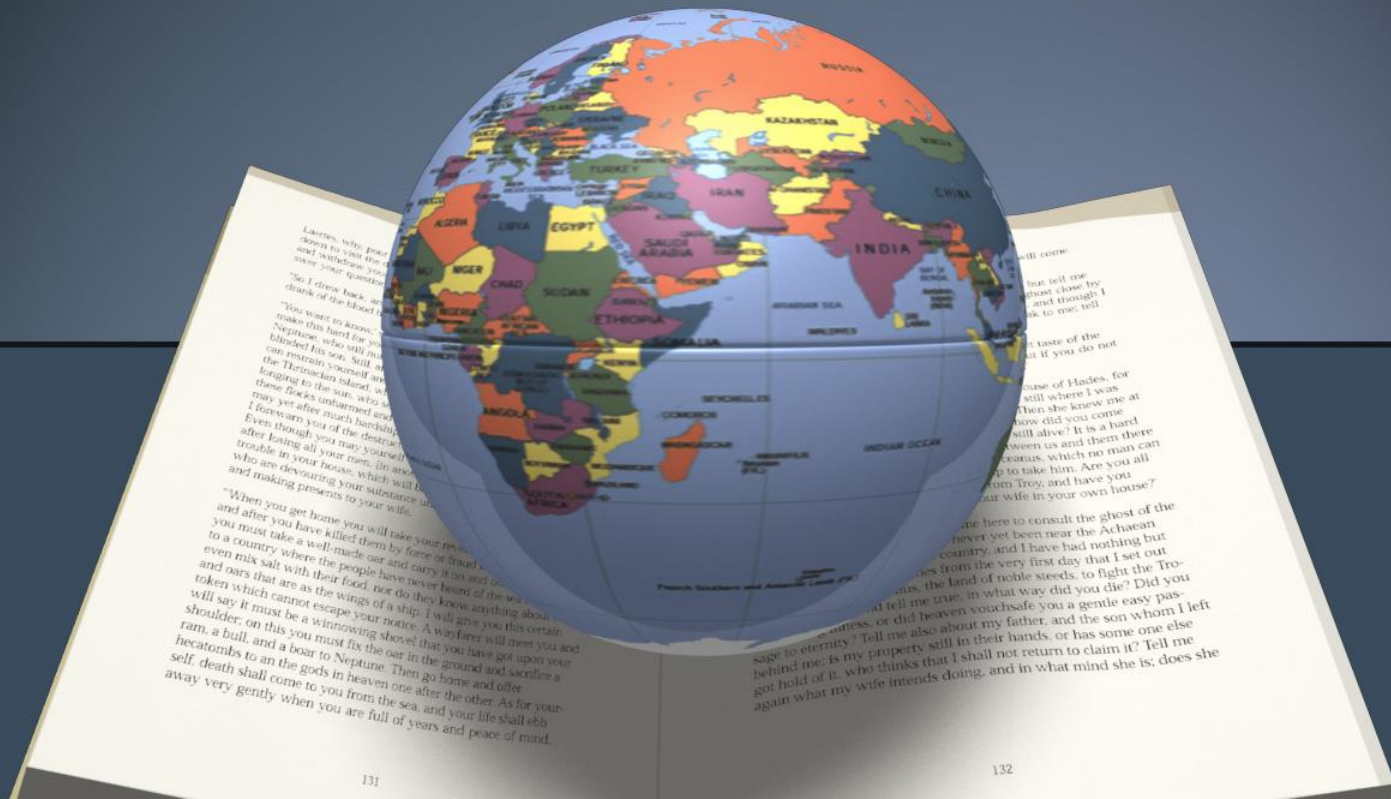# IT1218/IT1769
LAW & ETHICS OF IT

Lecture 05 : Ethics & Technology

5. ETHICS & TECHNOLOGY

Overview

- An introduction to <u>ethics</u> and <u>technology</u>
- An understanding of ethical issues relating to technology

Outline
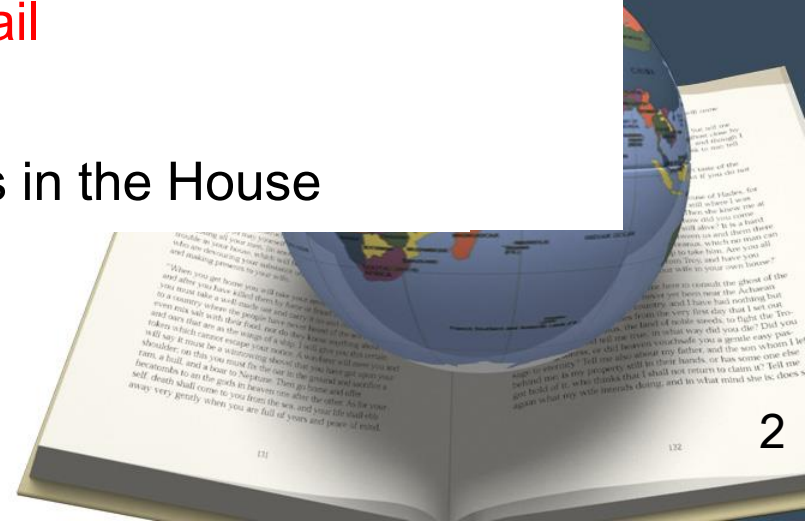
5.1 Introduction to Ethics and Technology

5.2 Do You Know Where Your Personal Information Is?

5.3 The promise of Increased Worker Productivity

5.4 The Dangers of Leaving a Paper Trail

5.5 Vicarious Liability

5.6 The Right to Privacy—Big Brother Is in the House

5. ETHICS & TECHNOLOGY

5.1 Introduction to Ethics and Technology

Technological advances often deliver new and improved functional capabilities before we have had the chance to fully consider the implications of those improvements.

Dramatic changes in workplace technology over the last two decades include:

- Desktop computing
- Internet (www)
- Email
- Instant Messaging (IM)

Technology advances with the promise of:
- "ease of access",
- "ease of use" and
- "increase worker productivity".

5. Ethics & Technology

5.1 Introduction to Ethics and Technology

Many of the promises of technology has been overshadowed by concerns over the <u>loss of privacy</u> in two key areas:

- as a customer
- as an employee

5. ETHICS & TECHNOLOGY

5.1 Introduction to Ethics and Technology

Many of the promises of technology has been overshadowed by concerns over the <u>loss of privacy</u> in two key areas:

- ## as a customer
- ## as an employee

> **Customers must be aware** that companies have the technical capability to <u>send their personal data to any part of the world</u> to take advantage of lower labour costs.

Customers' data

e.g. Outsourcing of customer service to a call centre set up in a oreign country …. Some of your personal data should have been sent over as reference of work)

5. ETHICS & TECHNOLOGY

5.1 Introduction to Ethics and Technology

Many of the promises of technology has been overshadowed by concerns over the <u>loss of privacy</u> in two key areas:

- as a customer

- **as an employee**

Employees must be aware that employers now have the capability of monitoring every email you send and Web site you visit in order to make sure that you really are delivering on the promise of increased worker productivity.
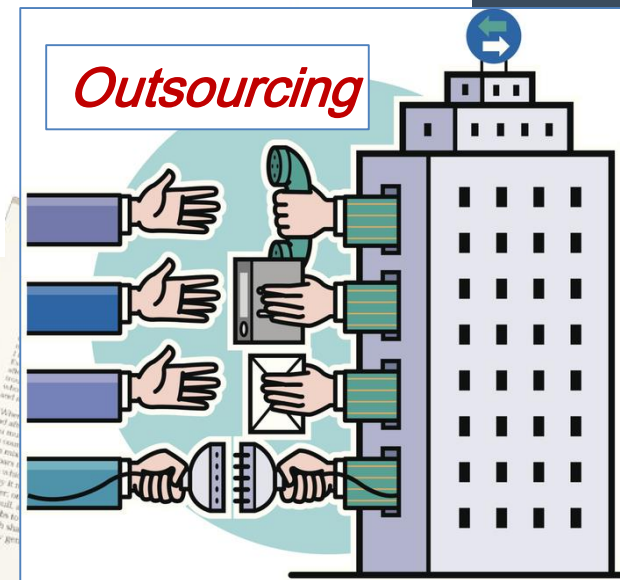
5. ETHICS & TECHNOLOGY

5.2 Do You Know Where Your Personal Information Is?

With the availability of:

- a network of fibre-optic cable that spans the globe
- an increasingly educated global workforce fluent in English

the potential cost savings for corporations in shipping work to overseas countries with lower labour costs is becoming increasingly attractive.

Question: *Should a customer be notified where a call centre is located?*
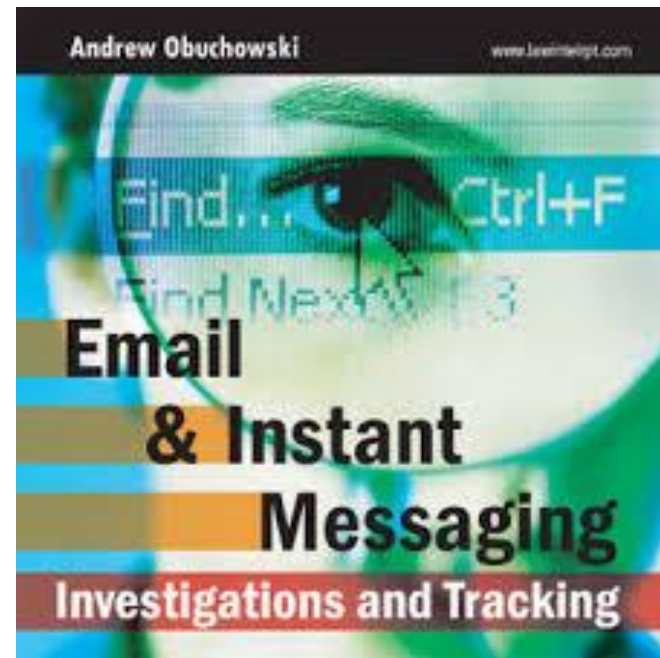
Outsourcing

5. Ethics & Technology

5.3 The promise of Increased Worker Productivity

Desktop computers, email, instant-messaging and the Worldwide Web (www) have changed our work environments beyond recognition over the last two decades, but with those changes have come a new world of ethical dilemmas.

The Two Distinct Viewpoints:
- The Employee Position
- The Employer Position

Andrew Obuchowski   www.laxmielipt.com

Find... Ctrl+F
Find Next F3
Email
& Instant
Messaging
Investigations and Tracking

5. ETHICS & TECHNOLOGY

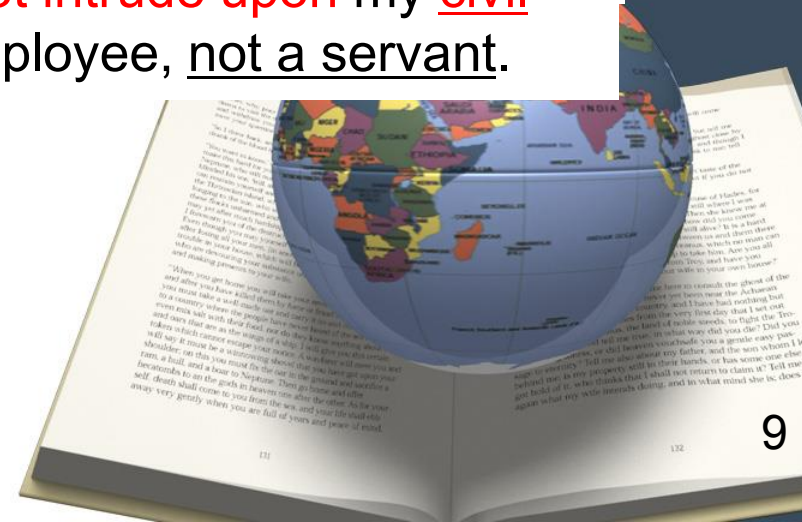## 5.3 The promise of Increased Worker Productivity

Employee says …

The Employee Position

As an employee of the company, I recognize that my time "at work" represents the productivity for which I receive an agreed amount of compensation—either an hourly rate or an annual salary.

However, that agreement should not intrude upon my civil rights as an individual—I am an employee, not a servant.

5. ETHICS & TECHNOLOGY

5.3 The promise of Increased Worker Productivity

Boss says …

The Employer Position

As an employee of the organization, your productivity during <u>your work time at work</u> represents the "performance" portion of the "pay-for-performance" contract you entered into with the company when you were hired.

The organization has an <u>obligation to its stakeholders</u> to <u>operate as efficiently as possible</u>, and to do so it must ensure that <u>company resources are not being misused </u>or <u>stolen</u> and that <u>company data and proprietary information are being closely guarded</u>.

5. Ethics & Technology

5.3 The promise of Increased Worker Productivity

The state of the job market will inevitably create a distinction between <u>two types of consent</u>: **thin and thick consents**.

(View from employee's perspective)

Thin Consent

If an employee <u>receives formal notification</u> that the company will be monitoring all email and Web activity--either at the time of hire or during employment--and it is made clear in that notification that <u>his or her continued employment with the company</u> will be dependent on the <u>employee's agreement to abide by that monitoring</u>, then the employee may be said to have given <u>thin consent</u>.

In other words, employees have two options – <u>agree to the monitoring</u> or <u>pursue other employment opportunities</u>.

5. Ethics & Technology

5.3 The promise of Increased Worker Productivity

The state of the job market will inevitably create a distinction between two types of consent: **thin and thick.**

(View from employee's perspective)

Thick Consent

If employment conditions are at the other end of the scale-- that is, jobs are plentiful and the employee would have no difficulty in finding another position--then the consent given to monitoring policy could be classified as thick since the employee has a realistic alternative if he or she finds the policy to be unacceptable.
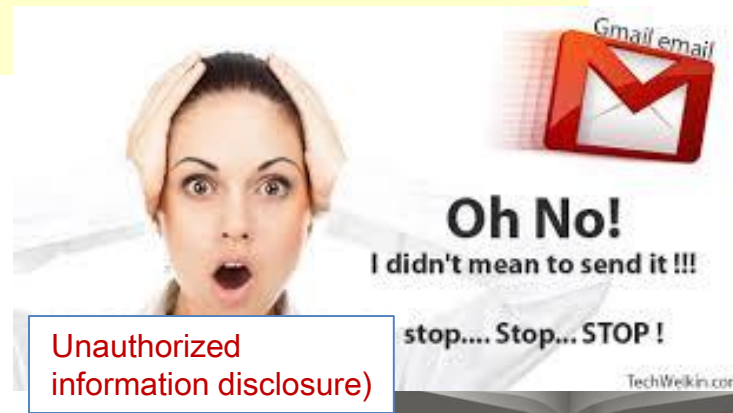
5. ETHICS & TECHNOLOGY

5.4 The Dangers of Leaving a Paper Trail

We may resent the availability of technology that allows employers to <u>monitor every keystroke on our computers</u>, but it is often <u>documents written on the machines that do the most harm</u>.

With the <u>immediate nature of Internet communications</u> and the <u>potential damage</u> that can be done with evidence gathered from the electronic paper trail of e-mails, it's easy to see why organizations have become <u>so concerned about the activities of their employees</u>.

Offensive emails)

Unauthorized information disclosure)

Gmail email

Oh No!
I didn't mean to send it !!!

stop.... Stop... STOP !

TechWelkin.com

5. ETHICS & TECHNOLOGY

5.4 The Dangers of Leaving a Paper Trail

Employers may be able to monitor every keystroke on computers, but the documents written on the machines do the most harm

- "Offensive" email postings
- Viewing inappropriate Web sites

Internet communication:

- Damage from electronic trail of emails

5. ETHICS & TECHNOLOGY

5.5 Vicarious Liability

If the negative effect on your corporate brand and reputation weren't enough of a reason to be concerned, then the legal concept of vicarious liability should grab any employer's attention.

Vicarious liability refers to a situation where someone is held responsible for the actions or omissions of another person. In a workplace context, an employer can be **liable** for the acts or omissions of its employees, provided it can be shown that they took place in the course of their employment.

Supervisor, You cannot refrain from your *Liability* - together with your subordinates*!*

5. ETHICS & TECHNOLOGY

5.5 Vicarious Liability

"…a legal concept that means that <u>a party may be held responsible for injury or damage, when in reality they were not actively involved in the incident</u>. Parties that may be charged with vicarious liability are generally in a <u>supervisory role</u> over the person or parties personally responsible for the injury/damage. The implications of vicarious liability are that the party charged is responsible for the actions of their subordinates."

Cyber liability & Data Protection

Increased publicity around <u>cyber attacks</u> has brought heightened awareness of <u>data privacy and cyber exposures</u>. The numbers are alarming with more businesses than ever experiencing <u>cyber crime with attacks</u> also directed at the Small Medium Enterprises (SME's).
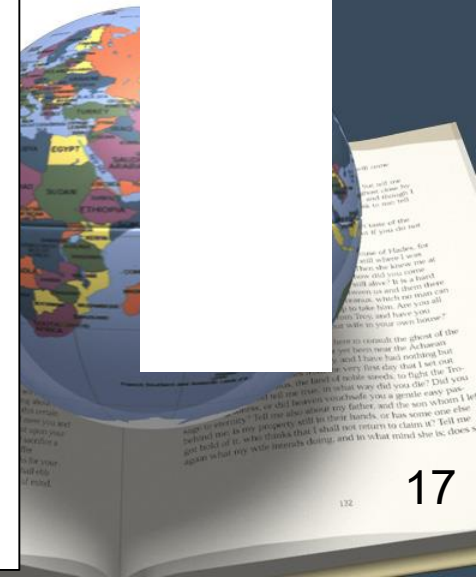
Cyber liability policies cover many of the risks associated with use of electronic data and the Internet.

5. ETHICS & TECHNOLOGY

George Orwell's novel – "1984"

In *1984,* Orwell creates a technologically advanced world in which fear is used as a tool for manipulating and controlling individuals who do not conform to the prevailing political orthodoxy. In his attempt to educate the reader about the consequences of certain political philosophies and the defects of human nature, Orwell manipulates and usurps the utopian tradition and creates a *dystopia,* a fictional setting in which life is extremely bad from deprivation, oppression, or terror. Orwell's dystopia is a place where humans have no control over their own lives, where nearly every positive feeling is squelched, and where people live in misery, fear, and repression.

The dystopian tradition in literature is a relatively modern one and is usually a criticism of the time in which the author lives. These novels are often political statements, as was Orwell's other dystopian novel, *Animal Farm,* published in 1945. By using a dystopian setting for *1984,* Orwell *suggests* the possibility of a utopia, and then makes very clear, with each horror that takes place, the price humankind pays for "perfect" societies.

5. Ethics & Technology

5.6 The Right to Privacy—Big Brother is in the House

- In his novel 1984, George Orwell created a dark and bleak world where Big Brother monitored everything you did and controlled every piece of information to which you were given access.

- The <u>vicarious liability</u> argument is presented to justify these actions as being in the best interests of shareholders, but what is in the best interest of the employees?

Question: *Is creating a "locked-down" place to work is driving away those employees who really aren't comfortable being treated like lab rats?*

End of Lecture 5

Q&A

- o Loss of privacy as a customers and employee.
- o The promise of increased worker productivity (Employer's vs Employee's position)
- o The thin and tick consents.
- o The Dangers of Leaving a Paper Trail.
- o The vicarious liability