

BusEco: Sample essay - annotated example

Cover Page

Email Monitoring: Is it Reasonable for Employers to Monitor their Employees' Email?

Student number: 01048344

Monash University

Introduction

Managing staff in a complex, global and digital workplace is challenging. New information technologies (IT) have delivered many benefits in terms of enabling employees to become better informed and to collaborate and share information despite geographical distance. At the same time, misuse of internet communication channels can create a significantly negative impact, undermining the collaborative benefits IT affords, consuming organisational resources and taking attention away from an organisation's key purpose. This essay will argue that it is the role of employers to manage electronic communication such as email in the workplace and it is reasonable for employers to monitor employees' email when this is done for valid reasons through transparent policies that respect the interests of all stakeholders, including those of employees.

It will also be argued that employers need to actively manage email communication rather than relying solely on email surveillance tools to control email use. Three real cases concerning email misuse will be used to discuss the idea of what may be considered 'reasonable' in the workplace.

There is some important information missing from this title page. Always check the assignment submission instructions, but at a minimum, a title page should include:

1. Your name **and** student number
2. The due date for the assignment
3. The name of the academic staff member for whom the report was written
4. The name of the unit, including the unit code

"policies". Spelling errors can result in lost marks and not all spelling errors are picked up by spell check. Make sure you carefully proofread your work.

Your introduction is well-structured and incorporates the key elements required for an opening academic paragraph: a general introduction to the topic, a gradual increase in focus to your specific topic, a summary of your academic position/contention and a preview of how you intend to construct your response.

Legend

✓ Good practice

✎ Needs improvement

💡 Comment

Employers can cheaply and easily monitor all kinds of electronic communication in the workplace, but should they do so? The IT systems utilised by companies are capable of recording sophisticated data that include computer keystroke monitoring, logging of events occurring on computers, recording applications used and keeping a log of all emails sent and received by an employee (Kiser et al., 2010). The questions arising from this capability concern whether or not they should be monitored and if it occurs, what may be considered a 'reasonable' use of IT systems to monitor employee email.

Benefits for monitoring

Employers are responsible for consequences of any 'illegal, discriminatory or offensive' material that is used or sent by their IT systems (De Pree & Jude, 2006, p. 46). Employers play a key role in managing electronic communication and the core functions of management involve planning, organising, leading and controlling (Robbins et al., 2012). Monitoring suggests the management function of controlling. If employers or managers bear the ultimate responsibility of ensuring that company email communication is appropriate, it could then be argued that it is reasonable for management to implement methods of controlling or monitoring such communication. Kiser, et al. (2010) assert that managers have always monitored employees' activities, but today, IT systems offer them many more options for monitoring employees.

While this introduces the topic of the paragraph clearly, it is best to avoid rhetorical questions in your essays. Consider changing this into a statement, e.g. "the question is whether it is right to do so".



I note with pleasure your use of headings (allowed for this assignment as per the task instructions) to clarify what you are trying to achieve. Efficient use of headings will save you time and space otherwise spent writing sentences about your essay's structure. This leaves more space for you to create and support your argument.



Double quotation marks required in APA when you quote.



It's DePree, not De Pree.



There are several valid reasons to consider monitoring the use of email and other internet use in an organisation and these include the employers' desire to guard against 'malware' (Kiser et al., 2010, p. 33); prevent low productivity due to non-work related email (Kiser et al., 2010; Wheelwright, 2002); and to protect company assets and ensure there is no 'disclosure of confidential information' (Wheelwright, 2002, p.72). For example, Coca Cola employees were discovered attempting to 'sell trade secrets to Pepsi' (Kiser et al., 2010, p.32). Monitoring protects the company's public image by ensuring the lawful use of email by employees.

As a kind of mini literature review, these paragraphs summarise the literature effectively, yet maintain your voice and that element of authorial control I am looking for from my students. Well done!

Disadvantages of monitoring

There are several arguments against monitoring electronic communication in the workplace. It is argued that such surveillance can create a climate of distrust and an unnecessarily stressful atmosphere for employees (Kiser et al., 2010). It could even lower employee productivity, for example, if employees take an extra hour to get Christmas shopping done instead of shopping for '15 minutes online' (Wheelwright, 2002, p. 71). O'Rourke et al. (2011) argue that in many workplaces, there is a 'tacit understanding' that personal correspondence and personal phone calls at work will remain personal and not subjected to monitoring. The authors point out that monitoring may also expose employers to legal challenges as covert surveillance is strictly regulated in Australia (2011, p. 527) and courts must be satisfied that there is 'reasonable suspicion' that an employee being monitored is engaging in unlawful activity.

Full stop always required after "et al.", followed by a comma according to APA requirements. You got this right earlier! Be consistent.

You've included the page number, thereby indicating that you are quoting directly. Where is the quotation?

Overcoming the disadvantages of monitoring workplace email

Despite the pitfalls of email monitoring, transparent and reasonable monitoring by employers could overcome many of the disadvantages. By allowing a small

This is a very clear topic sentence that summarises the main message of the paragraph. The effect of this is that your reader can easily follow the logic of your essay's argument and structure.

percentage of work time to be used for appropriate private purposes, employers can more inclusively address the much reported low productivity or ‘cyberloafing’ (Kiser et al., 2010, p.33; Wheelwright, 2002, p.72; Robbins et al., 2012, p. 507). Gilbert (2012) argues that a total prohibition of personal use of email is unreasonable. For example, personal use of email to inform family members or child care workers about unexpected overtime is acceptable. Kiser et al. (2010, p.32) concedes that the majority of employers accept some personal use of workplace computers. Trust can be maintained by communicating clear policies for email use and employees are more likely to trust the process of email monitoring and feel that their privacy is respected if policies are transparent and well-constructed (Kiser et al., 2010). However, employees need to be mindful that any personal or private use of email is communicated electronically through company systems and any private email can potentially become public. As one company CEO put it ‘You have zero privacy anyway. Get over it’ (CEO, Scott McNealy, cited DePree & Jude, 2006, p.46).

McNealy didn't cite DePree & Jude – it's the other way around!

Blurred boundaries and the illusion of privacy on the internet

The blurring of boundaries between personal and private use of company email has created a significant challenge for employers and employees. While many employees consider email communication to be private, there is a qualitative difference between a paper personal letter addressed to an individual in an organisation and a so called ‘private’ email communication. One Australian university professor became painfully aware of this when his private email to another colleague was leaked, leading to his suspension (McNeilage, 2014). Although the professor’s ironic comments were sent in an email to one friend with whom he was playing ‘a whimsical, linguistic game’ (Fenely, 2014, p. 29) the email contained language

that contravened the universities anti-discrimination policy. In the instance of the professor's private but racist comments being made public, the university became obliged to take public action, and one could argue that it would be reasonable to monitor email in order to prevent this unhappy outcome for both the professor and the university.

This is a somewhat facile argument. The lesson from this example is surely more along the lines of avoiding inappropriate communication at work altogether, rather than monitoring email in the workplace.



Balancing employer/employee needs: a reasonable approach

A reasonable approach to managing email is one that considers all stakeholders, including employees. If employers wish to monitor email it rests with them to overcome the disadvantages posed by ineffective, unethical and unreasonable methods of email monitoring.

Monitoring must be transparently articulated in the company's IT policy as it is the employer's role to ensure employees are aware of all aspects of the policy. Covert monitoring followed by dismissal cannot be considered a reasonable method of controlling employee email use. In one case brought before the Fair Work Commission (FWC) a decision of unreasonable monitoring was made because employees were not aware they were being monitored. The case took place at an Australian Post Office and involved the dissemination of 'unsavoury' material amongst three close work colleagues (Byrnes, 2013). One of the three employees sent the material to his work mates' Australia Post email addresses. The email was sent from a home computer and from a personal email address. The three employees were dismissed following the installation of a software filter on the Australia Post email system that detected the content. However, the employees' claim of unfair dismissal was upheld by the Commission for a number of reasons: 1) supervisors and junior managers at the branch had condoned this practice

A salient and relevant example.



as they were aware of the nature of the inappropriate content and had also sent or received such content themselves; 2) employees were unaware that a filter had been installed; 3) there was no warning of potential dismissal as a result of sending the content; 4) the harsh treatment of dismissed employees was inconsistent in relation to treatment of other employees; 5) there was no evidence of harm or damage to the organisation or any individual (Byrnes, 2013). On balance, the FWC concluded that the covert monitoring was not reasonable and that the employees' misconduct did not warrant dismissal in this context. This case demonstrates the importance of monitoring being accompanied by an effective policy.

Importance of IT policy

Organisational IT policy also played a significant role in the outcome of two cases of alleged misuse of email featuring Channel 7 and the Queensland Department of Education. The cases involved the same employee conduct of sending emails about union information, but each had an entirely different outcome due largely to each organisation's IT policy, as explained by Wheelwright (2002). In the Channel 7 case, sending union communication via work email was considered inappropriate as it did not accord with the organisation's policy prohibiting the sending of messages "of a political or industrial nature" (p. 77). The outcome was quite different in the Queensland Department of Education case, in which a teacher sought to become a union representative. This was also determined by the Department's policy that allowed "public debate on political and social issues" (p. 78). The Commission held that the employers at Channel 7 were entitled to restrict email communication to the performance of company duties while the right for the teacher to campaign for union election fell within the domain of political and social debate which was enshrined in the Department's IT policy. Thus reasonable monitoring can vary depending on the organisation's policy.

Manager's role in implementing reasonable monitoring practices

Managers in organisations need to take a considered approach to drafting and implementing IT policies. They also need to be more active in foreseeing and preventing potential problems of email misuse. The key management functions of planning, organising, leading and controlling need to be comprehensively incorporated into email monitoring for monitoring to be considered a reasonable strategy. Managers should take a proactive role in controlling potential email misuse by explaining the purpose of email monitoring and how it can protect all stakeholders in the organisation, including employees (Kiser et al., 2010). Managers could work in teams with employees to co-construct suitable and transparent IT policies. Preventative measures involving IT training that raise employees' awareness of proper conduct for email use and the potential consequences of misuse could also be implemented. When breaches are detected, employees could be cautioned rather than being summarily dismissed. There is much that managers can do to effectively and ethically monitor email and there appears to be a consensus that misuse of internet communication in the workplace is caused 'by a combination of employee personality weaknesses and a failure by managements to control such activities' (Richards 2012, cited in Van Gramberg et al., 2014, p. 2237).

The reliance by employers on IT surveillance alone has been demonstrated to be a poor method of controlling employees' email activities. In the case involving the post office employees, no planning was undertaken by the employer to ensure employees were fully aware of policy, aware of surveillance tools and aware of the consequences of breaches to IT policy. There was no consistently organised method for responding to breaches and no leadership was shown by front line managers in modelling

Most of your in-text citations appear mid-paragraph and even mid-sentence. The result of this is a totally clear distinction between your ideas and those you've borrowed and appropriately acknowledged from the literature. Well done! ✓

"as cited in". Also, double quotation marks are required in APA 7th. Well done on adding the page number when quoting! ✎

the appropriate use of email. Email surveillance was covert and the employer's reactive rather than proactive response was to dismiss the three employees, which was not only ineffective but deemed to be unlawful.

Conclusion

The technological advances of IT have enabled improvements in productivity, yet misuse can also bring significant risks to employers and employees alike. Misuse of email can lead to job insecurity for employees and legal disputes that take company resources away from employers. The challenge for employers is to 'reasonably' manage the use and misuse of technology in order to enable technological developments to facilitate sharing of knowledge and coordination of activities to more effectively meet organisational goals. Legal decisions related to alleged email misconduct appear to be made largely on a case by case basis that depend on the context and rest largely on each company's IT policy. At the heart of the confusion surrounding appropriate workplace email communication **lays** management's role in effectively controlling the communication and application of IT policy. It is important for managers to get things right at all levels of implementation of IT policy in the organisation. Managers need to proactively plan, organise, lead and control email use within the company. If monitoring of employee email is purposeful, transparent, well-planned, effectively organised, reinforced by effective leadership, and controlled with consideration of all company stakeholders, including employees, then it can be reasonable.

Again you show exemplary structure here. You have included a summary of your purpose and how you achieved it, blended with a summary of the main points that your argument makes. You conclude with a 'big picture' comment which locates the issue under discussion within its wider context: the normative role of management in the workplace. ✓

"lies" ✎

Final comments: This is a generally well-structured piece of writing that is clearly well-planned and makes good use of both recommended and independently sourced literature. You have clearly done a good job consulting both the task instructions/requirements for this unit and the marking rubric we provided on Moodle (which we use to grade all students' work for this task). If I was forced to find a criticism I would say that the examination of the argument against monitoring workplace email is somewhat lacking in depth. There are significant ethical and human rights-related issues that remain unexplored in your argument. However, for the purposes of this assessment task, you have made a bright start to academic writing. One area that needs significant improvement, however, is your referencing. There are numerous inconsistencies and errors below. Much more attention to detail is needed. Keep striving! 💡