Subjects: Professional Emails
Occupation: Employee
Data type: Professionals

Can my employer have access to my email?

An employee is on vacation and didn't divert his mail or put an absence message on his email.
Upon his return, the service is boiling because an urgent file could not be dealt with without access to his email.
His department head issued a warning. The employee denied any fault, insofar as his correspondent mistakenly sent his response to him when he was not the file manager.
The employee should have received specific instructions on the use of his mail in his absence. Holiday dates must be anticipated.
The professional in-box of an employee may be accessible according to the conditions defined in advance and acknowledged by the employee.

Recommendations
Guidelines must be developed for the use of the email. In the absence of clear rules, access to the mailbox of an employee is only possible for serious and objective reasons.

Basic principles
Cst. 13 al. 1 ; CP 143, 179novies and 321ter ; CO 328 and 328b

The right to respect privacy including correspondence, worker protection.

Resources