

in corporate-sponsored employee volunteer programs, with more and more firms encouraging employees to spend off-duty hours helping out at designated charities or donning a company T-shirt and pitching in on Saturdays at some company-run philanthropic project.<sup>17</sup>

There's no question that the trend toward corporate volunteer programs has been good for society. One in four adults does at least some volunteer work, and corporate programs have probably drawn many of them into doing so. But such programs can collide with accelerating job demands, forcing employees to spend valued off-duty time away from their families and fueling employee resentment and burnout. Moreover, the programs can raise moral questions, especially as the pressure to participate increases. Some employers have "unwritten rules" requiring volunteer work; other companies award employees points for approved volunteer work on their performance evaluations. Employees also have been downgraded, disciplined, or even fired for not contributing the "suggested" amount of money to the United Way or other charitable cause sponsored by the firm. The pressure can be real, too, when the boss solicits donations for his or her favorite charity or goes cubicle to cubicle with a sign-up sheet for Girl Scout cookies.<sup>18</sup>

By striving too hard for a do-gooder image, a company can thus be guilty of attempting to influence the personal choices and off-the-job behavior of employees in ways that constitute an invasion of privacy. By explicitly or implicitly requiring employees to associate themselves with a particular activity, group, or cause, firms are telling workers what to believe, what values to support, and what goals to promote outside work.

Employee volunteer programs and other corporate-sponsored civic activities sometimes infringe on the right to privacy.

### Wellness Programs

Sometimes organizations pressure employees in certain directions for "their own good." For example, a group of employers led by Ford, PepsiCo, and General Mills are campaigning to get their overweight employees to slim down.<sup>19</sup> And **wellness programs**, which push employees toward healthier lifestyles, are now a common feature of the corporate landscape. These paternalistic programs are aimed at helping employees live longer and improve their health and productivity. The programs teach them about nutrition, exercise, stress, and heart disease and encourage them to give up smoking, eat more healthfully, moderate their drinking, and work out in the company gym or join a company sports team after work.<sup>20</sup>

Wellness programs try to make fitness part of the corporate culture, and that goal seems innocent enough. But some companies are making employees pay more for their health care benefits if they are overweight, have high blood pressure, or don't exercise.<sup>21</sup> And employees have been fired for having a drink at home or for refusing to take a test to prove they're nonsmokers.<sup>22</sup> Penn State requires employees to pay a monthly surcharge of \$100 if they do not fill out a detailed health risk assessment form.<sup>23</sup> Other organizations offer employees financial incentives for agreeing to complete health questionnaires, undergo comprehensive health assessments, or even work with a health coach. Whether it's an incentive or a surcharge, critics see it as a kind of "privacy tax." Those with good salaries may be able to afford to protect their privacy, but what about receptionists, file clerks, or other employees earning only a modest wage?<sup>24</sup>

Some companies are now intruding further into the personal sphere by bringing employees' families into wellness programs.<sup>25</sup> Others are trying to improve the mental health of their employees as well, seeking not only to combat depression, anxiety, and other psychological problems but also to promote positive thinking, coping under pressure, and "mental fitness" in an effort to increase creativity and productivity. Although this

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#### SUMMARY

A firm is legitimately interested in whatever significantly influences job performance, but some companies intrude where they shouldn't. Organizations may be invading privacy when they interfere with employees' off-the-job conduct or pressure them to contribute to charities, do volunteer work, or participate in wellness programs.

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sounds enlightened and humane, it is often the companies themselves that are to blame for stressful work environments conducive to poor mental health. Moreover, many employees worry about their employers delving into their psychological and emotional lives. Can companies be trusted with the information they receive? Or will it find its way into annual appraisals or be held over employees' heads by manipulative managers? "I think employers are going to get deeper and deeper into the wellness business," says Professor Alan F. Westin of Columbia University. "This is going to throw up a series of profound ethical and legal dilemmas about how they should do it and what we don't want them to do."<sup>26</sup>

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**SUMMARY**

Companies often gather highly personal information about employees. The critical issue here is informed consent, which implies deliberation and free choice. Deliberation requires that employees be provided all significant facts concerning the information-gathering procedure and understand its consequences. Free choice entails that the decision to participate must be voluntary and uncoerced.

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The concept of informed consent implies deliberation and free choice.

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## TESTING AND MONITORING

It's no secret that firms frequently seek, store, and communicate information about employees, often highly personal information. The previous section examined privacy and organizational encroachment on employees' personal lives. This section focuses on two common methods of obtaining information about employees: monitoring them on the job and subjecting them to various tests—in particular, polygraph tests, personality tests, and drug tests. Before beginning this discussion, however, we need to look briefly at the concept of informed consent.

### INFORMED CONSENT

Certainly no employee is ever compelled to take a lie-detector, personality, or genetic screening test in the sense that someone puts a loaded revolver to the person's head and says, "Take the test or else." But compulsion, like freedom, comes in degrees. Obviously if workers submit to an honesty exam or to a test for genetic disorders, then they agree to do so. But is their assent valid and legitimate? Does it constitute informed consent? That's the issue, and it is an altogether reasonable issue to raise because information collected on workers is often intimately personal and private and, when used carelessly, can injure them.

**Informed consent** implies deliberation and free choice. Workers must understand what they are agreeing to, including its full ramifications, and must voluntarily choose it. Deliberation requires not only the availability of facts but also a full understanding of them. Workers must be allowed to deliberate on the basis of enough usable information, information that they can understand. But usable information is not of itself enough to guarantee informed consent. Free choice is also important—the *consent* part is as significant as the *informed* part of informed consent.

Everyone agrees that for consent to be legitimate, it must be voluntary. Workers must willingly agree to the privacy-invading procedure. They must also be in a position to act voluntarily. One big factor that affects the voluntariness of consent is the pressure, expressed and implied, exerted on employees to conform to organizational policy. Especially when the pressure to conform is reinforced with implicit threats of reprisal, it can effectively undercut the voluntariness of consent. That is obvious in the case of job applicants asked to undergo some invasion of their privacy. They can either submit or look for work elsewhere.

### POLYGRAPH TESTS

When an individual is disturbed by a question, certain detectable physiological changes occur. The person's heart may begin to race, blood pressure may rise, and respiration may increase. The polygraph simultaneously records changes in these physiological processes