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OFF-THE-JOB PRIVACY STILL EXISTS FOR MOST WORKERS, BUT TWO IN FIVE GIVE EMPLOYERS LESS THAN TOP MARKS

*61 Percent of Workers Say After-Hours Privacy Respected, But Millions Do Not Agree.
Genetic Tests, Other Steps to Screen Out "Unhealthy" Employees Face Major Opposition.*

WASHINGTON, D.C.///AUGUST 18, 1994///Though 61 percent of private-sector workers are unconcerned about employers invading their after-hours privacy, two out of five (39 percent representing 28.4 million corporate employees in the U.S.) do not believe that employers respect their right to off-the-job privacy "very well," with the highest levels of concern expressed by minority and low-income workers, according to a national opinion survey conducted by Louis Harris and Associates, Inc. Additionally, there is overwhelming opposition among workers to the tests, bans on certain off-the-job lifestyle choices, and restrictive hiring processes now being used by more and more employers seeking to rein in runaway health care costs.

The Harris survey findings were released today in conjunction with "OFF LIMITS: Your Health, Your Job, Your Privacy," a documentary that airs August 23rd at 9 p.m. on public television stations across America. (Check local listings.) "OFF LIMITS" was produced by the Educational Film Center (which commissioned the Harris survey) and is being presented by WETA of Washington, D.C.

"There is broad agreement among private employees, managers and personnel officials about what off-the-job information employers should and should not collect and then use to make employment decisions," said leading national privacy expert Dr. Alan F. Westin, professor of law and government at Columbia University. "But respondents representing 28 million corporate employees in America do not believe that these agreed-upon boundaries are being observed very well. Millions of workers fear that employers are now collecting and using health and lifestyle information improperly. In addition, there is

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OFF LIMITS: Your Health, Your Job, Your Privacy is produced by the Educational Film Center and presented by WETA, Washington, D.C. Major funding is provided by Kraft General Foods Foundation.

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widespread concern that new, aggressive efforts by employers to reduce their health-care costs could lead to intrusive and restrictive surveillance of private health conditions and lifestyle activities."

KEY SURVEY FINDINGS

The Harris survey findings provide the first detailed look at the off-the-job privacy attitudes of both employees and managers in the U.S. private sector. A national cross-section of 1,000 workers and 300 senior-level human resources (HR) executives were interviewed. (Human resources managers oversee the hiring and firing practices of corporations.) Key findings of the Harris survey include:

- o *Most workers say their off-the-job privacy is respected, but two out of five give employers less than top marks.* Though 61 percent say that their employers respect after-hours privacy "very well," 39 percent (representing 28.4 million workers) were less positive. Of all respondents, 29 percent said employees respected off-the-job privacy only "somewhat well," 8 percent "not very well," and 3 percent "not at all well." The data show that a total of 11 percent (representing eight million workers) believe their employers do not respect their after-hours privacy. However, 83 percent of HR executives say their companies do respect such privacy.

Normally, with a four-point scale ("very well," "somewhat well," "not very well," and "not at all well"), the two top and the two bottom responses are added to summarize the results. Using this method, almost nine out of 10 employees give their employers at least some sort of positive marks, while one in ten rate them in an entirely negative fashion. However, if a higher standard is imposed -- that only the answer "very well" indicates full comfort with employer practices in relation to off-the-job privacy -- then a very substantial minority (39 percent) give their employers less than top marks.

- o *Millions of Americans believe that their after-hours privacy already has been invaded by employers.* Almost six million private-sector employees (represented by 8 percent of the respondents) say that their employer has collected inappropriate information about their health or lifestyle off the job. Roughly three million workers (represented by 4 percent) have had medical or health information provided to an employer improperly disclosed to other people at work. Over eight million employees (represented by 11 percent) say it is "very" (4 percent) or "somewhat" (7 percent) likely that their employer has collected personal information about them and then abused it.
- o *Millions of Americans fear that their off-the-job privacy is susceptible to being invaded by employers.* Over 2.2 million employees (represented by 3 percent of the respondents) say they have avoided filing a medical or psychiatric claim because they did not want their employer or another employee to know the details of the claim or treatment.

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Almost 12 million workers (represented by 16 percent or one in six respondents) are "very" (7 percent) or "somewhat" (9 percent) concerned that their supervisor or another manager will see their medical insurance claims before they are sent to an insurance company.

- o *Minority and low-income workers are much more likely to experience (or perceive) off-the-job privacy invasions by employers.* African Americans and employees with the lowest household incomes report the greatest extent of abuses and highest concern when it comes to off-the-job privacy.

Compared with all employees, African Americans are ...

Less likely to say that their employer respects off-the-job privacy very well (40 v. 61 percent).

More likely to be concerned that their supervisor or another manager in the company will see their health and medical claims before they are sent to the insurance company (42 v. 16 percent).

More likely to have had an employer ask for personal information they felt was inappropriate (23 v. 10 percent).

More likely to know of an occasion when their employer used personal information about them unfairly (14 v. 6 percent).

More likely to have had medical or health information provided to their employer improperly disclosed to other people (14 v. 4 percent).

More likely to have not filed a medical claim because they didn't want their employer or another employee to know the details of the claim or the treatment they received (11 v. 3 percent).

More likely to consider it at least somewhat likely that their employer has released information from the personnel file improperly (25 v. 11 percent).

Compared with all employees, people in households with an annual income of \$15,000 or less are ...

More likely to have had medical or health information provided to their employer improperly disclosed to other people (10 v. 4 percent).

More likely to have not filed a medical claim because they didn't want their employer or another employee to know the details of the claim or the treatment they received (10 v. 3 percent).

More likely to be concerned that their supervisor or another manager in the company will see their health and medical claims before they are sent to the insurance company (25 v. 16 percent). As household income rises, employees are less likely to be concerned about this privacy threat. Only 9 percent of employees with an annual household income of \$50,000 or more saw this as a danger to their privacy.

The Harris survey data shows that employees and managers are in broad agreement about many key issues. "Private sector employees and human resources executives tend to agree on the types of tests and database uses that are appropriate for making hiring decisions and the types of demands employers can make of workers when it comes to off-the-job behavior," said Dr. Joy M. Sever, Vice President, Louis Harris & Associates. "There is little support for testing off-the-job nicotine use, alcohol consumption, genetic predisposition to illness, and general psychological attitudes. Both groups agree, however, that it is acceptable to check into illegal drug use, prior felony convictions, and claims made about education degrees."

- o *Concern about the privacy implications of genetic testing is very high among workers and managers.* Genetic testing by insurance companies for the purposes of reviewing applicants and refusing coverage is opposed by 86 percent of employees and 87 percent of HR executives. (This is significant since 74 percent of the respondents receive their health insurance through their place of work.) The use of genetic tests during the hiring process to screen out employees who might run up large medical bills as the result of diseases they are inclined to suffer in future years is opposed by 91 percent of both workers and HR executives.

However, employees are more accepting of the limited use of genetic testing to identify employees who would be at special risk in handling chemicals and other dangerous materials. Over half of all respondents (63 percent of workers and 56 percent of HR executives) indicated such testing would only be permissible if employers are required to provide other, safe jobs at comparable pay to the employees who are found to be genetically at risk. While 72 percent of workers would agree to limited genetic testing if safer employment is guaranteed for those needing it, this condition was opposed by roughly half (46 percent) of the HR executives.

- o *Most employees are comfortable with current drug and alcohol testing and support programs.* Four out of 10 employees (40 percent) indicate that their employers test for off-the-job drug and/or alcohol use. (While only 21 percent of employees in firms with 15-99 workers reported being subjected to such tests, 50 percent of those in companies with 5,000 or more employees undergo the tests.) Among those at companies requiring such tests, 57 percent of the respondents reported undergoing drug and/or alcohol tests; 90 percent indicated agree that such testing is a good idea. Of those tested, only 1/2 percent say they have ever tested positive.

Half (51 percent) of employees report that an "employee assistance program" (EAP) is offered at their places of work for people with emotional, financial or substance abuse problems. (While only 20 percent of employees in firms with 15-99 workers reported EAPs are available where they work, 72 percent of those in companies with 5,000 or more employees have access to EAP services.) Among those at companies with EAPs, 8 percent of employees have made use of such programs. Among those in

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EAPs, nine in ten (87 percent) think that information they revealed in EAP was dealt with on a confidential basis. Only about one in 10 (11 percent) of those in EAPs think the information they shared was used improperly by an employer.

- o *Employees strongly oppose employer use of tests to regulate most aspects of after-hours behavior and lifestyle choices.*

Opposition is strong to the use of a wide range of tests, including (from strongest to weakest)

...

	<u>Employees</u>	<u>HR</u>
Nicotine off the job	93/7	95/4
Genetic predisposition to future disease	88/10	93/5
Alcohol off the job	69/28	66/29
Psychological measurements of attitudes and social preferences	69/28	71/23
AIDS	59/37	73/20

Opposition is weakest to ...

Tests purporting to gauge honesty and dishonesty	50/48	48/47
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Support is strong for ...

Drug testing	70/26	73/23
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- o *Views are mixed on the use by employers of outside databases to check on aspects of the background of job applicants.*

Employees and employers agree on checking ...

	<u>Employees</u>	<u>HR</u>
Claimed education levels	81/19	85/14
Previous felony convictions	81/13	82/16

Support is weakest for checking ...

Medical conditions that might prevent and applicant from doing a job	57/42	52/45
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Opposition is strongest to checking ...

If filed worker's compensation claim for a job injury	71/28	72/27
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If filed a job discrimination claim or lawsuit 69/30 77/23

- o *Employees do not think employers should be allowed to refuse to hire job applicants because of most off-the-job activities or medical conditions.*

Opposition is highest to rejecting applicants on the grounds of:

	<u>Employees</u>	<u>HR</u>
Potentially dangerous hobbies or sports	93/6	91/7
Smoking tobacco off the job	93/7	88/11
Alcohol consumption off the job	88/9	87/10
Genetic predisposition to contracting major illness later in life	85/13	88/9
Serious disease, such as cancer	82/12	84/13
Very overweight	82/12	82/13
Previous psychological or psychiatric counseling	71/19	76/17
HIV positive	65/28	75/16

- o *Opposition is high to employer regulation of the after-hours behavior of workers. Strong majorities of employees and managers oppose efforts by employers to ban certain types of off-the-job activities or become actively engaged in monitoring the medical conditions of existing employees.*

	<u>Employees</u>	<u>HR</u>
Forbid potentially dangerous sports or hobbies	96/3	95/3
Forbid alcohol consumption off the job	95/4	95/4
Forbid smoking tobacco off the job	94/5	95/5
Requiring overweight employee to lose weight	81/15	82/10
Requiring medical check-ups and submission of the results to an employer	64/32	67/27

- o *Employees worry about the impact of health care reform on after-hours privacy. Two of three employees (64 percent) and HR executives (66 percent) are "very" or "somewhat"*

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concerned about maintaining the privacy of personal medical data in an overhauled U.S. health care system that features standardization of individual medical records and simplified filing for insurance concerns. Roughly the same share (68 percent of workers and 71 percent of HR executives) are concerned that under a national health plan there might be a central national computer databank containing the medical records of all U.S. citizens. Virtually all of the respondents (91 percent of workers and 95 percent of HR executives) feel it is important for national health care reform to include laws spelling out which organizations can and cannot have access to computerized medical records.

On the concerns about future privacy invasions that may result from health care cost cutting fever, Dr. Westin commented: "It is clear that both employees and HR executives overwhelmingly oppose the idea of allowing employers and insurers to reject applicants on the basis of the results of genetic tests. And even though most workers and managers are generally upbeat about off-the-job privacy today, the strong fears about possible abuses of a centralized national database under national health care reform show that they are not blind to privacy threats and may balk at cost-cutting health 'reforms' by private employers that put privacy at undue risk."

HOW THE SURVEY WAS CONDUCTED

The Louis Harris and Associates survey involved telephone interviews with 1,000 employees at private-sector companies with 15 or more workers and 300 senior-level human resources managers at corporations with 25 or more workers. The employees in the survey represent a cross-section of the 70-75 million American adults who work at companies with 15 or more workers. (Government and non-profit workplaces were not included in the scope of the survey.) The employee respondents were weighted to conform to census parameters for age, education, race and sex. HR managers were segmented into four classes based on workplace size: 25-99 workers; 100-999 workers; 1,000-4,999 workers; and 5,000 or more workers. The representative sample of HR managers were drawn from a Dun and Bradstreet database of all companies in the U.S.

For questions asked of 1,000 persons, the survey has a margin of error of plus or minus 2-3 percent at a 95 percent confidence level. Results from any survey are subject to sampling variation. The magnitude of this variation is measurable and is affected both by the number of interviews involved and by the level of the percentages expressed in the results. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number of percentage points (2-3 percent, in this case) from the result that would have been obtained if interviews had been conducted with all persons in the universe represented by the sample.

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ABOUT THE "OFF LIMITS" DOCUMENTARY

Workplace Health and Privacy Issues: A Survey of Private Sector Employees and Managers was commissioned by the Educational Film Center (EFC), Annandale, VA., which produced the "OFF LIMITS" documentary. "OFF LIMITS" is being presented by WETA in Washington, D.C., with major funding provided by The Kraft General Foods Foundation. The documentary airs on August 23rd at 9 p.m. on PBS stations around the U.S. (Check local listings.)

In shaping the "OFF LIMITS" documentary, EFC drew on the Harris survey findings in order to present a fair and balanced picture. "We wanted to make sure that 'OFF LIMITS' acknowledged both the concerns of employees and the pressures that are driving more and more employers to look at curbs on off-the-job privacy," explained Stephen L. Rabin, president of the Educational Film Center. "This is a controversial subject that elicits strong emotional responses. As a result, our goal in reviewing the Harris survey data was to make sure that all major viewpoints and concerns found a voice in the documentary."

The "OFF LIMITS" documentary explores actual instances of employer restrictions on off-the-job behavior (such as drinking and smoking), drug testing, use of genetic screening to identify employees with possible future health problems, handling of confidential medical and psychiatric records, and manipulation of databases to identify employees with a history of filing lawsuits and workers compensation claims. "Off Limits" looks at Mobil Oil's Employee Assistance Program, Turner Broadcasting's ban on employee smoking, the Boston-based Medical Information Bureau, which process 80,000 medical insurance claims a day, and AVERT, a company in Fort Collins, CO., that investigates job applicants for employers by delving into motor vehicle records, criminal histories and workers comp claims. The documentary features corporate managers and other employer representatives explaining the need for a healthy work force and the reasoning behind specific curbs on after-hours behavior and lifestyle choices.

FOR MORE INFORMATION ...

Copies of the executive summary of Workplace Health and Privacy Issues: A Survey of Private Sector Employees and Managers are available to members of the news media who call 703/276-1116. As of August 18th, a summary of this news release (including the Harris survey findings) will be available 24 hours a day on the Internet by e-mail. Send a blank e-mail message to "privacy@hastings.mailer.net" (no quotes) and the summary will be sent automatically. You are encouraged to make this e-mail address available to the general public. A list of where and when "Off Limits" is to air in markets across the U.S. is available by sending a blank e-mail message to "offlimits@hastings.mailer.net" (no quotes).

CONTACT: Scott Stapf or Michelle Herman, 703/276-1116. Questions about the airing of "Off Limits" should be directed to Laura Reimers, WETA, 703/824-7314.

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