

Secretly recording co-workers: A firing offense?

Q. Some employees discovered that a co-worker has been secretly recording conversations with them and a supervisor. They're complaining about the invasion of privacy. The company president's first reaction was to have the employee arrested, but I'm not sure he broke any laws. Our policies prohibit general harassment, but do not specifically address clandestine recordings. Can we discipline this employee? Should we contact police? — N.V., Missouri

A. Wiretap laws vary from state to state. But under the federal wiretap laws, as long as one employee to the conversation consents to the recording (in your case, the employee actually doing the recording), then it is probably legal.

Nevertheless, it is bad policy to permit employees to surreptitiously record conversations with co-workers and supervisors. You are totally within your discretion to discipline this employee if you so choose. While you could go so far as to terminate, I would make it clear to this employee, in writing, that this is a serious offense and that the next time he is caught recording, he will be terminated.