

# WHOSE BUSINESS IS IT ANYWAY?

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

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National Consumers League  
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## **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

## 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.

### 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

**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.

#### 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.

## 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.

PERCENT SAYING FIRING/JOB DENIAL INAPPROPRIATE

	<u>Men</u>	<u>Women</u>	<u>Men Under 40</u>	<u>Women 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.

**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).

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.

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

**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.

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 Under 40</u>	<u>Women 40+</u>	<u>Men Under 40</u>	<u>Men 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%

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 \$15K</u>	<u>\$25K- \$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



**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.

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

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

	Under \$15K	\$25K- \$39.9	\$50K+
<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.

APPENDIX A: TECHNICAL NOTES

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

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.

ICR Survey Research Group  
Media, PA 19063

Job #E947  
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### 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

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