

The Social Media Phenomenon – Are You Prepared?

With Twitter growing at a phenomenal rate, Facebook networking larger than life, LinkedIn creating a recruiter's goldmine and 'blogging' not an obscene word but widely understood logging resource, social media is quickly emerging into the communication mainstream.

As social networks evolve so to do the issues for employers in managing their staff and protecting the proprietary interests of their business. Employers face considerable risks from their own staff participating on social media sites which include by way of example, loss of and/or disclosure of confidential information, discrimination claims, reputation risk, vicarious liability, privacy breaches and defamation.

In the absence of a social media strategy in the workplace it is difficult for employers to manage and control the use of social media by their staff to the extent that it directly involves the business. The breadth of social media is its greatest asset as well as greatest potential risk. Having one employee making a disparaging comment about the business to one other person is damaging in itself but posting such a comment on a social media site which has the potential to reach millions of participants, including clients and regulators, may be fatal. This problem may be more acute for smaller enterprises who may be less able to distance themselves from the conduct of one employee.

In Australia, there is no clear body of legislation that tempers or regulates social media networking but instead is the combined impact of privacy, copyright and trademark laws that offer some protection but also act to create risk and liabilities for employers who do and who have staff participate on social media sites.

A social media strategy is fundamental for employers to protect, minimise and manage social media risk in the workplace. A good starting point is to acknowledge that social media and its use, does pose risk to business.

Developing a social media strategy may involve revising and amending contracts of employment. It may involve developing a social media policy in the workplace or monitoring social media use. Adopting and implementing a social media strategy will create boundaries and expectations with respect to acceptable social media use in the workplace. It will create an enforceable tool that can be used to monitor and control employee social media workplace behavior.

We suggest you think about how social media can impact upon your business and consider the usefulness of a social media strategy in managing employee conduct in the workplace.

To better understand social media, its risks and combating strategies, please contact Andrew Bland at abland@blandslaw.com.au