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ARE YOUR EMPLOYEES “SLACKERS”? HOW EMPLOYERS SHOULD HANDLE SLACK —THE INCREASINGLY POPULAR INSTANT MESSAGING APPLICATION

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Launched in 2014, Slack is the fastest growing business application in history. For those unfamiliar with this piece of technology, Slack is a cloud-based “team collaboration tool.” In simple terms, it is an instant messaging application that allows users to send messages and share files through online conversations.

Many businesses have a Slack “enterprise account” for their employees to communicate at work. As an administrator of the account, the business can access team settings, billing, and messages that are exchanged by users of the account. However, individuals can also create personal accounts without company sponsorship to communicate with each other. Therefore, even if your business doesn’t have a Slack account, you may have teams within your organization using Slack without your knowledge.

WHY SLACK HAS CAUGHT FIRE ACROSS THE COUNTRY

So, what’s so special about Slack compared to other instant messaging platforms such as AIM, Facebook Chat, and Google Hangouts? Rather than being used strictly for social purposes, Slack aims to provide a messaging platform designed specifically for workplaces. There are multiple features that make it particularly well-suited for office collaboration.

First, Slack messages and files can be exchanged through one of three forums: private one-to-one direct messages, private group channels, and public group channels. The

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channels help users focus on specific matters by separating the messages and notifications by topic and department. For example, your company's Human Resources department can create a private group channel called "#HumanResources" to discuss general HR matters, and another channel called "#Hiring" to communicate about hiring matters.

Next, Slack integrates with other popular online services, such as Dropbox, Google Docs, JIRA, and Stripe; this allows users to consolidate the multiple forms of data in the modern workplace so they can seamlessly upload and share files. Another popular feature of Slack is its ability to search for specific messages and files in each messaging forum.

In addition, Slack messages and files are instantly synced across desktop and mobile applications, so users can communicate with each other at any time on their preferred device. And finally, in keeping with the times, Slack users can communicate through multiple emoji styles, GIFs, mentions, reactions, and video conference calls in addition to traditional text messaging.

SLACK COULD CAUSE WORKPLACE PROBLEMS

Slack's capabilities improve efficiency by creating a centralized platform for teams to communicate in a more organized manner. However, Slack's unprecedented growth is swiftly changing how employees communicate, which creates new ways in which potential employment claims can present themselves, including harassment claims, wage and hour claims, and privacy concerns:

Potential For Inappropriate Conduct

Since messages are rapidly exchanged in a real time conversation, users are more likely to send messages without thinking about the impact the messages may have on the recipient. Without having non-verbal cues, it can also be difficult to detect sarcasm and the sender's intent of a message.

Furthermore, the opportunity to use emojis and GIFs facilitates a more playful exchange that can make some employees uncomfortable. As a result, Slack's more casual form of communication can lead to complaints of harassment, discrimination, and retaliation.

In addition, if employees are authorized to make private group channels, they may create channels and conversations that ostracize certain employees or include material that is inappropriate for the workplace. For example, a channel related to fantasy football can generate taunting comments that, even if made in jest, can give rise to a potential claim for harassment.

Wage And Hour Concerns

One of Slack's main attractions is its ability to instantly update conversations across any desktop or mobile device. However, the constant connectivity to Slack both in and out of the workplace may unintentionally give rise to wage and hour claims. For example, if an hourly employee has the Slack application on their phone and continues to receive messages after business hours, the employee may claim that they were interrupted by these messages and performed work off the clock just by reading them.

In addition, if an employee has the Slack application on their personal device but is not required to use the personal device for work purposes, the employee may nonetheless claim they are entitled to reimbursement for the business expense of using the personal device for work.

Another problem: Slack has its own timekeeping and attendance system, called "TimeBot" and "AttendanceBot," allowing users to clock in and out, track employee vacations, and approve requests for time off. If your company uses another timekeeping method, employees' use of Slack's timekeeping and attendance system can lead to administrative confusion and inaccurate time records.

Privacy Concerns

Since Slack users can communicate through private one-to-one direct messages and private group channels, employees might think the messages they send in these forums are private. However, these messages may actually be viewable by the owner or administrator of an account. As a result, an employee may feel their privacy has been invaded if the employee was unaware the messages were viewable by unintended recipients.

HOW SHOULD YOU HANDLE SLACK IN YOUR WORKPLACE?

Now that you have an overview of some of the positive and negative features of the application, you need to decide whether you want employees to use Slack in your workplace. If not, make sure that you have written policies in place to inform employees that your business does not permit the download or use of Slack in the workplace. Even if your business does not have an enterprise account, the policy should advise employees that personal Slack accounts are not to be used on company-owned devices during working hours.

Alternatively, if you already have Slack in your workplace, or intend to set up an enterprise account for your employees, consider the following best practices:

Review Your Enterprise Plan And Account Settings

Slack currently offers three different plan options; the account capabilities vary depending on the plan. For example, in order to export content from private channels and direct messages, businesses that use the free plan, or purchase the standard plan, will need to submit an application to Slack to show: (1) valid legal process; (2) consent of members; or (3) a requirement or right under applicable laws in order to export the data. In contrast, a business with the “plus” plan can apply for a Corporate Export, which permits the workspace owner to directly control the export process from private channels and direct messages as needed.

Regardless of the plan, the owner or administrator of an account has the ability to customize the workspace settings for its employees. It is important to review your enterprise account settings on your company’s Slack account. For example, the administrator can manage which individuals have authority to create a channel, what channels are shared, and can stop the sharing of certain channels. As a result, if an employee creates an inappropriate private channel, the owner or administrator has the ability to stop sharing the private channel even if the administrator was not invited to participate in the channel.

Update Your Anti-Harassment, Timekeeping, And Privacy Policies

As always, make sure that your anti-harassment, timekeeping, and privacy policies are up to date. Employees should be informed that the anti-harassment policy applies

to the use of desktop and mobile devices, including Slack. With regards to privacy, employees should be made aware that even direct messages and private channels are viewable by the company at any time.

Timekeeping policies should clearly specify the method by which employees are expected to clock in and out and submit requests for time off. If employees are required to use a separate timekeeping system and verbally inform their supervisor if they will be late to work, the policy should specify that messages delivered through Slack are insufficient. Hourly employees should be informed that they are not required or permitted to use Slack during non-business hours for work purposes. In addition, employees who are not required to use their personal devices for work purposes should acknowledge they are not required to use or access Slack through their personal devices.

Train Employees On Appropriate Uses Of Slack

Make sure to train your employees and supervisors on the appropriate uses of Slack in the workplace. Employees should be advised that Slack should only be used for work-related purposes and that inappropriate comments are prohibited. Employees should not be permitted to create private group channels without receiving prior written permission from their supervisor. You should train your supervisors on Slack's capabilities and the potential issues that may arise out of the use of the application.

CONCLUSION

If used appropriately, Slack can create a more efficient and advanced business environment where employees can communicate and interact more seamlessly than ever before. However, with the ever-growing presence of technology in the workplace, you need to remain cognizant of the various ways that traditional employment issues can arise through these new forms of technology, and implement best practices to address these issues.

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