

Checklist: online and e-mail risks at work

This checklist highlights the risks that your business and its employees should be aware of when using the internet and e-mail at work, sending work-related e-mails or discussing the workplace on the internet.

Reputational risks

Information that is written on the internet or in e-mails can seriously damage your business' reputation and the reputation of individual employees. Your employees could lose their job, be sued or imprisoned and your business could be sued or fined.

Stop and think before you click

- Writing something on the internet or in an e-mail is exactly the same as writing it in a letter and, because of the lack of control of who might ultimately see it, sometimes worse. Remember, your business cannot control what the recipient does with an e-mail - they can be forwarded within seconds.
- Inappropriate information that is written online or in an e-mail can have severe financial repercussions for your business. It can also create serious personal and disciplinary issues for individual employees.
- Even if your employees are e-mailing or using other forms of online communication in their own time, if they refer to people at work or work-related matters, they could get themselves, and your business, in serious trouble.

E-mails and internet postings can be used in legal proceedings

- E-mails and internet postings can be used against your business in legal proceedings or other regulatory investigations.
- Your business should never delete e-mails relating to a legal dispute or investigation or a potential dispute or investigation.

It is very difficult to delete e-mails and online postings

Simply deleting e-mails or internet postings will not necessarily solve the problem – forensic IT equipment can still find supposedly “deleted” messages.

Do not be hurtful or spread rumours

- Online content or e-mails that could be thought of as obscene, racist, sexist, bullying or hurtful should never be posted or sent. Anti-discrimination laws can hold your business “vicariously” liable for discrimination by your employees. If a comment is made about another employee online that amounts to harassment, your business could be liable, even if the employee was using their own equipment to post the comment.
- Exaggerating or making false or inaccurate statements about another company or person could lead to your business being sued, even if the e-mail was only sent to one person.
- Forwarding an e-mail can be just as serious as writing the original – the individual that sent the original e-mail could be sued, even if it was sent or forwarded to only one person.

Take care with confidential information

- Where possible, avoid sending confidential information by e-mail. Your business should take legal advice on how the information can be best protected.
- Any e-mail containing confidential information should be clearly marked as “confidential”.
- If your business receives an e-mail that contains “dangerous” material (for example, another company’s trade secrets), you should take legal advice.

Do not make a contract by mistake

- A legally binding contract can be made by a simple exchange of e-mails.
- Your business should make it clear that it does not intend to be bound by what is communicated in an e-mail.

Do not copy someone else’s work

- Your business should not use other people’s work in e-mails or online posts unless you have permission from the original author, or you know that it is not protected by copyright. This includes photographs and music.

Do not send or view offensive or unknown material

- Encourage your employees to carefully monitor what arrives in their inbox, especially if they do not recognise the sender, or the title of the e-mail seems peculiar.
- If there is any risk that an e-mail may contain a virus, it should not be opened and your IT department should be contacted immediately.
- Make your employees aware that they may be disciplined or even dismissed for forwarding inappropriate e-mails or accessing inappropriate websites at work – in severe cases it could also be a criminal offence.

Avoid unproductive usage

- Most businesses allow light personal internet and e-mail usage as long as it does not interfere with their employees’ duties. However, you should make your employees aware that excessive, unproductive usage of the internet and e-mails at work may be treated as gross misconduct for which they could be dismissed.
- E-mails can often be a waste of time. Encourage your employees to think carefully before copying someone in on an e-mail, especially if there is a long chain of e-mails attached. Do they really need to see it?

More information

If you have any questions about this checklist, please contact info@armsworthalexander.com.