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## Social Media and Your Company

Are you worried about the impact of social media on the reputation of your company?

Irrespective of whether or not you permit access to social networking sites at work you can be sure that many of your employees will be posting content, blogging and tweeting in their own time. With the prevalence of social media it's harder and harder to separate personal and professional lives. It's getting to the point that we need to assume that almost everything that is shared on-line, even privately will be public.

How can you be sure that your employees' social media content is not reflecting badly on your company? The potential negative impact on reputation is a concern for many employers and there are an increasing number of cases where employees have been suspended or dismissed due to the content of their social media posts.

## A case of employee dismissal

An Apple Store worker from Norwich who ranted about his employer and the iPhone on his Facebook page was dismissed. He claimed unfair dismissal but an employment tribunal deemed that he was rightly and fairly dismissed. Apple believed that the Facebook messages were particularly damaging because the Company relies heavily on its brand image which was tarnished by the comments.

The tribunal panel took into account the Company's position that Facebook posts were not truly private and could have in fact been forwarded very easily with the claimant having no control over this process.

This case illustrates the impact social media is having on the workplace and the challenges employers face in dealing with the ramifications. These include monitoring usage, protecting intellectual property, sensitive information and protecting the organisation's reputation.

## To ban or not to ban?

Banning the use of social media sites by employees during work time is favoured by many UK employers. Around two thirds of organisations currently ban its use. However, there is a growing trend with employers who feel due to its omnipresence they need to start to embrace social media. Many of the cases leading to employee dismissal have been related to content posted in employees' own time and even if usage is banned many employees have smart phones and mobile tablets which can be used to access the internet during breaks on and off work premises.

Some employers also feel that by banning access they may prevent staff from gaining access to knowledge that might be valuable or may make them look old fashioned particularly to younger employees or 'would be' ones they are keen to attract.

## The risks involved

Clearly there are risks associated with social media, the most common of which are;

- defamatory comments and damage to brands
- potential breaches of security and confidentiality
- risk of cyber bullying/harassment and/or discrimination against employees or third parties and
- loss of productivity because of time wasted

## What should you do?

The most important means of minimising these risks is by having a robust social media policy in place, either as a stand-alone policy or as part of an email and internet policy. Also it can be useful to incorporate specific provisions into employment contracts.

Employers must make it clear what is acceptable behaviour and what is prohibited in relation to social media. An employer will be in a better position to defend a claim of unfair dismissal where they have dismissed an employee for posting defamatory or damaging comments if they have previously clearly communicated their policy on the use of social media.

If you would like us to review an existing social media policy or would like our help in drawing one up let us know by emailing [cmcdonald@hasslefreehr.co.uk](mailto:cmcdonald@hasslefreehr.co.uk) for further information.

For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing [cmcdonald@hasslefreehr.co.uk](mailto:cmcdonald@hasslefreehr.co.uk) or by calling 02476 664092 or 024 76 670381.



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