

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.

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.

**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:

	<u>NO EMPLOYER RIGHT</u>
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

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:

	<u>NO RIGHT TO ASK</u>
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).

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.

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>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%

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.

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

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

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.

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.

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

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).

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

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

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

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.

APPENDIX B: QUESTIONNAIRE

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