

Should I Eavesdrop On My Employees?



Consider a simple cost and benefits analysis before spying on employees in the workplace

Question: Can I Monitor My Employees If I Suspect Foul Play?

One of my employees informed me that he overheard a co-worker on the phone bad-mouthing me to a customer. I do not want to call customers to ask directly about this situation and I am not certain enough to confront this person directly. However, I do notice that my business is slowing down. I want to monitor my employee's activities more closely. Can I install cameras and record phone calls to find out what is really going on?

Response: A Measured and Reasonable Response

Monitoring, observing, spying or eavesdropping on employees may sound creepy, but in fact, there is precedence in the Canadian workplace. Although Canada does have privacy laws that provide protection to employees, Canadian courts recognize an employer's right to monitor and protect business interests.

Spying and Business: A Cost Benefit Analysis

Employers can and do monitor some employee phone calls for training and quality assurance purposes. Some employers install security cameras to stop theft and monitor employee email, computer and Internet activities. It is a lot of work to undertake these surveillance activities, so, before you do, ensure your efforts are worth it.

Potential Costs

- **Financial:** financial costs in equipment and staffing to gather the information. There is also chance of litigation for invasion of privacy or constructive dismissal claims.
- **Morale and Workplace Culture:** Consider the impact on your employees when they learn this will be happening. Employees dislike the idea of being monitored. You may cost yourself good people who decide to move on, or you may hamper workers' performance and productivity.
- **Time and Effort:** Reviewing the surveillance materials takes time, energy and resources.

Potential Benefits

- **Business Security:** The most obvious benefit is the potential to stop something that is harmful to your business. You may save money and your reputation
- **Peace of Mind:** One can't underestimate the benefits of knowing what is going on with business behind the scenes.

Consider Less Invasive Approaches First

Business/Market Review: You might begin with an empirical review of your business and see if you really are losing business. Try to pinpoint where and how you are losing business, and how long it has been going on. Look inside and outside your business. Look at the marketplace and look at your competitors. A solid business strategy and a good reputation minimize the impact of one negative employee.

Customer/Employee Assessment: Conduct both a customer satisfaction review and a workplace satisfaction review. These surveys may highlight information that supports or refutes your concerns.

Change your Space: Open floor office designs have positive and negative impacts. One positive element is that it is easier to monitor employee activities in a less invasive way.

Gain Perspective: When someone whispers bad news into your ear, it may plant false seeds of concern. This person might be trying to help your business. This person may genuinely believe what they are saying to you, but they may also have made an error or have misunderstood what they heard. Consider if your own reaction or concerns are based on real evidence or something else.

Eavesdropping on Employee Phone Calls

Proceed with caution. Create a policy and inform your employees that this is a step you are introducing. Monitoring activities for quality assurance and training sounds better than spying, but this option has limitations. Indicate if you are monitoring all calls or only customer calls.

Security Cameras

You also have to be very cautious installing security cameras, but it can be done. It is very difficult to install security in a private office. You need a reasonable expectation that it will serve a purpose. It must not be merely invading someone's privacy. If you do proceed with security cameras, you should inform your employees. Announcing that you are considering installing security cameras may be enough to change an employee's behaviour.

Be upfront about your actions, if not always about your reasoning. Hold a company meeting to discuss business and learn your employee's thoughts about helping the business succeed. Building a strong workplace culture is one of the best ways to protect your business.

If you have to proceed with surveillance, explain to your employees that you are trying to improve business by learning about what is going on. Tell your employees that you hope the surveillance system will help create a better business.

Resources for understanding Canadian Workplace Privacy Laws

- 'Do Employers have a right to spy on workers'