



# E-mail and Internet Policies

**Note:** This publication is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

**Advisory Officers, at the Employment Relations Service, can offer confidential and free advice on all aspects of employment law and employment relations.**

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## Overview

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### Introduction

Electronic communications have revolutionised business communications. It is commonplace for employees to routinely use e-mail as an alternative to using the phone or sending letters and Internet access is often integral to an employee's workstation.

The increase in the use of electronic communication offers unique rewards and challenges to businesses. Having a policy which sets out rights, responsibilities and limitations on its use will assist businesses in reaping the benefits whilst minimising the risks.

### Advantages of Electronic Communications

- the ease and speed of communication with the ability to contact a number of people at the same time
- revolutionises the possibility for flexible working, home workers and those away from site by enabling easy contact through e-mail and video conferencing
- access to a valuable research tool through the Internet and the provision of a 'shop window' through a website

### Challenges of Electronic Communications

- the ease and speed of e-mail can lead to insufficient thought being given to the content and tone of the message with the result that recipients may misinterpret the meaning
- e-mail is often considered by employees to be informal and transient; however messages are still recoverable even if 'deleted'
- overuse of e-mail and unnecessarily wide broadcasting can lead to information and work overload as employees try to keep up with the number of e-mails
- easy access to e-mail and the Internet may result in excessive personal use, including potential access to inappropriate sites

## Formulating a Policy

A clear, well written policy will assist the employer in preventing any unauthorised or careless use which might result in a legal risk or action. Employers are responsible for the actions of their employees and having a written policy will help protect an organisation against this liability.

It will also avoid or reduce unnecessary time being spent on non-work-related activities and will help educate employees about the consequences of disclosing or misusing confidential information (possible disciplinary action or even dismissal for gross misconduct).

It is important that employees understand the benefits that e-mail and the internet offer and how to make the most of these opportunities. However, it is essential that organisations and employees are also aware of the potential pitfalls of this technology:

- e-mail has the same authority as any communication and care should be taken to ensure that it is not viewed as an 'informal' means of communication
- abrupt and inappropriate use of language can lead to offence (an example is the use of capital letters which is often interpreted as 'shouting') or can be seen as harassment
- unauthorised or careless use may result in legal action, for example, distribution of e-mails which may be offensive to an individual or to a man or woman could lead to sex discrimination claims under the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005
- e-mails should be regarded as published information; they are not confidential and can be read by anyone given sufficient levels of expertise
- external e-mails should attach disclaimers
- consideration should be given as to whether an alternative method of communication is more appropriate, for instance a phone call or meeting
- employees may spend too much time on the Internet during working time
- inappropriate sites may be visited
- viruses can be imported

Any policy must be relevant to the organisation's needs. It is important to establish the boundaries and use that may be made of emails and the internet. Most organisations will wish to strike a balance between business and personal use and may choose not to be too restrictive as a complete ban may be unenforceable and undermine employment relations without any tangible benefit.

Consideration should also be given to formulating a policy on the use of social media and reference should be made to the Employment Guide 'Social Media Use & Policies' for further guidance.

In addition to the above comments the organisation could consider the following when formulating a policy:

- the extent of personal use, if any
- use of language, style and e-mail etiquette
- an explanation of confidentiality issues
- good housekeeping practices, including password security
- prohibit the accessing or circulation of offensive or obscene material
- when to attach disclaimers, if they are not automatically attached
- an explanation of the consequences of a breach of policy and the possible sanctions in accordance with the organisation's disciplinary policy
- state the level of monitoring

**Once the policy is in place it is important that it is communicated to all employees (for example through e-mail, circular, staff handbook or intranet) and that the policy is readily accessible to all. Training in effective use of the policy should also be undertaken and revisited at appropriate intervals.**

## Monitoring

The level of monitoring should be decided prior to the drafting of any policy.

Organisations should install anti-virus software to protect their systems and can consider software which can be used to block and monitor usage. Access to certain internet sites can be blocked and e-mails monitored by content, size of attachments etc.

Monitoring of e-mail content must be carefully considered as it may seem intrusive, and organisations must put in place a proper procedure, maintaining confidentiality by those carrying out the monitoring process.

Any monitoring should be proportionate to the legitimate needs of the business.

## Legal Considerations

Whilst not covered in this guide, it is important to keep in mind, that there may be other issues to consider under various pieces of legislation including, for example Human Rights (e.g. the right to a private life), Copyright Laws, Protection from Harassment, Data Protection, etc. In view of this any organisation may wish to take legal advice before formulating and implementing the policy.

## Other Publications

Publications can be downloaded from the website on a wide range of employment relations subjects, including local employment legislation and best practice guidance on other employment related matters.

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## Contact Information

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### For further advice

- Check [www.gov.gg/employmentrelations](http://www.gov.gg/employmentrelations)

- Email [employmentrelations@gov.gg](mailto:employmentrelations@gov.gg)
- Contact the **Employment Relations Service**, Edward T Wheadon House, Le Truchot, St Peter Port, GY1 3WH
- Telephone number: **01481 220026**