

Prison guards demand right to complain online

September 17 2009, By ROD McGUIRK , Associated Press Writer

(AP) -- A group of prison guards dubbed the Facebook Five has gone to an Australian court to fight for the right to complain about their boss on the Internet.

The case has stirred debate in Australia about whether writing on [social networking sites](#) amounts to a chat between friends or a form of publishing.

New South Wales state prison authorities accused the five guards of misconduct and threatened to fire them last month over their disgruntled cyber exchanges about their superiors, including the man who runs the state's prisons, Corrective Services Commissioner Ron Woodham, according to court documents.

Their union, the Public Service Association, has gone to the state Industrial Relations Commission to save their jobs.

The union also wants the court to change the prison guards' employment agreement to protect them from disciplinary action "in respect of out-of-work conduct intended to be private," according to the documents.

A hearing on the case began Wednesday and will continue next Tuesday. The Australian media have dubbed the three men and two women the Facebook Five.

Union official Stewart Little said the prison guards were letting off

steam in their own time and within a private Facebook group that was closed to outsiders over plans by management to privatize a Sydney prison operated by the state government. It is unclear how [prison](#) authorities gained access.

The guards claim in their submission to the court that a senior official wrote them a letter saying he was considering disciplinary action against them that could include dismissal. They said letter alleged they had made "unauthorized public comment" on their department's work and "comment to the media without permission."

They were also accused of making offensive comments about Woodham and other senior officials.

The department declined Thursday to comment on the case.

Little said the guards acknowledged that their comments - which have since been taken down - were disparaging toward Woodham, but insisted they were only meant to be shared with each other.

"We don't believe it constitutes misconduct," Little said. "It's more like people getting together in a pub and having a beer and bagging the boss because the boss wants to privatize their jobs."

Peter Black, a Queensland state University of Technology lecturer on Internet law, said that writing something unpleasant about someone online "is different from a conversation over a cup of coffee or a barbecue because there is always a record kept in the online environment which is usually searchable."

Lawyer Stuart Cole-Morgan said a conversation on [Facebook](#) or MySpace with colleagues or about colleagues could legally be considered work-related.

"I think the workplace would be considered to extend that far and certainly if we look at activity such as sexual harassment outside the workplace, that has been considered to impact on work," Cole-Morgan told Australian Broadcasting Corp. radio.

Facebook's reputation as a strictly social network was jolted in Australia last year when a court ruled that a mortgage lender could use it to break the news to a couple that they had lost their home.

Some people are concerned that such court-approved contacts with their social networks could amount to a violation of privacy.

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