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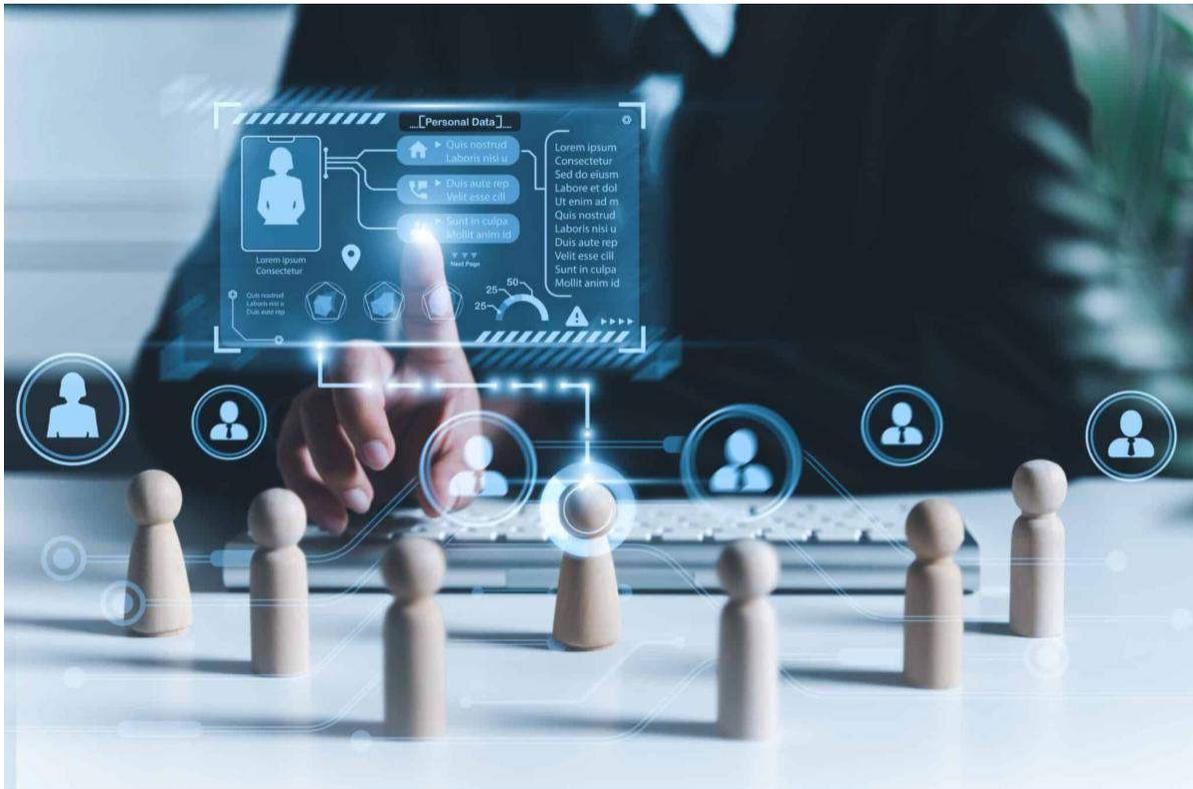
- J.F.

CAN YOUR EMPLOYER MONITOR YOU?

In recent years, employee monitoring has become more common as companies seek to protect their assets and boost productivity. But how far can your employer go? Knowing your rights regarding workplace privacy is crucial. The employee rights attorneys at Barrett & Farahany will explain the legal landscape of employer surveillance, your rights, and when you should seek legal advice.

While employers have a right to monitor their property and business activities, employees still have a right to privacy. The key concept here is the “reasonable expectation of privacy.” This means certain areas and communications at work are generally considered private.

For instance, a private conversation with a coworker about a personal matter or a change in a designated locker room falls under this expectation. However, using a company computer to browse social media does not. It's safest to assume that anything you do on company equipment or networks could be monitored.



The Legality of Employee Monitoring

Generally, employers have the right to monitor their employees, but this right isn't unlimited. The legality of employer surveillance often depends on the method used, the location, and whether employees have been notified.

What Employers Can Legally Monitor

- **Video Surveillance:** It's generally legal for employers to use video cameras in common work areas, like hallways or open offices, for legitimate business reasons such as security.
- **Computer and Internet Usage:** If you're using a company-owned device or network, your employer can track your internet activity, emails, files, and even keystrokes. This includes personal accounts you access on work equipment.
- **GPS Tracking:** Many states permit employers to use GPS tracking on company-owned vehicles or devices for valid business purposes, such as tracking deliveries. However, some states, like California, require employee consent.

What Employers Generally Cannot Monitor

- **Private Conversations:** Federal law typically prohibits employers from intentionally listening to or recording private, personal

conversations.

- **Private Areas:** Surveillance is not allowed in areas where employees have a “reasonable expectation of privacy.” This includes restrooms and locker rooms, where employees have a clear expectation of privacy.
- **Personal Devices:** Your employer usually cannot monitor your personal phone or computer without your consent.
- **Protected Activities:** Monitoring cannot be used to interfere with your right to discuss wages or working conditions with colleagues, which is protected under the National Labor Relations Act...

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