

ISSUE

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CAN EMPLOYEES USE CHATGPT AT WORK?

The answer is yes, but only within clear workplace rules.

Artificial intelligence can help employees work faster, improve written communication and develop ideas. It can also expose an employer to confidentiality breaches, incorrect advice, discrimination and reputational damage. The safest approach is controlled use, supported by a written policy and meaningful human review.

The employee remains responsible

ChatGPT and similar tools are assistants, not accountable decision-makers. An employee cannot avoid responsibility by saying, "The AI produced it." The employee must check the accuracy, suitability and tone of the output before using or sending it. Managers remain responsible for decisions taken in the name of the employer.

The greatest risk is what employees type into it

Employees may be tempted to paste emails, contracts, payroll information, medical records, disciplinary allegations, client complaints or CVs into a public AI tool. This can disclose confidential information and may amount to unlawful or insecure processing of personal information. POPIA requires employers to apply appropriate safeguards to personal information and to process only what is necessary for a lawful purpose.

A sensible permission line

Generally acceptable with permission	Not acceptable without specific approval
Brainstorming using non-confidential information	Uploading names, ID numbers, payroll, health or disciplinary information
Improving grammar or tone in non-sensitive text	Relying on AI for a final legal, technical, safety or financial conclusion
Creating a first draft that a person will review	Allowing AI to decide who should be hired, disciplined, promoted or dismissed
Summarising public information	Presenting invented facts, quotations, sources or qualifications as genuine

Important:

Even apparently harmless prompts can reveal business methods, pricing, customer information or internal problems. If the information should not be posted publicly, it should not be entered into an unapproved AI platform.

May misuse result in disciplinary action

Yes, depending on the facts. Misuse may constitute failure to follow a lawful and reasonable instruction, breach of confidentiality, negligence, dishonesty, unauthorised disclosure of personal information or conduct causing reputational harm. The employer must still prove the rule, the employee's knowledge of it, the breach and the fairness of the sanction. A published policy and training make expectations far easier to enforce.

Five actions employers should take now

Adopt a written AI policy.

State which tools and uses are approved, restricted or prohibited.

Protect information.

Prohibit employees from entering confidential, personal, client or special personal information into unapproved platforms.

Require human verification.

Every material output must be checked against reliable sources before it is used.

Keep human control over employment decisions.

Recruitment, performance, discipline, promotion and dismissal decisions must never be made solely by AI.

Train and obtain acknowledgement.

Explain the risks, answer practical questions and retain a signed policy acknowledgement.

Questions managers should ask before approving AI use

- Does the prompt contain confidential or personal information?
- Could an incorrect output harm a person, client, product or the business?
- Is a suitably qualified person checking the result?
- Can the source and accuracy of important statements be independently verified?
- Would the employer be comfortable explaining this use to the affected employee or client?

Legal references. Protection of Personal Information Act 4 of 2013; Labour Relations Act 66 of 1995; Code of Good Practice: Dismissal, Government Gazette 53294 of 4 September 2025.

This newsletter provides general guidance and should not replace advice on the facts of a particular matter.

CONTACT DETAILS

Address: 7 Olivier Str, Noordheuwel, Krugersdorp, 1739

Landlines: 011 954 6206 / 011 954 1501

E-mail: judy@ward-es.co.za

Website: www.ward-es.co.za

