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Social Media Policies

A Guide



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PROTECT YOUR BUSINESS BY DEVELOPING STAFF SOCIAL MEDIA POLICIES

Social media platforms including blogs, Twitter, Facebook, LinkedIn, Myspace and YouTube, allow us to communicate and share information with contacts and there are a number of key advantages of using such platforms in the workplace.

However, from an employment law perspective, inappropriate social media activity is a conduct issue which should be dealt with via your disciplinary and grievance procedures. In order to manage these issues effectively, you will need a staff social media policy.

WHY IS A SOCIAL MEDIA POLICY IMPORTANT?

It is estimated that misuse of the internet and social media costs the British economy billions of pounds each year, with businesses forced to fight issues of confidentiality, cyber-bullying, defamation and freedom of speech in well-publicised court battles together with the significant number of hours of productivity lost by employees using social media during the working day and the costs associated with this.

Innovations like smartphones and the internet are undoubtedly valuable to your business – they help staff to work more flexibly and communicate more quickly and allow you to get a positive image of your business into the public domain. On the other hand, it is impracticable for employers to have much, if any, control over what might be published on social media by staff.

Therefore, it is vital that businesses develop policies for the use of social media.

Without clear guidelines in place, employees may take to social media platforms to complain about a bad day at the office, post offensive comments, harass colleagues, discuss current or potential clients or reveal confidential information.

Furthermore, depending on the security setting used, such information can be visible to clients, suppliers, competitors and colleagues, as well as the media, creating negative publicity for the brand which you have worked so hard to build.

WHAT DOES HAVING A POLICY ACHIEVE?

By having clear guidelines in place staff will know what they are permitted to say about their colleagues, the business and its clients in both a personal capacity and on behalf of their employer.

In addition, a social media policy ought to be designed to provide clarity regarding the personal views employees can express, what is considered defamation and how staff are expected to protect the reputation of the company.

Having a policy in place also helps manage performance effectively, outlines any monitoring of social media that the company carries out and explains how breaches will be dealt with.

All of this ought to help you to manage the problems which arise from the actions of employees.

WHAT SHOULD A POLICY CONTAIN?

Firstly, the policy needs to differentiate between employee's personal use of social media and those employees who have access to any corporate social media sites and blog, tweet and post on the businesses behalf. It is advisable for the policy to concentrate on employee's personal use of social media whilst referring to guidelines for the corporate use of social media which can be contained in a separate document.

The policy needs to outline what constitutes acceptable behaviour when using social media sites. It should clarify whether such usage is being monitored and, if so, how this will take place. It is important to consult with employees before implementing such measures, and businesses need to be sure they can justify using them.

Any limits on the personal use of the internet and email addresses at work will usually be set out in your businesses Information and Communication policy however, a social media policy should contain the businesses stance on whether privacy setting on sites such as Facebook are required, whether an employee can associate themselves with their employer on their personal social media sites and 'befriend' colleagues and clients, and what information and images should remain confidential.

Employees could be required to include a disclaimer on blogs to show that the points made reflect the views of the individual, rather than the ethos of the company.

Furthermore, the policy can be used to remind staff of copyright issues to ensure that credit is given when quoting individuals or retweeting. It should also make clear anything which constitutes the intellectual property of the company itself.

It is important to have appropriate disciplinary procedures in place, which should be outlined in the policy document, should staff breach any of these procedures. These should include sanctions for cyber-bullying and other forms of harassment. Staff should also be reminded that their online behaviour will be treated in exactly the same way as if it had occurred in person and as a result, the same sanctions will apply.

Finally, on a more positive note, there are benefits from integrating social media tools into your business strategy, so the policy should also contain details on how this can be used to boost your brand and reputation.

BEWARE!

An employer's desire to protect itself may put it on a collision course with an employee's right to privacy and freedom of expression, which are rights protected by the Human Rights Act 1998.

Consequently, you must ensure that you act proportionately in relation to any disciplinary action taken against staff in relation to inappropriate online conduct.

When monitoring communications through social media platforms and emails, employers must also comply with the various principles of the Data Protection Act 1998 that relate to data processing during employment.

CALL MACKRELL TURNER GARRETT FOR ADVICE

At Mackrell Turner Garrett, we have the expertise required in order to safely guide you through the development, implementation and enforcement of staff social media policies.

In some circumstances, policies which you might currently have in place for email and internet usage can be adapted to meet these new requirements. Our specialists can review your documents and help with any changes that are required in order to bring them up to date for the social media age.

Where required, we will suggest amendments to cover such technological advances and recommend new policies and other improvements to ensure issues such as the use of smartphones and the prevention of cyber-bullying are covered.

Mackrell Turner Garrett can also ensure your disciplinary and grievance procedures are up to date and legally compliant.

For tailored advice on the drafting of social media policies, or any other employment law matter, please contact Donna Martin in our Employment Team:



Donna Martin

Donna is a solicitor in the Employment team of Mackrell Turner Garrett's London office, where she advises both employers and employees on a full range of contentious and non-contentious issues.

Her experience includes drafting employment contracts and handbooks, advising on grievance and disciplinary procedures and preparatory work prior to employment tribunals, including advising on the advantages and disadvantages of settling cases. She has particular expertise in settlement agreements and managing social media in the workplace.

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