Workplace Email: Friend or Foe?

As a business owner, you know that e-mail can be a double-edged sword. You rely on e-mail for its speed and convenience to conduct business, but you also know it can be a major time robber.

So many business owners have instituted e-mail policies that outline the rules for using corporate e-mail accounts. Some business owners have also started reading and retaining the e-mails their employees distribute. In fact, one study by the American Management Association found that 55% of employers retain and read their employees’ e-mails.

More than 40 billion person-to-person e-mails are sent daily, and the average e-mail user spends more than 30 percent of each day writing, organizing, reading and responding to messages.

Employers monitor e-mails for three main reasons: to stop the leak of proprietary or confidential company information; to protect private client or patient health or financial information; and to detect employees sending inappropriate or non-work related messages that may directly affect worker productivity or lead to allegations of harassment or discrimination.

Understanding your rights
Many small business owners aren't fully aware of their legal rights when it comes to monitoring their employees’ e-mails, and fear that their companies may be breaching privacy laws. But because computers are company equipment, employees should generally have no reasonable expectation of privacy when sending or receiving e-mails on any company-owned computer.

Furthermore, while employees are at work, they're supposed to be working! Conducting personal business or sending inappropriate e-mails can be cause for discipline. Most employers opt to allow for “reasonable use” of company computers, giving employees some flexibility and fostering morale.

Drafting e-mail policies
Whether your e-mail limitations are strict or relaxed, and whether or not you currently monitor employees’ e-mails, written e-mail policies may protect you from many of the risks associated with the misuse of e-mail.

When you draft your e-mail policy, consider:

1. Variation of state laws: Since many states have different laws governing employers’ rights to monitor and retain e-mails, be sure you’re fully aware of your legal rights and responsibilities when drafting a policy.

2. Specific rules and restrictions: Be very specific about what is expected of employees while they use work e-mail. Since technology allows employees to access their work e-mail accounts from remote locations, your policies should include rules for employees while they are at work during their normal hours, and when they are
accessing their e-mail accounts outside of work. Additionally, your policies should clearly state that employees should have no expectation of privacy in their e-mail use at work (depending on applicable state law). By using written e-mail policies to establish strict rules, business owners limit potential problems by clearly stating the do’s and don’ts of e-mail use.

3. **Specific parts of e-mails are covered:** Since e-mail messages include both attachments and text written into the body of an e-mail, your policies should clearly state what may or may not be passed through your company’s e-mail system. Failure to clearly determine what aspects of an e-mail are covered could expose your company to lawsuits.

4. **Keeping policies updated:** Because new technologies continue to develop and are incorporated into businesses’ daily routines, be sure to update your e-mail policies often. For example, blogs, podcasts and other social media are being used by businesses as communications tools. With these evolving technologies, it is vital for businesses to include the updates in their e-mail policies, so that their businesses remain protected and their employees understand the rules.

You may also want to consider conducting training sessions for staff that explain your company’s rules for e-mail use. Boost the effectiveness of your training sessions by giving employees specific examples that illustrate the e-mail policies. And allow time for Q&As.

Remember, ADP Resource is here to help you draft policies and conduct training sessions that can help protect your company. Contact your HRBP for more information. It seems inevitable that use of e-mail in the workplace will only continue to grow. Creating and updating written e-mail policies can help your company limit potential liability and reduce confidentiality issues that could arise from e-mail misuse.