

Court Approves of Insurance Company Spying on Prayer

In a recent workers' compensation case, the Pennsylvania Superior Court determined that an employer may conduct surveillance of an employee even while the worker prays in a public worship space. The court said that a private investigator who videotaped an employee praying in a public place didn't violate privacy protections.

According to the Legal Intelligencer, Judge Judith Olson wrote in the court's decision that plaintiff Ahmed Tagouma had no reasonable expectation of privacy while praying inside a mosque, but in plain view of the street.

The Intelligencer reports that Tagouma fell while working on April 8, 2004, breaking his right hand. Later diagnosed with reflex sympathetic dystrophy syndrome, Tagouma filed for workers' compensation benefits, a claim his employer fought.

A private investigator hired by the workers' comp insurer in the case testified that he watched Tagouma, who is Muslim, standing and praying in front of a window at the Islamic Center in Mechanicsburg.

The ruling has several implications for Pennsylvania workers who suffer work-related injuries or illness:

"An injured employee who has filed an unemployment claim should not risk aggravating their injury, even to worship. The court's ruling clearly states there's no expectation of privacy from surveillance within the confines of a church, mosque or synagogue.

"Other physical activities that may jeopardize recovery from an injury or illness should also be avoided; the activities, even if done just once or in extraordinary circumstances, may put the workers' compensation claim at risk as well.

"Insurers can follow, observe and spy on claimants in order to avoid paying claims for serious injuries and illnesses sustained in the workplace.

It's clearly wise for Pennsylvania employees with workers' compensation claims to assume that even in church, their employer's insurer may engage in surveillance to try to prove that the employee does not qualify for disability benefits. Worship activities once thought to be protected and private should now be considered public activities. If your employer is fighting your workers comp claim, contact the work comp attorneys at Martin Law for help.

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