

Britain: new email spy laws lead to sackings

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Last week 10 workers were sacked and 80 others suspended for distributing an email depicting the cartoon characters Bart and Lisa Simpson naked. This is the latest in a string of dismissals relating to the distribution of personal emails in company time.

The 10 employees of insurance brokers Royal & Sun Alliance were sacked in what a company source has described as "an absurd over-reaction". According to the *Daily Telegraph*, the source said, "The people who were sacked are not layabouts who spent all day surfing the net for dirty jokes. Some have been here for 10 or 15 years and have never put a foot wrong.

"They have families to support and mortgages to pay. If they had cracked a joke at the photocopier or passed a stupid cartoon around the desks they would still have a job."

The company has yet to confirm the number of sackings and suspensions, stating only that they are "investigating email misuse" and this involved disciplinary action against a number of employees.

Legislation introduced in October last year allows companies in Britain to spy on their employees' e-mail and telephone calls. Since the introduction of the Regulation of Investigatory Powers (RIP) last autumn, cases of employers using the new powers to dismiss workers include:

* Six employees of Cable & Wireless were dismissed in November last year, for alleged "misuse" of email. Although it would not give any details of the specific case, the firm issued a statement saying, "The company will not tolerate the use of company communications tools to carry or download any defamatory, discriminatory, offensive or obscene material. Regular reminders are issued to this effect."

* Last October Holset Engineering in Huddersfield, West Yorkshire defended the sacking of two employees they said had sent "smutty" emails to about 40 other employees.

* The largest single case in the UK so far is that of the mobile phone network provider Orange, who sacked 40 employees in September 2000 for distributing "inappropriate material".

While all of these cases have focussed on the supposed obscene character of the emails, the real issue is the use of company time and resources. Even though this amounts to a negligible cost for the employers, they are keen to establish the principle that "company time" means precisely that.

The development of new technologies such as the electronic pager and mobile phones allow employers an unprecedented incursion into the lives of their workers. Many are required to be on-call 24-hours a day for no extra pay. Even though a worker may be present on the company premises and performing the job they are paid for, this may not be enough. Any indication that their mind is on something else, even for the miniscule amount of time taken to send an email, will not be tolerated.

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In the past, a foreman or supervisor would keep watch over staff to ensure production in the factory was maintained. In the modern office this function is carried out by means of electronic surveillance, with every keystroke being recorded. In none of the above cases have the employers attempted to show that the workers' actions resulted in lost production, or even a drop in the output of the individual concerned.

The Trade Union Congress (TUC) says there has been a significant increase in such sackings since the introduction of RIP.

"The act has been a psychological boost for the companies, giving them a green light and considerable latitude to go after employees with a heavy hand. The companies are keen to demonstrate that they will deal very severely with cases such as these, but really they

are courting publicity and are keen to be seen to be taking a tough line," said Sarah Veale, a senior policy official at the TUC.

The opinion of the TUC notwithstanding, there is more involved here than "courting publicity". The introduction of RIP has given the employer unprecedented power to snoop on the activities of their workforce. Working people in Britain are under greater surveillance than in any other country. In addition to snooping on staff email and telephone calls, employers increasingly use software that can tell them which websites are visited, what was downloaded and anything printed out.

Both in and outside the workplace, working people are under constant surveillance from CCTV cameras. In 1999 there were over 300,000 such cameras covering shopping areas, housing estates, car parks and public facilities in the majority of Britain's towns and cities. The same technology is also increasingly used within company premises.



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