Physical Privacy In The Workplace

Name

Class
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Privacy has become a fire that cannot be put out as of late. It is as if the country has found a way to disregard the concerns people have about their lives. The debate has provoked significant ethical, legal and moral dilemmas, especially for companies. It is traditionally noted that employees have to give up some of their privacy in the workplace as a precautionary measure.

The increased usage of technology in the workplace has created a plethora of concerns for both employers and employees within the arena of confidentiality. The reasons for this technological expansion in the workplace are not surprising given the ever-evolving nature of society. Email and Internet usage has become second nature and has in turn reduced operating costs as corporations and companies can now have automation of human tasks, facilitate communication on innumerable levels and increase efficiency on the geographic scale. Still, the debate has caused discussion as to just how private someone's business should be in the workplace ("Privacy in the Workplace," n.d.). The question becomes as to how far companies will go to exploit or protect physical privacy in the workplace.

One example of what can be debated as physical privacy violation is the case of Sue Bates, who was fired from her employer, Dura Automotive, after they discovered that Sue was taking a narcotic prescribed for back pain by her doctor. "What companies consider an effort to maintain a safe work environment is drawing complaints from employees who cite privacy concerns and contend that they should not be fired for taking legal medications, sometimes for injuries sustained on the job" (Zezima & Goodnough, 2010). It is as if companies are intentionally seeking out ways to violate physical privacy of their employees. Is it a corporation's business that Ms. Bates was prescribed such a medication? To what extent was Sue's privacy violated? It could be argued that the Dura had to make the best decision for the company, but the
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challenge remains as to how far the lines become blurred as a result of workplace privacy policies. Privacy is an ethical and moral issue because there is nothing expressly stated in the United States Constitution that a citizen has the right to physical privacy. So in essence, Dura was not wrong in their firing of Sue Bates when the story is further examined.

This specifically was a case of whether there was a violation of the Americans with Disabilities Act, which "prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services" ("Americans with Disabilities Act," 2013). Dura had to walk a tightrope with this particular case as “under Dura’s policy, a prescription drug was considered unsafe if its label included a warning against driving or operating machinery, but doctors say many users function normally despite such warnings” (Zezima & Goodnough, 2010). The question still remains as to what extent is one’s business private or rather how far a company can take the knowledge they are privy to about someone’s health and use it against them when necessary.

In examining the utilitarian approach to ethical issues concerning privacy in the workplace, "managers should base their decisions on the consequences that employee actions portend to the organization. This approach is favored towards workplace ethics because it focuses mainly on maximum utility of resources and maximization of profits ("Privacy, Privacy Laws, and Workplace Privacy," 2009). So is that what Dura used against Ms. Bates? Argumentation can be made that safety in the workplace is the number one priority for all companies, not solely Dura, so the managerial staff made the best decision for the good of the company based on the utilitarian approach.
Ms. Bates is not the only case where drugs have come under the proverbial microscope by companies and corporations and where ethics have been a major undercurrent. Major League Baseball has been in the prominent spotlight over concerns of drug testing and the potentials many career suspensions. "With performance-enhancing drugs suddenly making bigger headlines than pennant races, some are calling for even stiffer punishments. CBSSports.com baseball insider Danny Knobler says MLB has ramped up its testing," ("MLB drug testing topic back in spotlight in Bay Area after recent suspensions", 2012). Is all of that testing really necessary given the potential for many players to be caught? "Worker's bodies are increasingly the subject of scrutiny by employers," (Brey, 2005), to where companies and corporations can do anything regarding physical privacy in the workplace. From a deontological basis, which is aligned with a person's duty to always obey moral rules, arguments can be made along the lines that it is the duty of MLB to protect their name and the sport of baseball, thus they can realistically test any player at any time. The same can be said for the workers at Dura Automotive such as Sue Bates.

Where the lines become blurred on workplace privacy is how far a company or corporation can go with physical privacy? Prima facie logic and reasoning dictates that such entities are outside of the workplace and of a private nature. The loophole here is that once the employee steps into the workplace, they can be expressly monitored and are somewhat under the control of the company to do the right thing while on their job. As ethically immoral as one may proclaim physical privacy violations to be, companies and corporations are full within their rights to have concerns if their employees are taking prescription drug medications and to act accordingly. Corporations and companies can better resolve any future potential issues that are bound to arise by making employees aware of these facts more explicitly than they are currently
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doing so employees can prepare for such thorough processes regarding physical privacy in their
place of work.
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References


*Privacy in the Workplace.* (n.d.). Retrieved February 15, 2013, from Harvard University website: [http://cyber.law.harvard.edu/privacy/Module3_Intronew.html](http://cyber.law.harvard.edu/privacy/Module3_Intronew.html)
