



Managing the Risks of Social Media in the Workplace

Social media, once the online domain for younger generations, is now a worldwide cultural phenomenon forever changing how we communicate. A recent Strategy Analytics report estimates that by 2012, there will be 1 billion social media users. While there is no question social media is an inherent part of our daily lives, there is concern that too few companies are focusing on the perils associated with social media in the workplace. It is critical that employers recognize the risks and take steps to effectively manage them.

“The Risks”

What should employers be concerned with? Employees’ cavalier attitudes about social media and the head in the sand approach of most businesses regarding social media can lead to significant liabilities, and ultimately lead to significant damage. For example, some employees use social media to bully or harass other employees. Other workers might inadvertently (or perhaps deliberately) reveal confidential corporate or client information. The Facebook pages of employees may also present a less than positive image of an otherwise “ambassador” for the company.

“Managing the Risks”

Business owners should consult with their qualified employment counsel to achieve a complete understanding of what should, and should not, be included in a social media policy as a first step toward risk management regarding social media... The policy should become part of the employee handbook and counsel should also assist in training managers and supervisors on the implementation of the policy.

“Establishing Policies”

A social media policy should begin with a clear explanation of the potential risks associated with careless social media activity so that employees understand the importance of their adherence both on and off company time. It should clearly prohibit the company’s equipment from being used in any unlawful social media and online activity and indicate consequences of inappropriate use. The policy should clearly delineate to employees the company’s expectations regarding on line behavior. However, because of recent trends at the National Labor Relations Board, even non-unionized companies must be careful to expressly state in the policy that nothing in the social media policy is meant to interfere with the employees’ rights under Section 7 of the National Labor Relations Act which gives employees the right to engage in protected concerted activity — in other words, discussing their terms and conditions of employment with each other.