



LEGAL GUIDE – SOCIAL MEDIA: Managing the Unmanageable in the Workplace?

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Social Media and your Workforce: Manage the Impact

Employers can no longer afford to ignore the huge impact of social media on our personal and working lives. Whilst a blanket ban can be imposed on any access to social networking sites at work, this does little to solve the problem of out of hours activity or the use of other devices such as smartphones and tablets, to access social media.

The measures adopted by employers to adapt their business practices to suit the ever changing digital etiquette will vary; the importance of a Social Media Policy which sets clear parameters about permitted use, is undeniable. A Social Media Policy may include:

- Rules on what personal use is permitted at work (if any);
- A warning that comments made on social media sites should be treated as public rather than private;
- Restrictions on reference to the employer's name on a social media profile and when and where the inclusion of an employer's name is appropriate;
- A clear reminder to employees not to make derogatory comments about the employers, colleagues or clients on social media;
- Guidelines for the use of social media sites in a business context particularly with reference to the protection of the employer's confidential information;
- Prohibition on bullying, harassment, or otherwise discriminating employees through social media;
- Cross-references to other relevant policies of the employer such as disciplinary rules, data protection and equal opportunities policies;
- Explanation of the types of monitoring the employer will undertake in relation to the use of social media, by employees;
- A warning that a breach of the policy might lead to disciplinary action up to and including dismissal.
- A requirement that employees insert a disclaimer into any blog stating that any views contained on the blog are those of the employee and are not representative of the employer's views.

Other practical steps that an employer can take to help minimise the risks associated with employees using social media include:

- Providing awareness training to employees on conduct that could constitute discrimination, harassment and bullying in a social media context;
- Promptly responding to complaints of harassment or discrimination via social media;
- Setting up internet monitoring and alerts to maintain awareness of discussion and comments being made about the employer (though monitoring should be proportionate);
- Incorporating within employment contracts, an appropriate confidentiality clause and post-termination restrictive covenants relevant to social media;
- Updating other related policies to include social media considerations e.g. recruitment policies, anti-harassment and bullying policies and data protection policies.

Seek Specialist Legal Advice

Barnes Roffe Legal Limited are employment specialists with a depth of experience advising employers and their businesses. We would be pleased to discuss your situation on a no obligation basis. Please contact Niki Avraam, Employment Partner on 020 8988 6190 or na@brlegal.co.uk