Five Ways Employees' Smartphones Can Cause Trouble

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Every day, construction employers are finding new ways to use smartphones to increase their employees' efficiency and effectiveness. While the devices may be great for users, they present a myriad of potential problems for construction employers. Here are five of the most common potential employment problems caused by employees' smartphones.

1. Smartphones Can Be Used to Record or Steal Trade Secrets or Confidential Information. A company's information and trade secrets constitute some of its most valuable assets. Employers should have "acceptable uses" policies, non-disclosure agreements and other policies in place to discourage or prevent such adverse actions.
2. Smartphones Can Be Used for 'Textual Harassment.' Using smartphones to send offensive messages or images can be evidence of discrimination, harassment or retaliation in violation of Title VII, as well as other state and federal laws.
3. Smartphones Can Be Used to Raise Protected Complaints or Grievances. The National Labor Relations Act gives employees the right to engage in "concerted activities" for their "mutual aid and protection." "Facebook firings" recently have drawn national attention because the National Labor Relations Board has applied long-standing language to protect employees who use social media to complain about issues or to share information about their workplaces.
4. Smartphones Can Be Used to Prove Wage and Hour Violations. Smartphone applications allow employees to track their hours worked and to identify possible wage and hour violations. The Department of Labor's Wage and Hour Enforcement Division made it clear in a recent news release that it will utilize its own application as evidence of wage and hour violations.
5. Use of Smartphones While Driving Can Violate State and Federal Laws. If employees who use smartphones while driving are involved in motor vehicle accidents, employers can be liable for huge monetary damages for negligence and other causes of action.

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