

Your Legal Questions

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Q. In the past my employer has allowed reasonable private internet use during lunchtimes and other breaks. However, recently one employee was found to have used his office computer to make adverse comments about the company on a social networking site. My employer is now considering banning private internet use altogether. Can it do this?

A. Unless the company is contractually bound to allow such use, which is unlikely, the short answer is "yes".

The computer is company property and any decision about whether to allow its use other than for business purposes is entirely at the discretion of the company. Originally, employers feared that employees would use their computers during working hours instead of doing their work. Bans and internet policies were imposed to prevent or regulate this. However, the advent of social networking sites and the extension of internet use to mobile phones has created new problems for employers.

Your question highlighted the problem of adverse comments damaging the company's reputation but other risks include:

- Disclosure of confidential information, whether deliberate or accidental
- Posting derogatory information about other employees, customers or suppliers for which the company may be held vicariously liable (legally responsible)

Most reasonable employers do not want to impose an outright ban on internet use, and such a ban may not prevent employees saying things about the company on social networking sites outside both the work place and working hours.

I suggest that a staff representative speaks to the company about agreeing a policy to cover employees' conduct on such sites both during and outside working hours. As well as setting out the dangers of using them it can agree a code for monitoring internet use and the disciplinary consequences of breaching the policy. Care should be taken in drafting the policy and legal advice is essential to make sure it covers all relevant matters.

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