

Mike Pitt, employment, company and commercial law specialist at Oldham legal practice Pearson Hinchliffe, warns employers of the risks of turning a blind eye to “piracy” in the workplace.

Most people consider themselves honest, but some find it easy to convince themselves that something is “only a bit dishonest” or that some things don’t matter anyway because “everyone does it”.

If you bought a TV set at a knockdown price from a man you met in an Oldham pub, there’s a strong possibility that you might be receiving stolen property. But would you do it anyway, bearing in mind that the fewer people prepared to buy “hot property”, the fewer criminals there would be to supply this black market?

Some people might turn a blind eye and comfort themselves with the thought that, after all, if they didn’t buy the TV set, someone else would.

A similar sort of logic applies to the huge number of people who are prepared to buy “pirate” DVDs – and the transaction often takes place at work among colleagues, which means that their employers run the risk of being found guilty of aiding and abetting copyright offences.

So beware. If you are an employer it is your duty to do all in your power to prevent or eliminate such illegal activities, which can also involve using company equipment to download copyright material. If you don’t already have one, a company policy statement on the use of internet and e-mail should be made available to all employees, with the warning that illegal activity could result in dismissal.

The company policy should also make clear that anyone found dealing in any sort of pirate goods at work will be regarded as committing gross misconduct, with immediate dismissal. It might also be worth mentioning that the magistrates’ court penalty for copyright theft has a maximum fine of £5,000 and/or six months’ imprisonment. An offender could face an unlimited fine and/or up to 10 years’ imprisonment by the Crown Court.

Downloading copyright files might be less easy to detect than seeing employees physically buying and selling goods in the workplace, and that’s why it is advisable to have an e-mail and internet usage policy statement, informing employees that monitoring to detect illegal activity will take place. Even if you allow employees some private use of e-mail and internet, having such a policy statement will assure them that the monitoring is for a just cause and not intended as an intrusion into privacy.

And the cause is a just one, according to the DVD industry’s campaign-against-piracy body – the Industry Trust for IP Awareness – which says that serious criminals are behind the seemingly innocuous trade in illegal DVDs. Buying counterfeit copies in the office, at car-boot sales or from street traders nets those criminals millions of pounds to fund further criminal activity. TV celebrity Jonathon Ross supported the crackdown on illegal sales. He said: “Saying ‘yes’ to a pirate DVD is also saying ‘yes’ to crime on your streets. There is a price to pay for pirate DVDs and it’s much higher than most people think.”

So, make sure you and your company don’t have to pay a high price for your employees’ indiscretions.