

Privacy in the Workplace: A Guide for Human Resource Managers

Reviewed by

Dr. Janis Petersen, Center For Business & Economics, Elmhurst College, Elmhurst, Illinois

The issue of job-related privacy is becoming increasingly important to both employees and employers as each tries to ascertain what their legal rights are. Twenty years ago work privacy was not an issue because the employer determined the terms and conditions of employment. However, there have been numerous court decisions and laws enacted that protect employees and job applicants and established the doctrine of workplace privacy.

Employees and job applicants feel they have the right to protect their private lives and activities from the prying eyes of employers. Employers, on the other hand, feel they have a need to obtain background and other information about employees and job applicants since they may be legally responsible for their actions and subject to lawsuits from injured customers and other employees. Investigations of employees and job applicants can also result in a violation of rights and a lawsuit against the employer. Employers and employees need to know what is and isn't legal in these situations. Professors Jon D. Bible (Southwest Texas State University) and Darien A. McWhirter (National Center for Employee Ownership) provide guidance in these areas, addressing a number of privacy related issues.

The book is divided into five sections. Section I provides an overview of the legal system, discussing both employment law and privacy law in language that

a layman can comprehend. The next two sections focus on the screening practices of employers. Section II involves the issues involved in the recruitment and assessment of job candidates: discrimination, interviews, references, fingerprinting, credit records, arrest and conviction records, limitations on background investigations, etc. Section III examines the various tests some employers may require and examines the legal implications of these testing devices for AIDS, drugs, genetic problems, honesty, and ability. The next section covers employer surveillance of employees, discussing searches, electronic and non-electronic surveillance both on and off the job, and access to employee records. The authors emphasize that screening and searching in the wrong way and for the wrong reasons can result in legal action. The last section deals with employee lifestyle choices and non-work related activities.

Throughout the book relevant court decisions are presented and discussed, and the Disabilities Act of 1990 is presented in its entirety in an appendix.

The title of the book implies that it is written for human resource professionals, but I believe this book is an excellent source of information for everyone - employees, employers, job applicants, as well as human resource personnel. The book is available from Quorum Books, ISBN:0-89930-473-7, 306 pages.