

When Video Surveillance Goes Too Far in the Workplace

The American Management Association and the ePolicy Institute in its 2007 Electronic Monitoring & Surveillance Survey found out that most employers subject their employees to forms of electronic surveillance such as Internet usage, phone conversations and numbers dialed, as well as locations and activities through video surveillance.

New Trends

Depending on which side of the fence you are straddling on, the emergence of new forms of employee surveillance is either very propitious or very unfortunate. Today, employers monitor social networking sites and the blogosphere for employees who might be less than model employees. If you are an active member of both Internet spheres, be very careful about being a smart ass towards your employer, your boss and your co-workers.

With millions of anonymous blogs out there, you need not worry for now. What you need to worry about is when video surveillance in the workplace infringes on your constitutionally-protected right to privacy.

Does an Animal Like Employee Privacy Rights Exist?

Unfortunately, employee privacy rights are virtually non-existent in the private sector as the abovementioned surveillance measures can tell you. There are two reasons for these:

* Your employers have the right to protect their office space and equipment, business documents and trade information, as well as prevent employee misbehavior, among others. In this case, employer security comes above employee privacy rights. Your employers have the option not to tell you about video surveillance though most employers would rather inform their employees as protection in the event of lawsuits.

* Your state government might not have strong employee privacy rights laws, if ever it does have one. The laws essentially allow electronic surveillance due to its explicit non-prohibition; most laws will protect your privacy only to the point when the reasonable expectation of privacy is complied with. In this case, video surveillance is not allowed in areas where employees can expect reasonable privacy to carry out personal matters like taking restroom breaks and changing clothes.

What You Can Do When Surveillance Invades Privacy

At the first instance of employment, you have to be informed of office policies regarding employee privacy rights. In the same survey, employers fired employees on the basis of violations of these policies in relation to Internet use, e-mail messages, phone usage and other employee misbehavior caught on video surveillance.

Fortunately for you, we live in a country where everybody's voice has a chance to be heard in the courts of law. You can challenge your firings in court where judges and juries can take into account other factors in the termination of employment.

Even if you are still employed with the company, you can still file lawsuits when laws on the reasonable expectations of privacy are violated. For example, if you discovered that your employer had video cameras installed in the locker room and in the shower room, you have the right to complain because your personal space is being unnecessarily invaded. After all, what part of undressing and doing your ablutions constitute your violations of office policies? Regardless of the paranoia of employers, they do not have the right to violate fundamental privacy rights protected by our Constitution.

You can do your part in putting balance in an increasingly Big Brother environment. If you can do something about unnecessary and intrusive video surveillance, Internet monitoring and phone scrutiny, then do it lest you become another hapless victim.

About the Author

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