Employment Law Top Tips: Tech in the Workplace

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Welcome

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Tech in the Workplace

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The Right to Monitor

- Can I monitor?
- Yes – but not an unfettered right
- It’s a balancing act

The Constitution

European Convention of Human Rights

Data Protection Act

V

Protect Employer’s Business Interest
The Right to Monitor

- Acceptable Usage Policy
- Monitoring
- Emails
- Internet
- Network Usage – regardless of who owns the device
- Disciplinary Policy
CCTV

- Overt Monitoring v Covert Monitoring
- Clear Policy
- CCTV and disciplinary hearings?
- Can I use video evidence from other sources – iphone?
  - Hotel – Sleeping on the Job
  - Residential Care Home
Social Media

- Social Media Policy
  - Personal - Facebook
  - Professional - LinkedIn
- Examples of Cases
  - Employment related Facebook comments
Tech in the Workplace

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Data - The Hiring Process

• Background Checks

• Can I check Google?

• Can I look at Facebook?

• Retention
  • Adequate, relevant, not excessive
  • Passports
  • RTW documentation
Data – During Employment

- Portability
  - Confidential Information
  - Personal Data
  - Security
Data – During Employment

• Bring Your Own Device (BYOD)
  • Benefits
  • Risks
  • Most common legal issues
  • Tips

• Mind your network
Data Access Requests

- Informal Discovery
- Personal data on “computer or in manual form”
  - Diaries
  - “Transitory labels” ??
- Be very careful:
  - “We don’t want to hire any more paddies”
  - “Ron……Fire him”…………….?
  - “She’s just back from maternity leave, she’s hormonal”
  - “She definitely has at least another 2 maternity leaves ahead of her”
Thank you

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