

Watching out for you.

A fact sheet for
ACCORD union members.



If it worries you that your calls and emails may be monitored, we're here to look out for your interests and give you advice on your rights.

So, if you think that someone's watching you don't worry – we're watching out for you!

Privacy at work is an issue that affects ALL members, not just those of you who work in areas where Financial Regulation requires telephone recording.

Employers have always kept staff records and we're not saying that they shouldn't. The problem is that with new technology monitoring is easier, more invasive and the effects are more far reaching than ever before.

Why are you being watched?

You know that since you work in the finance sector some calls need to be monitored simply for Regulatory reasons. No-one can object to that – the Company is legally obliged to do it and is liable for data held on its systems and for compliance.

For security reasons too, the Company must ensure that confidential information held on customers is not disclosed.

Using the Company's communications systems to send offensive or illegal messages is obviously not acceptable either. And excessive use of phones, internet and emails in office hours does waste time and money. So, you can understand why some monitoring is carried out but...

...on the other hand, you are entitled to a degree of privacy at work, in fact you have a right to this under both the Data Protection and Human Rights Acts.

How are you being watched?

There is no way that the Company is *not* going to monitor staff communications. Bearing that in mind, the Union believes that the best way to guarantee an acceptable balance between necessary monitoring and safeguarding your privacy is to

agree a joint policy with the Company. So that is exactly what we have done. The Email and Internet Policy, which was drawn up following joint negotiation, sets out very clearly what is and is not acceptable – and points out what is absolutely forbidden!

It also, to set your mind at ease, makes it clear that it is NOT a disciplinary offence if someone sends you, unsolicited, offensive or defamatory emails or offensive phone calls.

Like all the group wide, jointly agreed policies, the Email and Internet Policy is available on the HBOS intranet site. This policy is also available on the Union's website (see under General News). You should take a few minutes to read it carefully and make sure that you understand it.

Why are we concerned?

If the Company is monitoring colleagues for business reasons, why should we – or you - be concerned?

- **Morale** – if you think your manager is checking up on you it's bound to affect your performance.
- **Health** – medical information should be confidential but the increased use of absence management



procedures means that there could be a lot of what *you* might think of as ‘personal’ information on your file. Unless you know what information the Company holds about you, you don’t even know if it is accurate!

- **Stress** – surveillance at work can cause stress and affect your health. Research carried out by the Institute of Employment Rights suggests that knowing, or even suspecting that you are being watched or listened to ‘has a chilling effect on your freedom of action and inhibits your engagement with others’
- **Union organisation** – Union reps need to be confident that they can communicate with their members in confidence – especially over individual casework.

What are your rights?

On the one hand the law offers protection with the Data Protection Act 1998 and the Human Rights Act 1998 which strengthen employees’ rights to privacy at work.

The Human Rights Act states that ‘everyone has the right to respect for his family and private life, his home and his correspondence’.

The Data Protection Act gives you a right to see your personal records.

But on the other hand, the Regulation of Investigatory Powers Act 1998 and its accompanying Regulations establishes employers’ rights to monitor your email and internet use.

So, the situation is complex!

The most important thing to remember is that you DO have rights and if you think they are being infringed you can call the Union!

How does it affect me?

We are not suggesting that things WILL go wrong but there are occasions when things MAY go wrong.

For example, what do you do if:

- You think the Company is holding incorrect information about you?

- You think you are being unfairly singled out for disciplinary action because of an email you have sent/received?
- You think your personal information has been made public?

We hope to negotiate a joint agreement on this important subject over the next few months, in the meantime, the first thing you should do is read and familiarise yourself with the Email and Internet Policy. The Company will expect you to know what the rules are.

And if you are still unsure of your rights contact us.

**Remember, they may be watching you...
but we are watching out for you!**

Further Information

We know this is a complex area of law, so if you would like to speak to a qualified legal adviser, you can call the Union’s legal helpline on 01455 255114. The legal helpline is open 24/7 and you – or an immediate family member – can call FREE at any time.

For more general information, the Labour Research Department has produced a booklet entitled Monitoring and Surveillance – a guide to privacy at work. If you would like a copy, free of charge, please contact Union Headquarters on 0118 934 1808.

The ACCORD website is kept up to date with the latest news and policy on surveillance at work. Go to www.accord-myunion.org