



## Employee Email and Internet Usage by Jodi L. Wyman

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Does your employer have the right to monitor your internet use at work? Can they also legally read your email correspondence?

This has become a more common question in the work place as more and more employees have internet and email access at their desks.

The potential for abuse is obvious. Employees may waste paid company time sending personal emails or viewing websites. They may access inappropriate internet content such as pornographic sites, could offend others with emails sent or forwarded and could subject the entire company computer system to dangerous viruses.

Employers would be understandably concerned about these potential, and as well might be tempted to review email correspondence find out what their employees are saying.

On the other hand, the right to privacy is an entrenched legal right, one that is becoming stronger all the time with new legislation.

Monitoring email and internet usage can be a complicated legal issue because it involves a balancing of privacy law, human rights, employment law and even

issues such as sexual harassment in the work place. Employers must draw their attention to this issue and be proactive in developing policies and guidelines.

Generally speaking, communications between individuals are private, and legally protected as private, when there is a reasonable expectation of privacy. One of the best ways to ensure that monitoring email communication in the work place will be legal is to establish that there is no expectation of privacy with respect to email correspondence.

Employers should have a written policy advising the employees that their internet use and email correspondence at the office will be monitored. All employees should acknowledge in writing that they are aware of this policy.

The policy should also establish the expectations for personal versus company use. For example, if the employees are allowed to access websites from their office computer on their own personal time (such as during lunch break or after hours), guidelines should be detailed. This is true of email correspondence as well. The policy should also clearly spell out an absolute prohibition against accessing any inappropriate

internet content such as pornographic, illegal or sites involving music downloads.

Perhaps employees are not allowed to send any personal correspondence through their business email account.

The policy should also spell out what the penalty will be for a breach of the terms, such as out right dismissal for just cause.

As with most rules in the work place, technology use guidelines must not be unreasonably strict. For example, the employer is not likely to be allowed to monitor email sent through the internet, such as in a personal hotmail or MSN account as opposed to being sent from the company email account. Each business will have its own specific needs for employees to use the internet or email. Policies will also obviously be subject to any sort of collective agreement. Every business owner or human resource manager should however draw their attention to the issue of a policy with respect to email and internet usage by staff and consult with a lawyer about their particular case to ensure the policy will be binding if challenged.