

IS YOUR INTERNET POLICY WEB 2.0 PROOF?

Most employers now have an email and internet policy in place in their work place. Many policies, however, have not been adapted to deal with the realities and sophistication of the Web 2.0 environment – the second generation of internet technology. Web 2.0 technology includes social networking websites such as Facebook, My Space, Bebo and YouTube, “commercial” internet websites such as Trade Me and Wikipedia and other new technologies including iPods and memory sticks, which allow employees to connect with work place equipment.

Employers face 2 options to deal with the new technology: impose a blanket ban, or allow access on certain terms. If conditional access is your preferred approach your policy will need to specifically provide for the level of access and usage you are prepared to allow.

Imposing a ban

Many employers have chosen to deal with the proliferation of Web 2.0 sites by imposing an outright ban on their use on employer-owned equipment. For example TVNZ recently decided to take this approach. Reasons can include:

- Loss of staff productivity
- Cost of broadband connection
- Risk of slowing down the network and interfering with business activities
- Potential civil and criminal liabilities
- Risk to security and potential disclosure of corporate data
- Risk to the employer’s professional reputation.

However, some commentators suggest that employers may eventually need to adjust these policies to reflect the expectations of the younger generation, arguing that taking this approach may make it difficult to recruit younger workers and to keep pace with market demand.

Allowing conditional access

Other employers have embraced new Web 2.0 technologies by allowing employees to access them at work under certain circumstances. Some businesses see social networking sites as having invaluable global business networking capabilities and professional merits that are instant, convenient and cost efficient. In particular, businesses that work closely with technology and young people may see these sites as a way to promote their forward-thinking, youthful image. Even if your business is not in that category, Web 2.0 technologies – and what follows them – will likely become the norm at some point.

Where employers choose to allow access to Web 2.0, it is critical that appropriate policies and procedures are implemented which specifically deal with this technology. Decisions affecting work place technology, and the access to and use of it, are too important to be made by default.

What should a sound Web 2.0 policy contain?

- The policy should specifically set out the employer’s policy on blogging, social networking sites and commercial sites such as Trade Me. Are they allowed or not? If reasonable use is permitted, define and give examples of “reasonable”.
- Clarify whether if separate user names and passwords are used, those are shared or secret. Employees should be notified if they are responsible for activities under their account and whether they must notify the employer of any breach in security.
- The section of the policy dealing with communication or general behaviour should explicitly deal with texting as well as computer usage.

- Set out what is permitted in terms of interconnection between employer's equipment and software and the employee's own portable devices such as iPods.
- The policy should cover the extent to which it is permissible for employees to refer to their work and colleagues in blogs or social networking sites. The employer may also wish to encourage employees to change their privacy settings on social networking profiles to restrict access to sharing of information on the network.
- Employers might want to consider whether or not union related activity is permissible and appropriate on the workplace computer systems. Some employers may negotiate specific arrangements with the union.
- If employees are encouraged to produce blogs as part of "marketing" and "advertising", the employer may wish to obtain marketing/editorial control of such staff blogs.

While specific considerations apply to any new technology, overall, the ground rules for internet and email policies remain the same in the Web 2.0 environment. The policy should be well defined, easily accessible and, where possible, contained in one document. The policy, and any changes to it, should be adequately communicated to staff including training where possible. Finally, technology use should be monitored regularly and policies enforced consistently to ensure compliance and avoid unnecessary and costly grievances.

GIVE US A BREAK

The "Breaks and Infant Feeding" legislation came into force on 1 April, and has received significant media attention in recent days.

The Employment Relations Act now provides for minimum paid rest breaks and unpaid meal breaks, and for employers and employees to agree on the timing of breaks. If agreement can't be reached, then breaks are to be taken "so far as reasonable and practicable" at the times specified in the Act.

The Act was expected, for the most part, to reflect existing practices. It was not intended or expected to cause major disruption or disputes. This has been reinforced by Prime Minister John Key who said this week that it was not the Act's intention to serve as a hindrance on commercial operations, and that the government may revisit the legislation should issues continue to arise as they have done.

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