

SOCIAL MEDIA...TRUE OR FALSE...

Mackrell Turner Garrett has comprehensive expertise in social media-related legal issues. Here our social media specialists **Maung Aye** and **Donna Martin** provide an expert insight into some common social media misconceptions.

If an employee bullies a colleague via Facebook on a personal computer outside office hours, I cannot discipline them.

False: provided the company has a bullying policy that covers cyber bullying outside the workplace, the bullying must be dealt with in the usual way.

I cannot be sued for posting a defamatory statement on my Twitter account as I am not a publisher.

False: if an individual posts an untrue or defamatory statement online that cannot be defended, as the maker of the statement they can be liable for defamation and legal consequences, including costs, may follow.

I cannot dismiss an employee if the misconduct occurs online.

False: if online behaviour constitutes gross misconduct, and there is a social media policy

in place detailing this, online behaviour must be treated in the same way as if it occurred in person.

My LinkedIn contacts are automatically my property.

False: depending on who owns the account, when the connections were made and any contractual provisions, an individual's LinkedIn connections may belong to the employer.

I can use Twitter or Facebook to serve a statutory demand if someone owes me money and I do not have their address.

True: providing that you have tried to serve the statutory demand personally. If this is not possible, you must firstly do "all that is reasonable for the purpose of bringing the statutory demand to the debtor's attention", which would include sending the demand by fax, email and post. If these methods are not practicable, using social media could be considered.

For more information on any aspects of social media, please contact **Maung Aye** or **Donna Martin** at Mackrell Turner Garrett on **00 44 (0) 20 7240 0521**

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CONTACT OUR SOCIAL MEDIA EXPERTS



Donna Martin
Solicitor

T: 00 44 (0) 20 7240 0521

E: Donna.Martin@mackrell.com

Donna is a social media specialist who regularly advises employers on issues including the social media policies they should have in place, how employers should deal with cyber bullying involving employees and disciplinary action when employees making derogatory comments on social media sites about their employer.

She has produced a guide on the importance of implementing social media policies in the workplace, given presentations on the legal implications of social media in the workplace and acted as a commentator on social media-based dismissals on national radio.

Alongside her social media expertise, Donna is an expert in all aspects of employment law.



Maung Aye
Senior Associate

T: 00 44 (0) 20 7240 0521

E: Maung.Aye@mackrell.com

Maung is experienced in all aspects of corporate and commercial law, including issues relating to social media.

His broader experience includes company and business acquisitions and disposals, MBOs and MBIs, joint ventures and corporate finance transactions.

He frequently also advises on shareholder and partnership agreements, company reorganisations and general corporate governance issues, aircraft financing and lease arrangements, IT distribution and reseller agreements and international data transfer issues.



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