

Workplace Discrimination on the Basis of Unhealthy Habits

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One of the basic human rights that each person is granted is the freedom of choice. As long as his or her decision does not threaten the well-being of other people, everyone is free to decide what to do or not to do. It is entirely up to a certain person to decide to smoke, drink alcohol, or take up another unhealthy habit. And while others may advise people against such behavior, nobody is allowed to discriminate against them on the basis of their lifestyles. Meanwhile, many employers issue corporate policies of not hiring job candidates with unhealthy habits because these employees potentially might require additional healthcare expenditures. However, the discrimination of job applicants and employees on the basis of their unhealthy habits and in particular, smoking, is not ethical as it violates one's right to privacy and freedom of choice. But, some states have legal provisions that justify such decisions to protect the interests of employers.

First of all, employers are reluctant or unwilling to hire people with unhealthy habits, mainly smokers, because such employees are expected to have higher healthcare costs. It was estimated, "that on average, incremental healthcare costs of around \$2100 annually are associated with smoking (low range around \$900, high range \$3600)" (Patel & Schmidt, 2017, n.p.). Therefore, a company can significantly reduce healthcare costs both by hiring only people with a healthy lifestyle and by encouraging current employees to give up on bad habits. This argument does seem to be credible because, if employees are healthy, the company has a higher level of employee satisfaction than if they had health issues. Also, a healthier workforce directly translates to higher productivity and lower staff turnover.

The second reason for employers to discriminate against people on the basis of unhealthy habits rests on the claim that such employees are less productive. Some companies do not hire smokers because these people allegedly spend a lot of time on cigarette breaks. These smoking breaks, combined with absenteeism and lower productivity, allegedly cost employers about \$3,000 a year (Patel & Schmidt, 2017). However, this claim seems to be somewhat prejudiced against smokers because whether one smokes or not does not define their personality and in particular, diligence and industriousness. Evidently, excessive breaks, absenteeism, and poor productivity may be characteristic of any employee depending on their level of motivation.

In addition, some employers expect that, by developing a hiring strategy with lifestyle limits, they encourage the local community to give up on bad habits and take care of their health. However, research shows that such policies, “have the potential to perpetuate existing health disparities, including those experienced by certain historically disadvantaged groups, mainly racial and ethnic minorities, people with disabilities, and the poor and near-poor” (Roberts, 2014, p. 575). This is why, even though employees have good intentions when screening for their job applicants' health, the consequences can be negative.

Another reason consists in the subjectivity of employers, who may be promoting a healthy lifestyle in their company as a major business value and who believe that people with unhealthy habits do not fit in their team. For instance, if the founders of a company are vegetarians or vegans, they may not want to hire meat-eaters because those do not share their opinion on food. Similarly, if a company is tobacco- and alcohol-free, this employer might not want to hire smokers or drinkers to not disrupt the atmosphere. In fact, the most frequently mentioned type of employer with lifestyle discrimination policies comprises healthcare providers

and health-focused organizations, such as the WHO (McDaniel et al., 2015). In all these cases, the reason for such employees to be rejected rests in the fact that they do not comply with business values. Each business owner has the right to oblige their employees to abide by corporate policies, which the job applicants agreed to follow when they accepted the job offer. However, these regulations should concern the behavior of employees only while at work, and employers have no right to interfere in their private lives. Otherwise, employers risk violating the right to privacy of their subordinates.

Nonetheless, there are 22 states, such as North Dakota and New Jersey, that legally justify and defend healthism. Moreover, federal law does not recognize smokers as a group protected against discrimination. In particular, the 1990 Americans with Disability Act views alcoholics as disabled and prohibits the discrimination of them but it does not extend to smokers. At the same time, the American Civil Liberties Union (ACLU), together with major tobacco industry lobby groups, actively advocates for the opinion that smoking is a private affair and it should not define one's employment opportunities.

To conclude, workplace discrimination on the basis of unhealthy habits is a controversial topic. Some employers decide not to hire people with unhealthy habits to reduce healthcare expenses, boost productivity, promote a healthy lifestyle in the community, and ensure compliance with business values. However, such behavior is morally wrong and violates one's right to privacy and freedom of choice. At the same time, it is legally allowed or at least, not prohibited in 22 states across the U.S.A. For this reason, federal business laws need to be amended in order to ensure that each employee enjoys their basic human rights and freedoms.

## References

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