

Should companies have the right to monitor employees' e-mails and phone conversat...

[Sociology](#), [Communication](#)



Should Companies Have The Right To Monitor Employees' E-mails And Phone Conversations? Employees watch out when using communication, whether e-mail or phone, at work, you never know who may be listening. Should companies have the right to monitor employees' e-mails and phone conversation? Most studies believe that they, employers, do have the right to monitor the e-mail and phone conversations of their employees, as long as they are notified of the fact. There is a tremendous amount of literature on this issue but it all seems to lean towards the right of the employers.

The most notable law enacted law that allows employee monitoring was in 1986. It was the 1986 Electronic Communications Privacy Act (it. ojp. gov). Although the actual service providers are not allowed to monitor communications it does allow employees to monitor communications. Most cases brought to court by employees have a tendency to be decided with the employer, reiterating the employer's right to monitor communications. There was a federal bill in 1993 to 1995 that would have made it illegal for employers to monitor employee communication without first notifying them (privacyrights. rg). But, it failed; it didn't even have enough weight to come up for a vote. In the growing tide of worker sexual harassment cases via e-mail, and inappropriate subject matter being exchanged via e-mail, between employees, employers have more issues than ever that they need to protect themselves from litigation for. In a case involving the e-mail monitoring of an employee (Smith vs. Pillsbury Co.), the employee was actually dismissed, due to the fact that he sent an e-mail to another worker stating that " kill the backstabbing bastards" referring to members of sales (Perritt).

E-mail and Internet monitoring of employees is stated to be increasing more every year. At the time that the law allowing it was enacted, 1986, approximately thirty-six percent of employees were monitoring e-mail and Internet of employees. It is estimated now that more than half of all employers monitor their employees e-mail and Internet communication. In essence, these electronic pieces of equipment belong to the employers and the employees are only using them for the express purpose of the work being done.

Misuse of e-mails or even web browsing, reflects poorly upon the company and its productivity and leaves the company open to litigation. Take into consideration the numerous charges in the news of police that have been dismissed for pornography found upon their computers. This is a very graphic example of misuse of electronic equipment. Not to mention the potential for this same inappropriate material being sent to other employees via e-mail. It is believed that more than two-thirds of employers in 2007 were monitoring e-mails and web browsing.

That number was predicted to increase every year and it is believed that more than half of all employers do so now, or have software that does it for them. Imagine for instance the employee that spends hours on the phone chatting with buddies instead of doing the required work. This translates to profit lost through this inappropriate time spent on the phone. It is not necessarily lawful for the employer to monitor personal phone calls (Watkins vs. L. M. Berry & Co), but they are allowed to, even though there are

restrictions upon employers monitoring personal phone calls (Manning, Rita C).

In the issue of employers monitoring employee phone calls—that are not customer calls—federal law allows for employers to do this, unannounced, with the exception of personal phone calls. But in the area of personal calls they do have options that make it lawful, especially if they warn against personal calls beforehand. Although, when they are monitoring calls of employees with clients they are required to disclose that they are to the clients, they must state that they are possibly monitoring this phone call.

Some would argue that the monitoring of e-mail sent from work, especially personal e-mails, is inappropriate. The same people would argue against monitoring of web browsing of employees. They believe that just because someone becomes your employee doesn't mean they give up all their privacy rights. In one instance, it was argued that if an employee wrote a note to a friend with a work pencil and paper would this make it applicable to monitoring by the employer, as it was written with their pencil and paper.

This is what employers are arguing when they state that they an employee is using their electronics, so therefore monitoring is applicable. Still others would argue that privacy in the workplace is a moral matter (Michael J. Meyer, SCU Professor). “ they are entitled to respect, which requires attention to their privacy. If a boss were to monitor every conversation or move, most of us would think of such an environment as more like a prison than a humane workplace. ” But in the case of phone calls or e-mails some would believe

that (William Parent, " Privacy and Morality and the Law") here should be put in place criteria for determining which invasion of privacy is justifiable.

William Parent proposes that the employer should apply six questions to review whether their act of monitoring is allowable or not and that this would offer guidance. But most would agree that while it is legal for employers to monitor, it does not make it right. Realistically, most workers are at work sometimes more than forty hours per week. So if they take the time to make a personal phone call during that huge length of time, should they really expose themselves to possible dismissal?

Then there are those employers that are unafraid to state that they are against losing their employee trust by means of monitoring. Scott Paddock, manager of PC Brokers stated, "...if I spent time monitoring their web usage, I would be just as guilty of wasting time as my behavior implies they are. " (Everyday Surveillance: Vigilance and Visibility in Postmodern Life).

Numerous reports of trust are noted in reports that have debated the issue of employer's rights to monitor phone conversations. Rita C.

Manning of Journal of Business Ethics was quoted as saying, " What is missing in these communities is trust". But trust notwithstanding, due to the recent and well publicized news on inappropriate communication practices in the workplace through viewing of pornography, sending pornography via e-mail, and receipt of pornography, monitoring is showing itself to be a needed commodity for employers. Should employees have the right to monitor employees' phone and e-mail? Yes, they should, unfortunately.

The possibility of misuse—evident from recent news reports—gives them the right to protect themselves from any possible future litigation. There are valid arguments for and against the workplace monitoring of employee e-mails and phone calls. Those that are for it, tend to feel that because workers are on company time and using company property, they should be subject to monitoring while using these resources. Those that don't agree with this view believe that a person's right to privacy does not end at the workplace. They believe that wherever a person is, they have the right to privacy.