

Miller Canfield, Employment Law Alliance Poll Finds X-Rated Use of Workplace Computers

Employers may be more diligent as Valentine's Day nears

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Nearly one-quarter of Americans recently polled said they or their co-workers use workplace computers to engage in sexually explicit online activity ranging from visiting X-rated websites to participating in steamy chat rooms, reports the latest "America at Work" national survey by the Employment Law Alliance (ELA), the world's largest network of employment and labor lawyers to which Miller, Canfield, Paddock and Stone, P.L.C. serves as the state representative.

The national survey also found a significant number of employers are banning romantic relationships between supervisors and subordinates. As Valentine's Day nears, it is likely to see increased diligence on the part of employers seeking to ban the use of company computers for X-rated activities and to revisit the workplace dating policy.

"Although office romance and sexually-explicit activity are difficult topics to tackle, employers need to face these developing issues," said Thomas P. Hustoles, labor and employment attorney at Miller Canfield. "Employees are using workplace computers not just for personal matters, but for romantic purposes beyond online dating."

Key findings of the national survey of 826 employees who have internet access at work include:

- 24% said they were somehow involved in the use of a company computer for sexual/romantic purposes.
- 12% said a co-worker or they have accessed sexually explicit websites from a workplace computer.
- 12% said a co-worker or they have forwarded sexually explicit email content to co-workers while at work.
- 6% said a co-worker or they have engaged in sexually explicit online chats/instant messaging while at work.
- 10% said a co-worker or they have used the office computer for online dating services.
- 43% believe such use is hurting productivity.

Prior ELA surveys report consistent opposition to the regulation of romantic relationships between supervisors and subordinates. Despite workers still wanting their employers to stay out of their personal affairs, 37% said that their employers are now specifically prohibiting romantic relationships between supervisors and subordinates.

If employers wish to regulate romantic relationships in the workplace to create a professionally productive environment, Hustoles advises employers to carefully create a policy to avoid litigation. "Even if the relationship is consensual, workplace relationships that are romantic can be banned; however, employers need to make sure that they do not inadvertently contradict their own employee handbook or infringe on an employee's civil liberties."

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The Employment Law Alliance is the world's largest integrated, global practice network comprised of premier, independent law firms distinguished for their practice in employment and labor law. Miller Canfield is the ELA representative for the state of Michigan. For further information, including access to the survey charts and graphs, visit www.employmentlawalliance.com.

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