

Prevent e-mail 'spamming' by angry ex-employees

Issue: A new court ruling makes it more difficult to stop former employees from blitzing your workplace with e-mail messages, including those that criticize the organization.

Risk: Distracted work force, damaged morale, reduced productivity, bad PR.

Action: Limit the potential damage by keeping staff e-mail addresses private and beefing up your filtering software so you can block e-mail from specific senders.

Former employees may be more emboldened to pester current staff with e-mail messages, thanks to a much-anticipated California Supreme Court ruling.

Recent case: After he was fired, an Intel Corp. engineer blasted messages to 68,000 company employees. The messages accused Intel of unfair labor practices.

Intel prevailed in lower courts, which ruled the e-mails trespassed on Intel's private network and hurt worker productivity. But the California Supreme Court overturned the ruling, saying the company didn't prove that its computer system was damaged or worker productivity was affected. The court said companies must prove actual damage to the computer system, not just abuse, to win an "electronic trespass" argument. (Intel Corp. v. Hamidi, No. S103781, Cal. Sup. Ct., 2003)

Note: While the decision's scope is limited to California, employment attorneys say its practical effects will reach farther.

What should you do? For now, hold on tighter to employees' e-mail addresses as proprietary information. That will help prevent disgruntled ex-workers from flooding employees' in-boxes with critical rants. You'll have more legal ground to stop such spamming if you can show that the ex-staffer used confidential company information.

Also, use this opportunity to reiterate your policy that limits e-mail use to company matters. And urge IT to beef up filtering software so you can identify and block unwanted e-mail from specific senders.