

SOCIAL MEDIA

We frequently hear from employers and employees, about the use of social media in the work place. The concern, is often, whether comments made on social media breach a policy (if there is one), or is conduct which can be disciplined.

Use/misuse of social media, either in or out of the workplace can both be subject to disciplinary action if it is used in a way which reflects badly on your employer and their business. Even if you use privacy settings to ensure that only your friends can see your posts, this may not be sufficient if comments are circulated to others outside of that group.

When using social media it is useful to consider the following:

1. What does the policy say?

Check any work place policy and make sure you understand any restrictions on the use of social media. Some employers use such platforms as WhatsApp to communicate and there may be strict guidance published for what may/may not be acceptable.

2. Avoid negative or derogatory comments about your job

Posting negative things about your job online could trigger an investigation and subsequent disciplinary process. Best practice is to avoid making disapproving statements on social media about any colleagues, managers or customers.

3. Consider the employers perspective, work colleagues and management

Your employer will generally want to take some form of disciplinary action if you post negative comments

about the business, its products or services. Your workplace policy may refer to 'bringing the business into disrepute'. In some cases this can be treated as an act of gross misconduct and could put your job at risk.

If you feel you have a complaint to make in the workplace, the best policy is to address this directly with your employer.

4. Customers, clients, contractors

If you complain about a challenging customer or an annoying contractor, this may also be considered as an action bringing the business into disrepute. Your comments may be considered unprofessional and also result in disciplinary action.

5. Confidentiality breaches

You should also consider that even if your comments are positive, is there a potential for breaching confidentiality. Your workplace will likely have a policy in place to ensure that trade secrets stay secret, as well as being legally required to follow data protection rules, and discussing day to day details of your job online could inadvertently put you in breach of these.

A few examples of issues that might amount to a breach of confidentiality if discussed online include:

- naming other businesses your company has entered deals with
- sharing stories about customers in enough detail that they could individually be identified
- detailing unreleased products you may be working on
- sharing personal information about staff or customers.

6. Defamation of character

Untrue statements which harm someone's reputation is known as defamation. Social media can potentially be seen by anyone, so spreading rumours, even if you heard them from someone else, can get you into legal trouble.

7. Threats and harassment

As well as breaching your workplace policy, if you send threatening or abusive messages to someone online, this can count as harassment and lead to criminal prosecution. Furthermore, if abuse or threatening behaviour is motivated by any of the target's 'protected characteristics', such as their race, gender, sexual orientation, religious belief, or disability, this can count as hate crime.

8. Content that causes offence

If you are just making jokes or messing around, your employer may still feel that you are bringing the company into disrepute if the account you use for posting this content is too closely tied to your job, as other people may see your comments as representing the view of the company. If you tend to post things online which you would prefer your employer not to see, it's best not to connect social media accounts to your job.

9. Lighting fires - evidence of other dismissible offences

Be careful what you say to others. Calling in sick for work, for example, and then posting that you are enjoying time out with friends, is unacceptable to an employer and will lead to disciplinary/dismissal action.

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