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THE DANGERS AND ETIQUETTE OF E-MAIL IN THE WORKPLACE

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Modern technology advances and the use of e-mail in the workplace have created what many believe is an impersonal work arena. While the convenience and usefulness of e-mail in the workplace cannot be denied, e-mail has stripped the workplace of the formalities and benefits which come from face to face communication. The individual interaction between employees in workplaces is no doubt less frequent. And, the personal inflection of voice and body language so often associated with such interaction is absent from e-mail correspondence. What impact this absence has had in the workplace depends upon the type of work performed and the degree and nature of use of e-mail in a particular workplace.

Another negative aspect of e-mail is that the user who sends a message over a faceless system by the click of a mouse is probably much less concerned about the message being sent and how this message is conveyed to co-workers than if the individual had to personally present this same information to his or her co-workers. The convenience of e-mail can sometimes lead to trouble for the user who does not think through what information and connotations the message conveys.

Legally significant is that e-mail convenience also enables users to widely distribute inappropriate communications in the workplace. For example, an investigation by Dow Chemical Company revealed broad distribution of sexually explicit and violent images through the company e-mail system. The investigation led to the firing of fifty (50) employees and the disciplining of two hundred (200) others. To prevent further misuse of company e-mail, Dow distributed materials outlining the company's policies on the use of e-mail in the workplace. This policy specifically prohibits the use of company computers for personal and objectionable materials. Such immediate action and policy implementation demonstrates to potential complainants or litigants that Dow took steps to eliminate what some may have perceived was a hostile work environment and made an attempt to prevent further abuses. These quick measures will no doubt paint Dow in a better light in the event future claims arise.

Company e-mail policies can be used to facilitate the proper use of e-mail in the workplace and to help address any misuse of company e-mail before it becomes an issue. Examples of topics that should be addressed in an e-mail policy include the following:

Standard of Care. Users should be advised that e-mail correspondence should be treated with the same care and formality as written, non-electronic correspondence. Measure should include checking e-mail correspondence for grammatical and spelling errors. Users should be instructed to not put anything in an e-mail message that they would not want attributed to them in public as all e-mail correspondence, even those that have been deleted, are retrievable.

Objectionable Materials Prohibited. Users should be advised that various employment laws prohibit a hostile work environment with respect to sex, race, religion, color, national origin, age, disability and other protected classifications. Likewise, users should be informed that any e-mail correspondence which is or could be deemed objectionable or offensive is prohibited.

Copyright and Trademark Laws. Users should be advised that e-mails may contain material copied from a copyrighted source, the transmission of which could violate copyright or trademark laws. They should also be admonished that the transgression or receipt of copyrighted or trademarked materials without authorization from the owner is prohibited.

Business Image. Users need to know that e-mails sent from a business e-mail system bear the address and name of the organization as part of the sender's address. Hence, any e-mail sent from a business e-mail system has an impact and reflects upon the recipients perception of the organization. Furthermore, users should be advised that no confidential business information should be transmitted electronically without understanding that there is the possibility that the information could be intercepted by a third party. Approval may need to be sought before transmission of such confidential correspondence.

The information herein is not an exhaustive listing, but represents some basic topics that should be included in an organization's e-mail policy. However, it is recommended that e-mail policies be drafted with the particular organization and business type in mind to better address the peculiar traits of that organization and business type.

At KDDK, we have a wealth of experience drafting policy handbooks for businesses, which include e-mail policies. If you believe your organization's handbook is outdated or have yet to implement a policy, a KDDK attorney would be pleased to discuss these matters with you.