Employment and Labor Update - Time to Review Your Email, Computer, Internet and Social Media Policies!!

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The prolific use of email, internet and social networking sites have led to new developments in the law. It is essential that all employers review their employment policies to ensure they are in compliance.

Computer and internet-related policies are crucial in the workplace to protect company information and to prohibit employees from engaging in inappropriate conduct. These policies must provide employees with adequate notice of the employer's expectations and the limitations on the usage of the computer, internet and email.

For example, employees must be notified that the employer has the right to retrieve and read emails sent by employees through their personal, pass-word protected, web-based email accounts (i.e., gmail, yahoo, aol accounts) while utilizing employer equipment. Failure to provide such notice can result in an employer's inability to monitor or review such emails (despite the fact that they are stored on the employer's computer systems).

In addition, employers may be prohibited from taking adverse employment action against an employee for inappropriate information posted on a social networking site, unless it provides employees with guidelines they must follow when making such postings – even during non-working hours. Careful crafting of such policies is necessary to protect the employer's business interests and the employees' First Amendment rights.

If you have any questions regarding these issues or would like assistance revising your personnel policies, please contact DanaLynn Colao or Paola Hemsley.