Pokemon GO presents challenges for employers

But risks can be managed effectively: Experts

BY LIZ BERNIER

POKEMON GO, the mobile game that's sweeping smartphones of the nation, has seen a meteoric rise in popularity. And just as the game has blurred boundaries between public and private space, it has also blurred boundaries between work and play.

Many employees are taking the mobile game — among others — to work with them, and that has the potential to create issues for employers, according to Erin Kuzz, founding member of law firm Sherrard Kuzz in Toronto.

Chief among the risks are safety and security concerns, and productivity challenges, he said.

"When I turn my mind to the workplace issues that are raised by Pokemon Go and some of these related apps and games, two things are particularly glaring," said Kuzz.

"Number one is the security issues where people are downloading any kind of app or external game onto their phone, and that could be a phone that is used for work purposes — whether it's an employer-owned device or a BYOD (bring-your-own device)that's been approved for use in the workplace — it creates security issues."

With Pokemon Go, there are counterfeit or non-genuine versions that have been found to contain malware, she said.

"When you have employees po-

tentially exposing the employer's system to malware… it's an issue," she said. "Employers have to think about how they want to tackle this very quickly.

"My advice would be to prohibit use of anything like that on a work device — because you just can't control what happens if someone downloads malware."

Many of the risks are around cyber security, said Leah Fochuk, consulting services manager at HR consulting firm Salopek & Associates in Calgary.

"Because you sign up through Google, the app is really capturing a lot of sensitive data," she said.

Companies that use BYOD often deal in sensitive or confidential information and definitely need to be aware of those risks.

"Even when you're downloading it, if people are downloading the app not from official vendors, the risk of introducing malware could potentially affect your entire network," said Fochuk.

"On the IT side, there are some pretty big risks that would need to be managed."

Also, there are potential safety hazards when it comes to distraction or trespassing.

"Players are practising distracted walking: Their heads are down, they're not necessarily seeing where

they're going," said Fochuk. "As a company, you would hate to have something happen on your premises, so the safety aspect of that is also something to be aware of."

Productivity concerns

A second concern, of course, is that of productivity, said Kuzz — how can employers strike a balance between maintaining a productive workplace without taking too hard a line against a little harmless fun?

"That's where I think you have the balance of the workplace culture that you want to create and foster versus the productivity challenge. I think it's a similar thing to what we saw many employers face with Facebook," she said.

"I don't think a lot of employers have had a ton of success with completely prohibiting Facebook use. I think many have tried, and they found first of all if people weren't using it on their workplace computers, then they simply had their personal phones on their desk and were doing it that way — or the workplace culture was adversely affected and people felt like they were subject to a Big Brother culture," said Kuzz.

"You have to figure out where you as an employer want to strike a balance of the blending of the personal and the work-related."

Obviously, from a productivity

perspective, time-wasting on the job is a risk. Productivity will suffer, and perhaps attendance also, said Fochuk.

"Employers may worry that employees will be so wrapped up in the game, they will be coming in late or taking extra-long breaks or lunches," she said.

There's also the concern it could interfere with business in general — for instance, employees don't answer the phone or provide good customer service because they're so involved with the game.

Best practices

Augmented reality is impacting workplace reality, according to Ron Minken, partner at Minken Employment Lawyers in Unionville, Ont. — and there are best practices employers can follow to minimize risk.

Employers should account for augmented reality and mobile gaming in policies such as health and safety policies and employment agreements, he said.

"What's really important is that the employer consistently enforces these policies in terms of the employment agreement because, otherwise, they could be seen as condoning it or implicitly acknowledging that this conduct is being permitted."

Those policies should state em-

ployees are prohibited from downloading games such as this on an employer device or the employer network, he said.

"That's also including off-site workers. What could that worker be doing? He could be wandering around the neighbourhood. He may get hit by a car, he may hit someone else, he may trespass — who knows?" said Minken.

"The employer should do nothing to approve the behaviour — otherwise, they could be liable for injuries that are suffered by the player.

"The company should instruct employees as to how to address (this), how to discipline."

Also, employers must prepare employees with how to deal with trespassing in the workplace, he said. With games such as this, people may begin to trespass on the workplace property — it may even be prudent to consider installing signage to prevent trespassing.

"I think we can expect to see a number of increases in a number of things, and one would be accidents in the workplace — slips, trips, falls, et cetera; trespassing outside the workplace by employees; trespassing at the workplace by non-employees; breach of confidentiality by employees because they may walk into a certain area, and confidential information may be visible to them while they're in that area... and also claims for damage or interference with land," he said.

"All in all, it's something that employers should be very much on top of and address by way of their policies or their employment agreements."

Employers should be realistic about what this game could mean for games of the future that are very interactive, that access different information from a personal phone, said Fochuk.

"The whole key here is if you embrace it and really manage it well," she said.

There can be significant pluses for team-building and morale if managed well.

"Let's think about what the positives are, and how we can use that to do things like encourage engagement or develop your employer branding," said Fochuk.

"Employers have a lot of different options here."