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Did You Know...

Employees should *not* be allowed to provide their own locks on Company-owned lockers?

Employer Risks and Exposures

Employers frequently provide lockers or similar storage areas for employees to place their personal belongings. When employees are allowed to provide their own locks, it can create an expectation of privacy whereby employees assume that the lockers aren't subject to search by the employer.

Over the years, employees have filed numerous claims for invasion of privacy against employers that searched the employees' lockers. Employees were more likely to win their case when they could show they had a higher expectation of privacy because they provided their own personal locks and had exclusive access to the lockers. Those employers that had put employees on notice of the Company's right to inspect the lockers often came out on top.

Note: Some states have enacted regulations pertaining to workplace privacy rights and searches (New York State is not one of them). The Fourth Amendment's protection against unreasonable search and seizure limits the right to conduct workplace searches of public sector employees but does not generally apply to private sector employees.

Avoiding Disaster

Reduce employees' expectation of privacy by mandating that only Company-owned locks or keys be used on lockers and other storage areas provided by the organization. Develop a written policy that is distributed to all employees stating that lockers, desks, storage areas, etc., are Company property and the Company reserves the right to search them at any time.

When and how to conduct workplace searches is beyond the scope of this eNews.

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further information on workplace searches or any other HR topic.

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