

Workplace Law Fact Sheet

Employees and social networking

Social networking forums such as Facebook, MySpace and Twitter are having an increasing impact on the workplace. Their informal feel and potential for anonymity can blur the line between work and private life, leaving employers exposed for comments posted by employees.

Cyber-bullying, false identities, disclosure of confidential information and wasting work time are among the well-known problems. Recent issues have included defamatory comments by employees about manager, and on-line posts gloating about the true reason for taking a day's sick leave.

What can employers do to minimise the risk to their business?

Blocking access to social network sites.

Blocking access is a technique used by many employers, but it is a fairly blunt instrument for dealing with a much more complex problem. Many businesses in fact rely on social networking sites for marketing and HR purposes, so blocking the sites is impractical. And while blocking access can avoid wasted work time, employees can still engage in inappropriate online behaviour after hours.

Having a social networking policy. Expanding an internet and email usage policy to cover social networking is a very wise move. Employers can require their staff to follow guidelines about online behaviour which matches the requirements of their particular business. A policy should cover at least the following issues:

- Who is authorised to speak for the business – that is, whose online comments will reflect the business's opinions. Online posts by anyone else are presumed to be in their personal capacity.
- A reminder of confidentiality obligations and non-disparagement obligations. It is vital that employees cannot disclose information or criticise the employer (or its customers and clients) online.
- A clear statement against online bullying and harassment of any other person, including employees and customers.
- Consequences for inappropriate posts – that is, what can happen to an employee who breaches the policy.

It is also important to make sure the internet and

email usage policy (sometimes called an electronic communications policy) is up to date. This policy should give the employer a right to monitor worktime internet usage by staff, including sites visited and comments posted. Without a policy like this, employers can be unable to take any action against an employee whose online behaviour is inappropriate.

Issues about short-term and casual employees.

Some staff are in contact with a business for only a short time. However, because their engagement with the workplace is more tenuous, these can be the staff who are more likely to make negative posts about the employer. To protect against this risk, it is vital to make sure these staff have signed the social networking policy as soon as they commence.

When writing a policy for social networking, it is important to think carefully about the real needs of the particular business. For some workplaces, blanket bans on social networking sites are appropriate. For others, social networking is part of the business model, and a more subtle approach is needed. The consequences for breaching the policy may be different for different companies.

The issues for social networking are similar to those about email. Only a decade or so ago, we were debating the merits of allowing employees to have email access at work – now work-based email accounts are the norm for a majority of employees. Looking back to the discussions about email, and thinking about how email is actually used in the workplace, can help employers in deciding how to deal with the challenges of social networking sites.

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