

London	17 January 2012	Birmingham	14 February 2012
Cardiff	26 January 2012	Nottingham	22 February 2012
Manchester	01 February 2012	London	01 March 2012
Leeds	09 February 2012		

Employee privacy

Work station or PlayStation?

Much attention has been paid to the intrusion of work into home life but the reverse is also becoming more common, as socialising and 'family management' are increasingly part of a day's work. Employers benefit from 'generation standby', namely, those who are never disconnected, but there are risks as well. Social media generates business and fosters a collegial atmosphere. However, e-mail and social networking also enable uncontrolled dissemination of personal and commercial information, and encourage expression of personal views about colleagues and the workplace.

Employers have a legitimate interest in knowing about, regulating and responding to employee behaviour. However, new technology raises fresh questions about trust and privacy. Common issues include the extent to which employees' online actions, outside the workplace, can be relied upon by employers as evidence of misconduct, and what employers can do in response. In a recent case, for example, an employee was fairly dismissed for sending an offensive e-mail from his home computer to a colleague's home computer.

Are you using privacy intrusive measures and can you justify them? Are your policies keeping pace with IT change and protecting your interests? This half-day briefing will cover latest developments and case-law, **the new Acas guidance** in the area of IT misconduct, and examine how organisations have formulated their policy responses.



Employee privacy

Work station or PlayStation?

"I am no longer defined by my job – I am defined by my LinkedIn profile"*

If individuals are using social media to market themselves – isn't it logical to use information from the web in your hiring decisions?

*Brian Solis, blogger

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Social media have quickly permeated working life, and employers must be alert to misuse at every stage. But it is important to remember that electronic communications, surveillance technology and flexible working have not changed the legal principles that govern the employment relationship: there has always been a tension between the employer's right to regulate conduct and the employee's reasonable expectation of privacy.

Almost every day of the week, someone in your organisation is breaching privacy laws by careless and casual comment, in permanent form, using your IT infrastructure. This briefing will cover the steps you can take to mitigate risk, including when employers can implement policies concerning activities outside the workplace.

Situations we may cover include:

- what do you do if the information provided on websites by your employees is different from the information they provided to you?
- striking a balance between work and play... and time theft
- using social media profiles or credit histories in hiring decisions
- whistleblowers and cyber-smearing
- employers' use of surveillance tools, including GPS, CCTV, key stroke monitors, and e-mail/internet checkers
- the use of social media in collective disputes
- if you can gripe about an unproductive staff meeting in a coffee shop – can you do the same on a password-protected Facebook page, restricted to friends?
- are your privacy policies keeping pace with the ever connected ways of the modern workforce?
- if a person's previous employment, hobbies, outside activities, volunteerism are areas that influence how well a person will fit into your organisation, then why not also assess what they do on social media?

Who should attend

HR professionals, in-house employment lawyers and directors with strategic responsibility for risk. Communications and compliance professionals may also find the briefing useful. **This briefing assumes knowledge of data protection principles.**

Course materials

Delegates will receive a concise course book which summarises the key issues, together with tips and tools.

In-house training

Eversheds provides public and in-house training services across the UK and in Europe. Using trained trainers, employed by Eversheds, we help managers understand the practical impact of law and regulation in the workplace. For further information contact: **Tracy Luke** on 0845 498 7565, tracyluke@eversheds.com or **Nicholas Edwards** on 0845 497 4697, nicholasedwards@eversheds.com

17–18 July 2012

Henley Business School

Growth with fewer people

HR Summer School

This Summer School is aimed at HR professionals who get the 'HR adding value bit' and who are looking for new ways to do so. We will provide a range of expert perspectives and an opportunity to discuss their ideas with peers.

For a full programme, please contact training@eversheds.com



Programme

09:00 – 09:30 Registration and coffee

Background – an evergreen issue

- cases we are currently dealing with – from orchestrating strikes to dismissal by text
- situations you are encountering.

Legal considerations

- an employee's right to privacy -v- employer obligations and expectations
- personal information and opinion
- reconciling traditional principles with changing social and working practices
- a new aspect of misconduct?

Guidance for managers on use of social media (IES)

- aside from the law, how far should employers go – what is ethical?
- case-study examples – including HMRC and BT
- social media in collective disputes
- building on your existing policies.

Reputational damage – media and privacy law

- a bigger problem than you may think
- the right to a private life
- pre-emptive steps you can take
- legal remedies available.

Striking a balance between trust and protection

- proactive measures – updated policies which are communicated, understood and enforceable
- legitimate purpose and proportionate measures
- the importance of transparency.

How the courts are responding

- Gosden -v- Lifeline Project – discriminatory remarks
- Preece -v- JD Wetherspoon; Taylor -v- Somerfield; Crisp -v- Apple Retail – derogatory comments about colleagues and employer
- Stephens -v- Halfords PLC – having a policy is not enough.

13:00 Close followed by lunch

Speakers

Andrea Broughton

Principal Research Fellow



Andrea led the research team behind the recently published Acas research paper on workplaces and social network, which informs Acas new guidance in this area. She has over 20 years' experience of research and writing in the areas of employment relations and industrial relations, and is currently working on projects for the European Commission, the ILO, Acas, BIS and the UK Health and Safety Executive.

Anthony Rees

Partner, Employment law



EVERSHEDS

A popular and engaging speaker, Anthony has a wealth of experience in employment law. Recent cases in which he has advised include a £6m discrimination case, and a high profile class action issued by employees following an investigation into the misuse of a college's IT network. He is recognised in both Chambers and Legal 500 as a leading individual who is praised for the pragmatic and commercial nature of his advice.

Andrew Terry

IP/Media lawyer



EVERSHEDS

Andrew has many years' experience providing reputation management and protection advice for a wide range of clients across many sectors, both by way of preventative action and involvement in post-publication disputes. He has obtained a number of privacy injunctions to protect clients, and acted in major libel actions.

(The speakers may vary at each location but each perspective will be covered.)



IES was established in 1969 to be an independent, national centre of expertise on productivity, manpower planning and labour market change. Since that time it has expanded and diversified to become the UK's leading independent centre for research and evidence-based consultancy in employment, labour market and human resource policy and practice. It is not-for-profit, its activities being funded through research and consultancy commissions, and from its corporate membership programme. www.employment-studies.co.uk

Booking form: Employee privacy

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Your details *For duplicate copies please make photocopies of this booking form. Please use BLOCK LETTERS.*

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Booking conditions

It is a condition of attendance that the course fee has been pre-paid. Your booking will be confirmed in writing within five working days of our receiving your completed booking form. If you do not receive confirmation within ten days, please telephone us on **0845 497 1990**.

Ways to book

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 5% discount for online bookings

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 Send completed form and payment to:
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 115 Colmore Row, Birmingham, B3 3AL**

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0845 497 1990

Fees
 £239 +VAT

Multiple bookings
 10% discount for second or more bookings.

Payment must be received 14 days from the date of the invoice, or seven days before the event, whichever is soonest.

Joining instructions
 These are issued by e-mail direct to the delegate one week before each course.

Access requirements
 Please let us know if you have any specific access or other requirements so that we offer an enjoyable and comfortable experience.

CIPD and CMI members and SRA CPD
 Our courses can form part of your SRA, IOSH, CIPD, CMI and Pensions Management Institute CPD.

Substitutions or cancellations
 If you are unable to attend, substitute delegates can be accepted at no charge.

All cancellations must be made in writing. Cancellations received ten working days before the course or less will not receive a refund. Transfers to another course are subject to a transfer fee.

Data protection: Your information will be held by Eversheds LLP ("Eversheds"), in accordance with the Data Protection Act 1998, and added to our marketing databases. It may be used for internal statistical analysis, to fulfil any requests from you for further information and services and to contact you by mail, telephone or (if you give us your e-mail address) electronic communication about other services or events offered by Eversheds or our associated offices. We may pass your details to our associated offices (some of which are outside of the EEA), but we will only allow their use for the purposes mentioned above. We may also transfer your details to any successor to our business (or a relevant part of it). An up to date list of our associated offices and their locations can be found on our website at www.eversheds.com. This privacy statement applies to all information that we hold about you.

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