

Employee privacy rights

[Law](#), [Security](#)



The employer's e-mail, internet systems and the hardware used in handling them is the property of the employer. E-mail and internet use is limited to one hour every day. The employer has the right to monitor, intercept and record communications by employees through the company's internet and e-mail systems (Wesche, 2000). Confidentiality shall be maintained between the employer and employee in regard to personal information sought, obtained or held by the company.

Data containing personal information concerning employees shall be managed under the established guidelines and procedures and shall be in line with the International Privacy Policies (Wesche, 2000). Current laws regulating employee e-mail and internet privacy Federal statutory protections through the Electronic Communications Privacy Act prohibits intentional interception, access, disclosure, or use of one's electroniccommunication, electronic communication being any transfer of signals, signs, images, writing, sound , data or intelligence (Ciochetti, 2001).

The Notice of Electronic Monitoring Act is a legislation dealing with how often employers must inform their employees of their electronic monitoring. This requires employers to inform employees at the time of hire about electronic monitoring policy, annually notify workers and whenever a material change in electronic surveillance practices take place. An employer would however be exempted from giving notice if there is reason to believe the employee is engaging in illegal or harmful activities at work (Ciochetti, 2001). Common Law may be used by a person who believes their privacy has been violated by an employer.

Many employees are turning to tort law actions to find respite. The most invoked common law torts in claiming excessive e-mail violation include unreasonable intrusion into the seclusion of another. This tort provides that someone who intentionally intrudes upon the solitude of another is subject to liability to the other for privacy invasion. Since this intrusion is physical or otherwise, it can be extended to include protection against e-mail monitoring (Ciochetti, 2001). Importance of e-mail and internet use policies in companies

There are several reasons why many companies feel they need to put in place policies to regulate e-mail and internet polices. These include the need to maintain employee productivity by limiting the time used by an employee on personal e-mails, internet surfing and social networks. Monitoring internet usage may also prevent and discourage sexual or other harassment in the workplace thus creating a harmonized workingenvironment(Ciochetti, 2001). Another reason would be to prevent the employees to give away the company's trade secrets and confidential information.

Illegal downloading of software through the company's resources would make the company liable to copyright and intellectual property infringement. Monitoring the internet traffic would prevent that from happening. Cyberstalking by employees, which might result in harassment, false accusations, issuing threats, damage to data and equipment, identity theft and monitoring can also be prevented. Maintaining the professional image and reputation of the company and preventing possible defamation liability are also benefits of putting the policy in place (Ciochetti, 2001).

Assumptions employees make about their privacy at work and how these policies affect employee privacy at work. There are several misconceptions and assumptions about the privacy in the work place. One of the commonest is that the Freedom of Information Act or the Privacy Act prohibits a company from releasing personal information of an employee such as the Social Security Number (Wesche, 2000). This assumption is incorrect since federal laws generally do not apply to a private employer's actions.

Employees might assume that accessing personal e-mails through the company's computers or making the occasional personal phone call using the company's phone and such other practices are their right since they are doing so in the course of their work (Wesche, 2000). Privacy policies implemented by employers, while they might be compelled to monitor their employees' electronic communications due to the threat of liability for harboring a hostile work environment as well economic espionage, they have adverse effects on the lives of employees .

Monitoring affects employees both mentally and physically. Studies have shown higher incidences of physical ailments such as wrist pains, backache and increased fatigue in employees subjected to monitoring (Wesche, 2000). Stress, depression, instability, anger and anxiety are among the mental symptoms shown by the employees. These effects extend beyond the employees who suffer them as indirect effects in the form of absenteeism, medical expenses and lost productivity results to employers incurring huge expenses and losses.

Employees being monitored might conclude the employer deems them untrustworthy and unproductive. This creates negative working

<https://assignbuster.com/employee-privacy-rights/>

environments at the work place and is likely to strain relationships between employees and employers (Wesche, 2000). Conclusion Even though legal exist that might seem to recognize provisions employee privacy rights, legal systems are wary of extending the rights very far into the private workforce. Employees currently have little or no privacy in their electronic mail communications.

Employers feel the monitoring is important to avoid liabilities stemming from such abuses as economic espionage, harassment and creating a hostile working environment. Although employee privacy has been championed for centuries, and taking into account all the adverse effects of monitoring on the lives of employees, technological advances have continued to increased abuse and invasion of privacy. Laws should be created to protect employees from harm due to monitoring and privacy invasion.

Creation of new torts, legal requirement of notification to employees of any monitoring and the use of encryption by employees are some of the ways which can be used to protect employee privacy. References: Wesche, T. M. (2000). Reading your every keystroke: Protecting employee e-mail privacy. *Journal of hightechnologylaw*, 1(1), pp. 101-119 Ciocchetti, C. A. (2001). Monitoring employee email: efficient workplaces vs. employee privacy. Retrieved from <http://www.law.duke.edu/journals/dltr/articles/2001dltr0026.html>