

The privacy on a workplace legal aspects

Law



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Privacy

Question #1

Although it may be tempting for employers to work to find out what their representatives are doing during their off time, this type of action/monitoring is expressly prohibited by privacy laws in almost every state. Consequently, the employer is not allowed to snoop or spy on the activities of their employees outside of the workplace. There are however some caveats to this broad overarching framework. Employers are able to inquire as to the marital status, union activity, nature or existence of second employment, and illegal activity that might be included in the form of a background check. However, none of these questions or answers allows the employer to monitor their employees after work hours as this creates a very clear breach of privacy law. Although it may be tempting, it is unfair to the employee to be judged by merits of their life outside of the workplace. In this way, it is illegal for a firm to profile and/or monitor an employee based on such metrics due to the fact, among others, that if a lawsuit were to come of such an action, the employer would have no defensible grounds for dismissal other than what they were able to determine as a result of their sleuthing. Therefore, such unacceptable grounds cannot be used.

Question#2

Discipline is a touchy subject when it comes to examination under the light of legal liability. The biggest reason for this is that many actions that a Human Resources department might take could be construed as retaliatory or discriminatory in nature; even if this was not the intent. As such, the process of discipline should be clearly aligned in such a way as to obviously work to give the employee an opportunity for growth and realization of the <https://assignbuster.com/the-privacy-on-a-workplace-legal-aspects/>

negative aspect or trait that led him/her to be disciplined.

A good rule of thumb is to allow a silver-lining to every form of discipline so that if the issue ever came up in a court of law the employer could reasonably show the court that they have provided both a form of punishment for said action as well as providing a way that the employee could maximize their overall benefit in the given situation; thereby providing him her with an incentive to perform in a better/more appropriate way in the future.

With regards to pre-employment testing, this provides a backbone of the employment process as it currently exists within the United States. It is a tool for employers to gauge the level of aptitude that potential hires can necessarily bring to specific jobs and skill sets. Although appropriate to determine ability, the pre-employment test loses all of its appropriateness when it is used to discriminate based on a variety of illegal factors. These include but are not limited to factors that relate to the race, age, gender, sexual orientation, financial situation, political views, religious beliefs, or level of disability that a given prospect engenders.