

Employee Wellbeing Programmes

Article By:

Labor and Employment Practice Group Squire Patton Boggs

With a clear link between increased employee wellbeing (both in terms of physical and mental health) and reduced sickness absence, many employers may use renewed New Year ambitions to adopt or promote employee wellbeing programmes. Businesses have introduced measures including step challenges with free pedometers, fruit ‘desk drops’ and health monitoring stations in the workplace. In a game attempt to help our individual New Year’s resolutions, one of our own offices has posted cheery notices in the stairwell about the sheer number of calories you burn through on each flight if you don’t take the lift. Four, I think, so that particular initiative has had a somewhat slow start.

However, as beneficial as these programmes may be to your physical health, employers’ legal wellbeing suggests that this should keep an eye on the following issues.

Data Protection

If employers provide employees with any form of wearable technology which “reports” to the employer, then information about what data will be collected should be provided to employees. Such technology can generate sleep-tracking, blood pressure and heart rate monitoring data, but employers should clearly state what of this information they will be collecting, like the number of steps taken, for example. Employees should be notified of how this data will be shared and how long it will be kept for.

This is for two main reasons. Firstly, what action, if any, will the business take based on the data? Some employers may reward participants with prizes, but employers should be wary of using the data to justify any change in a working pattern. Secondly, if medical data will be collected as a part of the programme, employers will need to be particularly careful when sharing the information and be clear why that level of data is being shared as it constitutes sensitive personal data. Data protection issues will become even more important when the GDPR comes into force in April of this year and the employer would certainly need to include details of any scheme like this in its data mapping and employee privacy notices.

Inclusivity

Employers should create a welfare program that allows as much of its workforce as possible to participate so the risk of inadvertent indirect discrimination is reduced. Employee wellbeing programs

should also be optional and those who do not wish to participate should not face any repercussions (beyond a thickening of the waistline, perhaps).

Practical tips

- Clearly and effectively communicate in writing how the data will be collected and used;
- Programmes should be run on an opt-in basis, rather than opt-out;
- Programmes should be as inclusive of as much as the workforce as possible; and
- Be mindful of the ongoing maintenance of such a programme, both in terms of workplace commitment and associated costs.

Emma Yaltaghian also contributed to this article.

© Copyright 2025 Squire Patton Boggs (US) LLP

National Law Review, Volume VIII, Number 17

Source URL: <https://natlawreview.com/article/employee-wellbeing-programmes>