

## Internet and Email Usage in the Workplace Employer Responsibilities



Presented by

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Associated Employers of Montana

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## Internet and Email Usage



### ■ Issues to discuss

- Can employers monitor employee usage?
- What is the employee's expectation of privacy?
- What are employer responsibilities?

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## Internet and Email Usage



- Develop a written Internet email Usage Policy
- Distribute the Policy
  - To current employees
  - All new employees

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## Internet and Email Usage

- **Issues to consider in developing a policy**
  - Employee privacy (Electronic Communications Privacy Act and common law on privacy)
  - Freedom of speech- To what extent?
  - Legitimate business interests

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## Internet and Email Usage

- **Establishing a Computer Use Policy- what to consider!**
  - State that employer is not obligated to monitor employee communications
  - Specify what information systems are governed by monitoring policy
  - State that the company's computers are the property of the company
  - State that employees should maintain any expectation of privacy
  - Specify that the company's computers and internet access are generally intended for business-related use

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## Internet and Email Usage

- Prohibit the downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory or otherwise unlawful
- Prohibit the transmittal or dissemination of such material to co-workers or any outside third party
- Prohibit the transmittal or dissemination of company confidential information or trade secrets to any outside source
- Explain to all employees that all communications and files are subject to employer monitoring and that the employer has access to all such files that employees delete from the system

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## Internet and Email Usage

- Inform employees that any unauthorized use of the company's information system can result in discipline up to and including termination
- Implement any disciplinary action taken pursuant to your policy fairly and consistently to avoid claims of discrimination
- Require all employee to sign a written acknowledgement that they have received, read and fully understand the policy and agree to abide by the terms as a condition of employment with the company

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## Internet and Email Usage

### ■ Handouts

- Sample policy
- Legal Report
- Duty to investigate

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## Internet and Email Usage

- Discussion on recent court case
- Review of employer Internet and Email problems and issues related to:
  - Discrimination
  - Harassment
  - Confidential information

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## Internet and Email Usage

- Conclusion
  - Employer must balance employee privacy rights and the employer's legitimate business interests
  - Restrict monitoring to detecting and preventing inappropriate workplace behavior and actions
  - Employer response should be reasonable in light of the circumstances
  - Questions

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