

The McKenzie Mailer

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ELECTRONIC COMMUNICATIONS – PRODUCTIVITY BOOM OR BUST

The electronics boom has created a number of issues in the workplace. E-mail, internet access, voice mail, laptop computers, and company issued cellular telephones are all necessary for businesses to operate in today's world. These tools can greatly enhance the productivity of the workforce. However, beware of employee misuse of this equipment.

According to a recent survey by Websense, a company that makes a product that can control internet use, one in four employees has a serious Web habit, spending more than one entire workday each week surfing non-work-related Web sites while at their desks. But their employers don't seem to think there's a problem as only 8 percent of companies report any knowledge of workplace cyberaddiction. This survey also found that the average employee spends up to 45 minutes accessing non-work related Web sites every day. This means that employers are paying people to browse the Web to shop, gamble, catch up on the news or look at pornography for nearly 4 hours every week.

Chain letter e-mails are prevalent in the workplace. I received an e-mail recently from five different sources promising a check for \$243.00 from Bill Gates for every person the e-mail is forwarded to. I delete all chain letter e-mails. How many of your employees received and passed on the same e-mail to co-workers? Think also of the many jokes and cartoons that are distributed through e-mail systems. If the e-mail system is misused by transmitting sexually explicit or other material that could be deemed offensive, a harassment or discrimination complaint could result.

Most companies have rules against abusing the telephone system by making or receiving excessive personal calls. Employees get around this rule by using their own personal cellular telephone and using a vibration mechanism instead of a ring so as not to bring attention to themselves. Employees should only be permitted to use their personal cell phone during lunch and break periods.

There is a standard in common law known as a reasonable expectation of privacy that every citizen enjoys. However, the Electronics Communication Privacy Act of 1986 gives employers the opportunity to monitor electronic transmissions "in the ordinary course of business". Employers can monitor the work of their employees. But, to avoid potential liability, employers should develop a policy establishing a legitimate business purpose for monitoring electronic communications. Employees should be informed that the computer system, e-mail system, telephone, voice mail and any company issued computer or other electronic device is the property of the company. Since this equipment is owned by the company for the furtherance of the company's business, the company should have the right to inspect, search, monitor and access any information stored in or received by any electronic system. There are a number of limitations to this, so before implementing a policy on monitoring telephone and computer usage, seek the advice of an expert.

Employees should be informed that the reasonable expectancy of privacy does not apply in the workplace. An electronics communication and use of computer systems and other electronic equipment policy should be developed and distributed to all employees. These mediums should be used for business purposes only with very few, if any exceptions.

Be careful about allowing employees to use their own personal computers for company business. When an employee stores company related work on their own computer, you may not be able to require the employee to disclose the information stored in the individual's computer.

This is a very important issue that employers need to address. Before implementing a policy, seek the advice of an expert on this subject.

Have a great month.



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