

Social media

- the implications for employers

The use of social media, such as Facebook, Twitter, YouTube, LinkedIn and blogs is growing every day and, with many people accessing social media at work, it is hardly surprising that Facebook has been described as an “HR accident waiting to happen”.

What are the risks associated with allowing social media to be used in the workplace and how can employers minimise them when developing a social media policy?

Risks include:

- discrimination claims;
- lost productivity;
- vicarious liability for employee’s actions;
- losing confidential information;
- damage to the reputation of the business; and
- losing ownership of social media contacts.

The most effective way to minimise risks is to issue a social media policy to all staff including consultants, contractors, casual staff, agency workers and volunteers. A good policy will cover access periods,

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monitoring provisions, privacy rights, confidentiality and disclosure agreements, conduct rules, ownership rights and details of disciplinary action.

Staff should be trained in the appropriate way to use social media in the workplace and monitoring of compliance with the policy should be proportionate.

The policy should be enforced consistently so that any employees who breach it are treated in a similar way. The policy will need to be reviewed and updated periodically as the technology moves on, as it inevitably will.

You should also consider updating your contracts of employment, disciplinary procedure, equal opportunities, bullying and harassment policies and your IT policy to cover use of social media.

An employer with a well thought out social media policy is in a much stronger position to avoid risks to their business and defend employment law claims.

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good on paper, even better in person

Contact us

Ware & Kay's specialist, Gill Wilkinson, has extensive experience in all aspects of employment law. Contact her on 01904 716000 or gillian.wilkinson@warekay.co.uk.

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