

## The Purpose of Today's Lesson:

The purpose of today's lesson is to explain the rights an employer has (after all, they provide jobs, wages and sometimes benefits and you are there to help them succeed), and the rights of the employee (you have the right to be treated fairly, ethically and respectfully in a safe environment). A properly run company will take their employees into account, since they cannot do the work, make the products, or provide services without them. **Each employee should be given a copy of all policies in an employee handbook, so that they know their individual rights and responsibilities.**

## EMPLOYER/EMPLOYEE RIGHTS

An ethical organization balances the rights of employees with the rights of the employer. Clear privacy policies will prevent confusion. When creating policies, employers need to remember that they are obligated to provide employees with a safe work environment that is free from harassment, and this may require what some people consider an invasion of privacy.

### Privacy Policies

Employee privacy is a tangled legal issue. Companies collect detailed personal information about their employees for background checks and other reasons, and they need to clearly state the purpose of collecting this information and how it will be used in their privacy policy. **Personal information must be protected and kept confidential, and the employees need to agree to the background checks.**

**Surveillance, drug testing, and searches are points of contention for many employees, and they need to be addressed in privacy policies.** Employees argue that they have the right to personal privacy at work, but **there are limits to employee privacy as more businesses take drastic measures to prevent theft or harassment, and to maintain a safe workplace.**

**Surveillance:** Organizations routinely monitor the phone and Internet usage of their employees while they are at work. Legally, these steps are protected in many countries because the company phones and Internet are company property. Security cameras are also used to ensure the safety of employees and limit the theft of company property or information. Experts advise employers to **include in their privacy policies, a warning to employees that they will be monitored.** There are limits to the use of cameras. For example, **cameras are not allowed in locker rooms or bathrooms.**

**Drug Testing:** Taking a drug test before beginning a new job is common, and **employers also have the right to demand drug tests in the event of an accident or suspicion of drug use.** Random drug tests, however, can be contested if they violate employee privacy. **The policy on random drug testing need to be reasonable and clearly spelled out. Companies are responsible for keeping drug test results private.**

**Searches:** Privacy policies need to remind employees that their workspace and tools are **company property**, and that **employers are not responsible for any lost or damaged personal property.** This should prevent any invasion of privacy claims if an employer who suspects theft searches a locker. Searches should be conducted carefully and with the instruction of senior management.

## Harassment Issues

**Companies are legally bound to provide a safe working environment for all of their employees.** Employees can sue their employers for not protecting them from harassment. The Equal Employment Opportunity Commission (EEOC) protects the rights of individuals from discrimination and harassment, regardless of ethnicity, sex, religion, sexual orientation, disability, age, etc. **An employee who feels threatened or uncomfortable by any statement, gesture, or action may be experiencing harassment.** An anti-harassment policy and training in harassment will help prevent harassment and protect the organization. **Any harassment in the workplace needs to be confronted immediately and the rights of the harassed employee protected.**

## Technology

As technology changes the relationship between company and employee keeps changing as well. **Employers have the right to expect their employees to work productively and represent the company well.** On the other hand, employees have the right to personal privacy. **Advances in technology provide employers with more ways to monitor employees.** Social networking further complicates this issue.

**Employees often post things online for their friends to see, but employers may be monitoring these posts well.** It is becoming **more common for people to lose their jobs because of posts on their social networking sites.** A recent survey revealed that about half of employees feel that their social networks are not any business of their employers, but 60 percent of executives think that they have the right to monitor their representatives' social network behavior. **This use of social networks should be included in privacy policies** to protect both employee and employer, but many companies cite personal conduct policies to validate their actions.

Complete the short answer questions below.

- 1. Short answer:** An employer frequently leaves the file cabinet unlocked which contain the files they keep on all of their employees (background and substance checks, addresses and emergency contacts, annual performance evaluations etc.). **How has the company failed its employees?**
- 2. Short answer:** The employee handbook clearly states that video surveillance will only be done in areas where product is stored or money is handled. However, you hear your supervisor talk about him watching a video of someone picking their nose in the break room. **How would you handle what seems to be a clear violation of the policy on surveillance?**
- 3. Short answer:** Your jacket has gone missing from your locker, and your wallet and keys were in it. The employee policy printed in the employee handbook is that they are not responsible for the theft of or damage to personal property. They refuse to search lockers or employee bags for personal property, but they do searches of everyone if they suspect company property has been stolen. **How is this policy fair, or how is it unfair?**
- 4. Short answer:** **What is your opinion about whether or not an employer should be checking your social media accounts?**