What privacy rights do workers have when on the job? The answer may surprise you: almost none. No laws exists preventing electronic surveillance of employees in the workplace. In the eyes of the law, employees who are on the job are using company property, and the company has the right to monitor the use of that property. Many businesses believe they have a right to ensure that employees are doing their job instead of wasting time on personal activities. Furthermore, they insist they are justified in such snooping in order to prevent employees from engaging in activities that could result in liability for the company.

But an exception to the ability of companies to monitor their employees does exist. If the company has pledged to respect any aspect of employee privacy, it must keep that pledge. For example, if a business states that it will not monitor employee email or phone calls, by law it must follow this stated policy. However, no legal requirement exists mandating that companies notify their employees when and if monitoring takes place. Therefore, employees should assume they are always monitored and act accordingly.

Privacy advocates are calling for this situation to change. They acknowledge that employers have the right to ensure that their employees are doing their jobs, but they question the need to monitor employees without warning and without limit. The American Civil Liberties Union has, in fact, proposed a Fair Electronic Monitoring Policy to prevent abuses of employee privacy.