



Workplace Privacy

Lesson Plan and Class Activity

Privacy Information

www.privacy-information.org

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Workplace Privacy Seminar

Seminar Purpose:

To provide workshop participants with an awareness of when and how employers can monitor and gather information about them, what their privacy rights are, and how they can protect their privacy and their employment.

Seminar Objectives:

By the end of the training, participants will understand:

- The different ways employees can be monitored on the job.
- The various types of background checks and testing an employer can require.
- When an employer does *not* have the right to monitor or test a job applicant or employee.
- What employees can do to protect their privacy and their employment.
- Where they can obtain additional information and assistance regarding workplace privacy.

Seminar Duration:

This is a two-hour seminar. There will be one ten-minute break about halfway through.

Materials:

For instructor:

- *Workplace Privacy: Your Rights on the Job* brochure
- *Workplace Privacy Trainer's Manual* (Q&A)
- *Workplace Privacy* visual teaching aid (PowerPoint presentation with instructor's notes)
- *Workplace Privacy* seminar materials:
 - Lesson plan (pages 4-7)
 - *Exercise: 16 Questions About Workplace Privacy*
 - *Exercise Answer Key*
 - Evaluation form for the *Workplace Privacy* seminar

You will also need:

- A computer and an area on which to project the PowerPoint presentation
- An easel and pad, or a whiteboard, and markers

For participants:

- *Workplace Privacy: Your Rights on the Job* brochure
- Copy of seminar PowerPoint slides (optional)
- *Exercise: 16 Questions About Workplace Privacy*
- Evaluation form for the *Workplace Privacy* seminar

Seminar Outline

Session One

Minutes

Welcome	(5)
How Much Privacy Do You Have at Work?	(5)
Types of Monitoring	(15)
Types of Checks & Tests	(15)
Your Privacy Rights	(20)
Break	(10)

Session Two

Activity: 16 Questions About Workplace Privacy	(15)
Protecting Your Privacy and Your Job	(15)
Resources	(5)
Questions & Answers	(10)
Wrap-up and Evaluation	(5)

Session One

Instructor's Note: Before conducting the training, familiarize yourself with the Workplace Privacy: Your Rights on the Job brochure, the Workplace Privacy Guide (Q&A), and the PowerPoint presentation. The PowerPoint presentation contains notes for each slide. These notes offer talking points, and detailed information about the items appearing on the slide. This lesson plan indicates which slide corresponds to each part of the lesson, and when to move to the next one.

➔ **SLIDE #1** (onscreen as participants arrive)

Have participants pick up packets on their way in, or place them on seats/tables before class. Direct those participants who arrive early to read the *Workplace Privacy: Your Rights on the Job* brochure.

Welcome (5 minutes)

Welcome participants. Introduce yourself and present the purpose of the seminar and the agenda.

You can hand out packets at this point if you have not already done so.

Review the contents of participants' packets. Ask the class to take a look inside their packets and make sure they have all the materials needed.

If it's a small group, you can have participants introduce themselves. Ask the group to tell you what they hope to get out of the seminar. On your whiteboard or easel pad, jot down some of the topics participants want to learn about. You can come back to this at the end of the seminar to make sure you've covered these points. (This activity is designed to serve as a brief icebreaker. It will also give you an idea of what participants' expectations and needs are.)

How Much Privacy Do You Have at Work? (5 minutes)

Introduction: We all expect a certain amount of privacy in our lives.

Ask the class, "How much privacy do you think you have at work?"

Allow participants a moment to consider this.

Then ask:

- Do you think your email messages are private?
- What about your phone calls?
- The websites you visit?
- Your credit history?
- Whether your drink or use drugs outside of work?

Reveal the following slide.

➔ **SLIDE #2**

Per slide notes, go over each item in the list.

Types of Monitoring (15 minutes)

Introduction: Employee monitoring means observing or tracking employees' activities on the job. Employers justify monitoring as a way to evaluate performance, guard company information, and protect themselves against lawsuits.

Ask the class, "What are some ways you think your employer could monitor you at work?"

After a moment of brainstorming, reveal the next slide.

➔SLIDE #3

Per slide notes, go over each item in the list.

Types of Checks & Tests (15 minutes)

Introduction: Did you know an employer might consider something like your bill payment history before giving you a job or promotion?

Ask the class, "Why do you think your employer would be interested in looking at your credit report or conducting a background check on you?"

After a moment of brainstorming, reveal the next slide.

➔SLIDE #4

Per slide notes, go over each item in the list.

Your Privacy Rights (20 minutes)

Introduction: Even though it may seem like you're not entitled to any privacy on the job, there *are* some federal and state laws that protect your privacy at work.

➔SLIDE #5

Per slide notes, go over each item in the list.

➔SLIDE #6

Per slide notes, go over each item in the list.

Break (10 minutes)

Announce a 10-minute break. Make yourself available for a few minutes to direct people to the restroom or a place to get drinks and snacks.

Leave the following slide onscreen during the break.

➔SLIDE #7

Session Two

Activity: 16 Questions About Workplace Privacy (15 minutes)

➔SLIDE #8

Have participants take out the *16 Questions About Workplace Privacy* exercise from their packets.

This exercise can be done individually or in small groups. Instruct participants to choose the best answer to each question.

Allow 10 minutes to complete the exercise.

If the exercise was completed individually, invite participants to raise their hands to be called on if they would like to answer the question after you read it. If the exercise was done in groups, rotate among them, giving a spokesperson from each group the opportunity to answer when it is their turn.

Refer to the answer key provided for the correct responses and additional information.

Protecting Your Privacy and Your Job (15 minutes)

Introduction: The employer you work for and the state you live in largely determines how much privacy you're entitled to on the job. Still, there are things you can do—and *not* do—that will further protect your privacy and your employment.

➔SLIDE #9

Per slide notes, go over each item in the list.

Encourage discussion by asking:

- Do you know if you are monitored at work?
- Do you know what your employer's privacy policies are? Do you know where you could find them? (Employee handbook? Company intranet? A memo posted in the lunchroom? Or would you have to ask Human Resources directly?)
- Do you blog or use Facebook or MySpace? Do you think an employer has ever visited your online space? How do you make sure your online postings do not create problems for you at work?
- Have you ever had to make changes (for example, get a cell phone, stop surfing the Internet at work, or use a different name online) to protect your privacy and your job?
- Will you make any changes based on what you've learned today?

Resources (5 minutes)

Introduction: There are a number of resources that could be helpful if you needed more information

about your privacy rights, had a complaint, or wanted to preview what your employer would see if he or she ordered a report on you.

➔ **SLIDE #10**

Per slide notes, go over each item in the list.

Questions & Answers (10 minutes)

Preparation: Review the workplace privacy training manual and brochure. The training manual is written in Q&A format to help you answer frequently asked questions.

Open the floor to questions.

Wrap-up and Evaluation (5 minutes)

➔ **SLIDE #11**

Congratulate attendees on their participation in the seminar. Ask them to fill out the seminar evaluation form and leave it on a table or in a large envelope you provide.

EXERCISE: 16 Questions About Workplace Privacy

1. In which of these places are you likely to find your employer's privacy policy? (Circle the correct answer.)

- a. Posted in the lunchroom
- b. On the company intranet
- c. In your employee handbook
- d. All of the above
- e. None of the above

2. Federal law requires my employer to notify me if I'm being monitored.

True or false?

3. Is it possible to tell if you're being monitored at work?

Yes, no or maybe?

4. If you have to make a personal phone call at work, the options that are likely to offer the most privacy are: (Circle all correct answers.)

- a. Your cell phone
- b. Your desk phone
- c. A phone designated by your employer for personal employee calls
- d. A public payphone

5. When can an employee be certain his or her communications are private?

- a. Every Friday
- b. Only when using a non-work computer or phone
- c. When his or her supervisor says so
- d. On the night shift

6. What must an employer provide if s/he decides not to hire or promote you based on information in your background screening report?

- a. Notification of "adverse action"
- b. A copy of the report
- c. Information about your right to dispute the contents of the report under the FCRA
- d. All of the above

7. Federal law prohibits employers from discriminating against applicants because they have filed for bankruptcy.

True or false?

8. Which of the following does *not* seem to be a reasonable employer requirement?

- a. A background check for an armored car job applicant
- b. A typing test for a data entry job applicant
- c. A drug test for an air traffic controller job applicant
- d. A lie detector test for a landscaping job applicant

9. Who is allowed to see personal employee medical information on file with an employer?
(Circle all correct answers.)

- a. The boss' spouse
- b. The department supervisor
- c. Emergency medical personnel
- d. Government ADA (American with Disabilities Act) compliance inspectors

10. I'm getting mental health counseling through my company's EAP (employee assistance program). Can my employer get information about my treatment?

Yes, no or maybe?

11. My employer has told me I can't date an employee at a competitor company. Is that legal?

Yes, no or maybe?

12. Do I have the right to look at my personnel file?

Yes, no or maybe?

13. What should you do if there is negative information in your credit report?

- a. Deny a prospective employer permission to access your credit report
- b. Work on improving your credit record
- c. Explain the negative information to the employer before he or she sees it in the report
- d. b and c
- e. none of the above

14. Can I be fired—or not hired—because of my medical history?

Yes or no.

15. Some coworkers and I have been meeting to discuss our employer's questionable overtime policies. Each time we get together, an uninvited manager joins us and takes notes. Is this legal?

Yes, no or maybe?

16. The best place to get workplace privacy rights information that is specific to your state is:

- a. U.S. Department of Labor
- b. Your employer
- c. The local newspaper
- d. Your state's Department of Labor

EXERCISE ANSWER KEY

1. **d.** Policy notification typically appears in the company's employee handbook, in the HR section of the company intranet, or in a memo distributed to employees and/or posted on-site.
2. **False.** Federal law does not require private sector employers to notify employees that they are being monitored, though some states have laws that do.
3. **Maybe.** In some cases, monitoring is obvious, such as when surveillance cameras are visible or a recorded telephone line sounds a beep tone to signal it is being monitored. But in many cases, employees cannot tell that they're being monitored.
4. **a, c, d.** Your desk phone could very well be monitored.
5. **b.** Otherwise, employees should assume they could be monitored.
6. **d.** The FCRA (Fair Credit Reporting Act) also requires that the employer get the your signed permission before accessing your report.
7. **True.** A bankruptcy may stay on your credit report for up to 10 years, but employers are supposed to disregard that information.
8. **d.** Federal law prohibits most private employers from requiring a lie detector test, except in certain industries or if the employer reasonably suspects a worker of theft or embezzlement. A lie detector test for a new landscaping employee would most likely be considered unreasonable under federal law. Many states ban worker polygraph testing entirely.
9. **b, c, d.** The Americans with Disabilities Act (ADA) requires employee medical information to be kept separate from other personnel files, accessible only to supervisors, emergency medical personnel and government ADA compliance inspectors.
10. **Maybe.** Typically, an EAP will not report anything to the employer without authorization from the employee. If your employer did not refer you to the EAP, then he or she is unlikely to ask for information related to your treatment. However, if your employer has referred you to the EAP for counseling or treatment that would allow you to keep your job, he or she is likely to require the ability to confirm with the EAP that you are following through.
11. **No.** Employers generally are prohibited from intruding into their employees' private lives. Some states, including California, prohibit employers from taking any action against an employee based on that worker's lawful conduct off the job.
12. **Maybe.** Whether or not you are allowed access to your personnel file depends on what state you live in. Check with your state's department of labor.
13. **d.** If you know there's something negative in your report that could harm your chances of getting a job or promotion, you may want to explain the issue to your employer first, before the report is pulled. You should always try to maintain the best credit record possible.
14. **No.** Federal law prohibits employers from making employment decisions based on medical history. A prospective employer *can* require a medical exam and choose to not hire you if he or she believes you are unable to perform the essential duties of the job. Once you are on the job, an employer can only ask about your condition or require a medical exam if you have shown signs that you are physically or mentally unfit for the job.
15. **No.** It's illegal for an employer to monitor union activities inside or outside the workplace, or to monitor employees when they gather to discuss work conditions, even if they are not unionized.
16. **d.** The workplace privacy brochure includes the Web address for a site listing all state departments of labor. Or check the state government pages of your local telephone directory.

Evaluation of the Consumer Action *Workplace Privacy* Seminar

Before you leave, please help us improve future presentations by giving us your opinion of today's seminar.

Circle the number that reflects your feelings about each statement:

1 = Strongly Agree 2 = Agree 3 = Disagree 4 = Strongly Disagree

I have a better understanding of how my employer may monitor me on the job.

1 2 3 4

I feel better informed about my privacy rights at work.

1 2 3 4

I have the knowledge I need to better protect my workplace privacy and my job.

1 2 3 4

The instructor was well informed.

1 2 3 4

The materials I was given are easy to read and understand.

1 2 3 4

The activity contributed to my learning.

1 2 3 4

I would like to attend another class like this.

1 2 3 4

What else would you like to tell us about how we could improve future seminars?
