

Privacy in the employee handbook essay sample

[Business](#), [Employment](#)



The Employee handbook plays an important role in communicating the organization's policies as well as rules and regulations. It gives the employee a source to understand some of the responsibilities, benefits, wages, appraisals and restrictions of both the employee and the employer. One of the main areas of the handbook deals with privacy issues in the workplace. There are several areas to consider when writing a privacy policy. These areas include: the privacy rights issues that are addressed, the company's position in response to privacy rights issues, privacy protections to limit the company's liability, privacy protections to enhance employee motivation and productivity, ethical considerations and different ways to address state, federal, and international laws.

What to Include

Employees have a reasonable expectation of privacy within the workplace; however there are circumstances when an employer has a legitimate right to monitor, investigate, and review the activities of its employees. The following identifies business practices that may be executed to ensure the integrity of company products and property, workplace safety, and the monitoring of employee productivity.

SEARCHES

- Physical Searches - the physical search of a person or their belongings may be warranted in the event of a reasonable belief suggesting violation of company rules and regulations or unlawful activity.

- Video Surveillance – video surveillance is conducted to monitor the activities of our visitors and employees. This monitoring is conducted within open and public areas of our facility.

COMMUNICATIONS SYSTEMS

- Internet, E-mail, Voice mail – the internal communication systems, as well as the equipment and data stored, are and remain at all times the property of the Company. Accordingly, all messages and files created, sent, received or stored within the system should be related to Company business only. It should be noted that although a message or file is deleted or erased, it is still possible to retrieve the message; therefore, ultimate privacy of messages cannot be assured. The Company reserves the right to routinely monitor usage patterns of its e-mail and Internet communications.

EMPLOYMENT PRACTICES

- Medical Information – the privacy rules outlined under the Health Insurance Portability and Accountability Act (HIPAA) prohibits the Company from disclosing protected health information (PHI) to anyone without a signed authorization from the employee.

- Pre-employment Practices – it is the company's policy to conduct thorough background investigations on all new hires. At a minimum, the following checks are completed:

- o Education Verifications

- o Employment Verifications

- o Criminal Records Search

- o Social Security Trace

Privacy Rights Issues

The Privacy Commission, (Section 5 of the original Privacy Act of 1974 established the “ U. S. Privacy Protection Study Commission” recommends any policy with respect to privacy contain at least five basic elements or procedural rights to the employee. These include (1) notice, (2) authorization, (3) access, (4) correction and (5) confidentiality. These issues and others are addressed so that both employer and employee rights are respected. (www. usdoj. gov)

By providing written notice, the employer reserves the right to enter and inspect areas such as lockers, desks, and computers when reasonable cause indicates the rights or concerns of the employer are in jeopardy. Employees have no expectation of privacy in regards to e-mail, voicemail, computer usage and that phone extensions are not private. Therefore, to protect the company interests; the company reserves the right to monitor communications.

Liability

- Improper use creates the potential for harassment or enabling a hostile work environment.
- Limiting use prevents legal problems

- Right to search may corroborate or exonerate

Inappropriate use of electronic technology, regardless of the motivation, may harm the employer or fellow employees. Using any technology for anything other than its intended work related purpose creates a potential liability for the employer, thus we have a clear interest in limiting the use of technology.

Productivity

While incidental use of the Internet, voice communication, personal email or other electronic means of communication may occur, it does not absolve the employee from their responsibilities to do the work they were for.

Technology may change as developments take place, monitoring will occur for the purpose of managing the workforce, measuring performance, protecting assets or proprietary information or other interests of the employer.

Security

The use of passwords by employees does not in itself suggest any level of privacy, but further protects the interests of the employee and employees by having applications or other systems compromised by being unsecured.

Therefore, all employees have a responsibility to protect their passwords and the systems to which they have access. Employees with access to sensitive information about other employees and work technologies have a responsibility to protect that information and only use it within the scope of their job responsibilities.

Employee Relations

- Limit right-to-search to reasonable cause, that which protects the interest of the employer and its' employees, and not be intrusive in nature.
- Employees will have access to their own personnel file for review and correction.
- Medical records and other personal information about an employee will only be released with the employee's consent.
- Employer will protect employees' information and ensure that any personal data is accurate and reliable.
- Employer reserves the right to release information when the public interest is at stake or to comply with federal or state laws.

Ethical Issues

Ethical issues are our moral standards of what is right and wrong. The golden rule states for us to do unto others as we would want others to do unto us. This is our application to the privacy section of our handbook and how all areas will be addressed and determined. The company code of business ethics includes guides for decision making and actions of all our stake holders. Our reputation for integrity is vital for establishing the trust necessary for all successful relationships and will better position the company to retain its customers, employees and our stock holders.

Dress Code

The company states that appropriate casual attire for men include polo or oxford shirts with wrinkle-free pants such as “ khakis.” In addition, they should have a sport coat or blazer and neck tie kept in the office in case a need arises requiring a more professional “ look”. Women also must dress appropriately which means a skirt and sweater set, nice slacks with appropriate blouse. Clingy and revealing tops are not acceptable in the workplace. Flip-flop sandals are also inappropriate for office wear. While the company does allow casual attire, sloppiness is not acceptable and an employee may be sent home to change to proper clothes if they appear to look offensive.

Tattoos are offensive to some individuals and if an employee is working directly with a customer, the company has the right to require the tattoo be covered with long sleeves or high neck collars.

Workplace Communications

Discussing political views and life style preferences are acceptable in the workplace providing they do not overlap into the job functions of the employees. Break time discussions can be enlightening (or horrific) but the probability of this carrying over into the office causes room for concern. People in this Century can be volatile and create an adverse atmosphere in a working environment. The employees do have the right to free speech but the employer needs to limit it to break times and lunch periods. “ When it comes to discussing politics and its effect on your career, you may benefit from a nugget of advice from the 23rd US President, Calvin Coolidge. His insight: “ No man ever listened himself out of a job (wlb. com Para 11).”

Can the employer act base on employee's private lives?

Depending on an employees work performance, an employer may act base on the employee's private life. Companies are very concerned about this issue and how to treat employees who may have personal problems.

Management methods vary in obtaining the best performance out of the employees, but generally restrict their interest in personal matters to only what is affecting the productivity. An employer may not dismiss an employee for being gay or disabled (Civil Rights Act of 1964).

Drug Testing

Most states sanction some type of drug testing in the workplace. In these states, employers may legally ask you to provide a urine sample, for any reason or no reason at all. They don't need a warrant or even probable cause. They may randomly test you, simply by drawing your name from a hat.

President Reagan signed Executive Order 12564 September 15, 1986 in an attempt to establish a drug-free Federal workplace. " The Order made it a condition of employment for all Federal employees to refrain from using illegal drugs, even when off-duty. It spawned the Drug-Free Workplace Act of 1988." These rules originally applied only to Federal employees and contractors. " However, states, local jurisdictions and private-sector employers quickly followed the lead of the nation's largest employer (jobsearchtech. com Para 4)."

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