about elderly parents and whether they are living with a non-spouse.

ASKED PERSONAL QUESTIONS IN INTERVIEWS

	<u>Income</u>		
	<u>Under</u> <u>\$15K</u>	<u>\$25K-</u> <u>\$39.9</u>	<u>\$50K+</u>
<u>Base</u> :	(185)	(277)	(154)
Off-the-job hobbies/activities	39%	46%	58%
Religious preference	31	17	17
Elderly parents	11	3	2
Living with non-spouse	7	3	3

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Off-the-job hobbies/activities are asked about most frequently in the West, and least frequently in the South. Religious preference, on the other hand, is most frequently asked among those in the more traditional South, and least asked among those in the Northeast.

	<u>Region</u>			
	<u>North East</u>	<u>North Central</u>	<u>South</u>	<u>West</u>
<u>Base</u> :	(228)	(261)	(325)	(193)
Off-the-job hobbies/ activities	44%	48%	39%	56%
Religious preference	14	22	31	21

AMERICANS STRONGLY DISAPPROVE OF EMPLOYERS ASKING QUESTIONS CONCERNING THE PRIVATE LIVES OF EMPLOYEES AND PROSPECTIVE EMPLOYEES.

Approximately 90 percent consider questions about living with someone other than a spouse as inappropriate. Slightly fewer (85 percent) say that questions about religious preference are not appropriate for employers to ask, while 84 percent feel it is inappropriate for an employer to ask about elderly parents.

More than four-out-of-five say employers do not have the right to ask interviewees about their plans to have children, and three-fourths disapprove of questions concerning whether a prospective employee smokes when not at work.

Almost two-thirds (63 percent) of those interviewed believe an employer has no right to ask questions about off-the-job hobbies or activities.

Of the seven question areas mentioned, only questions concerning marital status are perceived by a majority as being appropriate for employers to ask. Even this question, however, receives less than majority support among several subgroups, including women, people under age 55 and those in the Northeast.

2. Let's assume you were looking for a job. Do you feel that a prospective employer has the right to ask any questions about...

NO EMPLOYER RIGHT TO ASK

<u>Base :</u>	(1,007)
Living with non-spouse	87%
Religious preference	84
Elderly parents	84
Plans to have children	81
Smoking off-the-job	74
Off-the-job hobbies/activities	63
Marital status	47

Major differences between men and women with respect to the appropriateness of employer questions appear on only two items, with women much more likely to object to questions about marital status and off-the-job hobbies/activities than men. Interestingly, although men are considerably less likely than women to be asked about their plans to have children, they are slightly more likely to object to such questions than women.

Questions about marital status are most objectionable to younger women (58 percent), while questions about off-the-job hobbies/activities are seen as most inappropriate by older women (73 percent).

While men and women both object strongly to questions about living with a non-spouse, younger women (95 percent) and older women (82 percent) differ significantly, with younger women more likely to see such questions as inappropriate.

PERCENT DISAPPROVING QUESTIONS, BY GENDER

	<u>Men</u>	<u>Women</u>
<u>Base</u> :	(500)	(507)
Marital status	41%	54%
Off-the-job hobbies/ activities	55	70
Plans to have children	84	79

PERCENT DISAPPROVING QUESTIONS, BY GENDER AND AGE

	<u>Women Under 40</u>	<u>Women 40+</u>	<u>Men Under 40</u>	<u>Men 40+</u>
<u>Base</u> :	(253)	(238)	(249)	(240)
Marital status	58%	50%	44%	36%
Off-the-job hobbies/ activities	66	73	66	57
Living with non-spouse	95	82	90	85

On a number of questions, age is clearly related to variations in disapproval, with those in the older groups less likely to object to employer questions. This is the case regarding marital status, non-work smoking, religious preference, having elderly parents and living with a non-spouse. With the exception of marital status, even the older age groups oppose these questions by very large majorities.

Objections to questions about off-the-job hobbies and activities are strongest among those in the middle-age group.

PERCENT DISAPPROVING QUESTIONS, BY AGE

	<u>Age</u>		
	<u>18-34</u>	<u>45-54</u>	<u>65+</u>
<u>Base :</u>	(383)	(141)	(128)
Marital status	51%	53%	37%
Off-the-job hobbies/ activities	61	71	61
Smoking off-the-job	78	75	67
Religious preference	88	87	77
Elderly parents	92	83	65
Living with non-spouse	93	86	81

Questions regarding off-the-job hobbies and activities receive greater disapproval from those with lower incomes. Conversely, questions about religious preference are disapproved more by those in the higher income ranges.

PERCENT DISAPPROVING QUESTIONS, BY INCOME

	<u>Under \$15K</u>	<u>\$25K- \$39.9</u>	<u>\$50K+</u>
<u>Base</u> :	(185)	(277)	(154)
Off-the-job hobbies/ activities	66%	66%	54%
Religious preference	78	87	89

On a number of questions, strong regional differences exist, usually with those from the Northeast most likely and Southerners least likely to object to these questions, especially those concerning marital status, religion, plans to have children and living with someone other than a spouse. Those in the West are least likely to find questions about hobbies or non-work activities inappropriate.

Generally, those outside of urban areas are less likely than those in metropolitan areas to object to personal questions of various sorts, including those about marital status, non-work smoking, religious preference, plans regarding children and living with someone other than a spouse.

PERCENT DISAPPROVING QUESTIONS, BY REGION

	<u>North East</u>	<u>North Central</u>	<u>South</u>	<u>West</u>
<u>Base</u> :	(228)	(261)	(325)	(193)
Marital status	54%	50%	42%	47%
Off-the-job hobbies/ activities	65	61	66	55
Religious preference	89	81	80	86
Living with non-spouse	92	88	83	89

DISAPPROVAL OF QUESTIONS, URBAN VS. RURAL

	<u>Urban</u>	<u>Rural</u>
<u>Base</u> :	(720)	(287)
Living with non-spouse	90%	78%
Religious preference	86	76
Plans to have children	84	74
Smoking off-the-job	77	67

APPENDIX A: TECHNICAL NOTES

A. SAMPLE RELIABILITY

All findings based on a sample of the universe -- in this case of the general population of American adults 18 years and older -- are subject to some error. The following table shows the approximate sampling tolerances for various percentage results at the 95 percent confidence level. For example, if we consider a result of 60 percent based on the total sample of Americans (N = 1,007), we can be 95 percent sure that the true result is contained in the range of 5 percentage points above or below the sample result (that is, within the range of 55 percent to 65 percent). When percentage results for subgroups of the total sample are being considered, the possible error due to sampling is greater.

APPROXIMATE SAMPLING TOLERANCES FOR SURVEY

PERCENTAGE AT OR NEAR THESE LEVELS

<u>Size of Sample on Which Survey Result is Based</u>	<u>10% or 90%</u>	<u>20% or 80%</u>	<u>30% or 70%</u>	<u>40% or 60%</u>	<u>50%</u>
1,000	3	3	4	4	4
500	4	5	6	6	6
300	5	6	7	8	8
200	6	8	9	10	10
100	9	11	13	14	14
50	12	16	18	19	20

Tolerances are also involved in the comparison of results from different parts of any one sample. In other words, a difference must be of at least a certain size to be considered statistically significant. The table below is a guide to the sampling tolerances applicable when comparing results for subgroups of the total sample.

DIFFERENCES REQUIRED FOR SIGNIFICANCE AT
OR NEAR THESE PERCENTAGE LEVELS

<u>Approximate Size of Samples Compared</u>		<u>10%</u>	<u>20%</u>	<u>30%</u>	<u>40%</u>	<u>50%</u>
		<u>or 90%</u>	<u>or 80%</u>	<u>or 70%</u>	<u>or 60%</u>	
1000 and 1000	1000	4	4	5	5	6
	500	4	5	6	7	7
	250	5	7	8	8	9
500 and 500	500	5	6	7	8	8
	300	5	7	8	9	9
	200	6	8	9	10	10
	100	8	11	13	14	14
300 and 300	300	5	6	7	8	8
	100	7	9	10	11	11
200 and 200	200	7	10	11	12	12
	100	9	12	14	15	15
150 and 150	150	7	10	11	12	12
	100	7	10	11	12	12
	50	11	14	16	17	17
100 and 100	100	10	14	16	17	17
	50	13	17	19	21	21
50 and 50	50	15	20	22	24	25

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B. SAMPLE DESIGN

The basic sampling plan for this project was designed to deliver approximately 1,000 completed interviews throughout the continental United States with male and female adults, all 18 years of age and older.

The study was based on a random digit dialing (RDD) probability sample of all telephone households in the continental United States. The RDD sampling system is a computer-based system that provides an equal probability of selection of each telephone household. Thus, the sample represents telephone households with both listed and unlisted telephones in their proper proportions.

Using a computerized random number generator, equal numbers of random four-digit suffixes were generated for each telephone exchange. The four-digit suffix was then matched to known working bank information, and those numbers known to be in non-working banks were eliminated. Since all telephone exchanges were included in the sample, the result was a simple random selection of telephone households with each household having an equal probability of selection. Each number was then subjected to an original plus two callback attempts.

Upon completion of this sampling procedure, all completed interviews were weighted to assure accurate and reliable representation of the population 18 years and older. The weighting procedure employed three variables: age, sex and geographic region. Each interview was assigned a single weight derived from the relationship between the actual proportion of the population with a specific combination of age, sex and geographic characteristics.

APPENDIX B: QUESTIONNAIRE

ICR Survey Research Group
Media, PA 19063

Job #E947
November 1989

Employee Privacy

I'd like to ask you a few questions about your work experience and applying for jobs.

1. Sometimes during the course of a job interview, questions are asked concerning the job applicants' activities off-the-job. During a job interview, have you ever been asked questions about any of the following?
(READ ITEMS STARTING AT RANDOM START)

- 1 Yes
- 2 No
- R Refused

ROTATE

- () Marital Status
- () If you were living with someone of the opposite sex who was not a member of your immediate family
- () Your plans to have children
- () If you have elderly parents
- () Whether or not you smoke off-the-job
- () Your off-the-job hobbies or activities
- () Your religious preference

2. Let's assume you were looking for a job. Do you feel that a prospective employer has the right to ask any questions about the following topics?
(READ ITEMS STARTING AT RANDOM START)

1 Yes
2 No
R Refused

ROTATE

- () Marital status
() If you were living with someone of the opposite sex who was not a member of your immediate family
() Your plans to have children
() If you have elderly parents
() Whether or not you smoke off-the-job
() Your off-the-job hobbies or activities
() Your religious preference

3. I'm going to read you a list of personal activities which people do off-the-job. After I read you each item, I want you to tell me whether you think it is appropriate to deny someone a job or fire a person because they were involved in that activity.
(START AT RANDOM START)

1 Yes
2 No
3 (VOLUNTEERED) Sometimes
R Refused

ROTATE

- () Dangerous hobbies, such as skydiving
() Gambling at a racetrack
() Having an unusual second job such as bellydancing or working in a bar
() Dating someone of another race
() Marching in a political demonstration

4. I am going to read you a list of actions which are sometimes taken regarding employees and prospective employees. After I read you each item, I'd like you to tell me if you think that any employer has a right to take such actions.
(START AT RANDOM START)

- 1 Yes
- 2 No
- 3 (VOLUNTEERED) Sometimes
- R Refused

ROTATE

- () Require an employee or applicant to change his diet for health reasons
- () Require an employee or applicant to quit smoking
- () Require an employee or applicant to stop dating an employee of a rival firm
- () Require an employee or applicant to give up a moonlighting or second job
- () Listen to employees' personal calls without their knowledge
- () Refuse to hire an individual who smokes
- () Refuse to hire an individual who is overweight

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