Social Media in the Workplace… #OMG!

Whether or not your business has a social media presence, your employees and customers do. In the era of Facebook, Instagram, LinkedIn, and X (fka Twitter), a company that ignores posts on the internet about its employees, its services, or its products is a business waiting to be unpleasantly surprised. One negative post by an internet 'troll' that gains traction can be devastating to a business. Similarly, one employee's harassment of another on Facebook can be equally devastating to employee morale and could create legal consequences for an employer if not appropriately addressed.

So, what are some ways a business can prepare itself to meet the challenges arising from the pervasive use of social media? Here are some of my top tips:

1. **Restrict Access.** If your company maintains its own social media presence (e.g., a company Facebook page), designate one person to post on the account and make sure that person is appropriately trained regarding content uploaded on behalf of the company.

2. **Monitor.** Even if your company does not have its presence, someone at the company should be responsible for monitoring what is posted about the company. That person should address complaints raised by customers (or former employees), even if simply by responding such as "please contact us directly, we're happy to work with you to find a solution." If your business is 'trolled' by an anonymous internet poster, recruit real customers to provide positive reviews of their experiences to counter the troll's perspective. There should also be a plan in place to use or defuse information about the company on the internet.

3. **Recruitment Policies.** Be very careful if your company's hiring process involves a review of an applicant's social media presence. There is a real risk that the company could discover an applicant is in a protected class of individuals (e.g., based on age, race, or sex). That information could make its way into the hiring process or appear to affect the hiring process, and it may violate both state, federal, and many local laws. A best practice is to avoid looking up an applicant online. Still, if that is not a workable solution, the company should obtain legal advice regarding policies to implement that mitigate these risks.

4. **Usage Policies.** Every company with employees should have written policies applicable to employee use of social media. All too commonly, situations arise where one employee harasses another on social media, or an employee shares customer or client information on their private social media account. Suppose an employer fails to have the right policies in place before such situations or fails to discipline employees who engage in such behavior appropriately. In that case, the employer risks being able to later successfully implement its policies and also threatens legal action initiated by an employee experiencing harassment or a client or customer who learns that confidential information has been shared. Such policies should be drafted to preserve an employee's ability to discuss the terms and conditions of their work while also remaining consistent with the employer's other general employment policies.

Social media provides many benefits to businesses, and the trick is not to ignore the legal implications that may arise due to its use. If you have any questions about your company's social media policies or use, don't hesitate to get in touch.