



EMPLOYER BULLETIN: SOCIAL MEDIA POLICIES - - A MUST IN THE AGE OF ELECTRONIC COMMUNICATION

Many employers are trying to decide whether or not they need to implement a social media policy. Although most employers currently maintain e-mail and internet usage policies, it is unlikely these cover employee use of social media such as Linked-In, Facebook, Twitter and You Tube. Setting forth guidelines will assist employees by removing any doubt as to what is "allowed" and what is "not allowed." Employers should be proactive and safeguard themselves from employee misuse of social media. Although employers cannot prohibit employees from using these forms of social media altogether, they can amend their written policies to provide guidelines as to what employees can "post" about their employers and co-employees.

WHAT SHOULD BE IN A SOCIAL MEDIA POLICY?

Employers should ask themselves some of the following questions when developing a social media policy.

- In what circumstances will the employee be authorized to speak on behalf of the employer? Will employees be required to provide a statement regarding their personal views?
- Will employees be authorized to use company logos or trademarks on the site?
- Are there circumstances under which employees will be allowed to engage in social networking, on behalf of the employer, during working hours? For example, are employees encouraged to use social networking as a form of marketing or recruiting for the company? If so, there must be specific guidelines for this type of use.
- Are employees allowed to provide references or information regarding former or current employees through social networking?
- What steps should employees take before disclosing information regarding co-employees? Are there circumstances in which employees can write or display information about work events that may reference co-employees?
- Do employees know that the employer reserves the right to monitor their use of social media regardless as to the location from where the social media is being accessed (e.g. during free time, or at home)?
- May employees discuss the employer's confidential and/or proprietary information through social media? (Has the employer even defined what is "confidential and proprietary information"?)
- Are employees aware of the consequences if they fail to abide by the guidelines?

IMPLEMENTATION AND ENFORCEMENT

Employees must understand why the social media policy is in place and that it is not meant to restrict their free speech, but to protect the employer from liability and damage to its reputation. Once employers have established the guidelines, it is necessary to help employees understand what this means to them by providing training and examples. Because there is no guarantee that employees will follow these guidelines, employers should consider implementing an internal policy for monitoring (or spot checking) popular social media sites.

We are experienced, proactive and aggressive legal counsel providing superior service in all areas of employment law. If you would like further information regarding the issues raised in this newsletter or any other employment related issues, please contact Heather G. Ptasznik at (313) 259-8586, John T. Below at (313) 259-8597, or Matthew S. Derby at (313) 259-8653. For more information about Kotz Sangster, please visit us at www.kotzsangster.com. This newsletter is provided as general information service and should not be construed as and does not contain legal advice on any specific matter, nor does this message create an attorney-client relationship.