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Guide to social media policies

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together >



Protect your business by developing staff social media policies

Social media platforms include blogs, Twitter, Facebook, LinkedIn, Instagram and YouTube, which allow us to communicate and share information with contacts.

From the perspective of employment law, inappropriate social media activity is a conduct issue, which should be dealt with via your disciplinary and grievance procedures. In order to manage these issues effectively, you will need a staff social media policy.

Why is a social media policy important?

It is estimated that misuse of the internet and social media costs the British economy billions of pounds each year, with businesses forced to fight issues of confidentiality, cyber-bullying, defamation and freedom of speech in well-publicised court battles.

Innovations like smartphones and the internet are undoubtedly valuable to your business – they help staff to work more flexibly and communicate more quickly. On the other hand, it is impracticable for employers to have much, if any, control over what might be published on social media by staff. Therefore, it is vital that businesses develop policies for the use of social media.

Without clear guidelines in place, employees may take to social media platforms to complain about a bad day at the office, post offensive comments, harass colleagues, discuss current or potential clients or reveal confidential information.

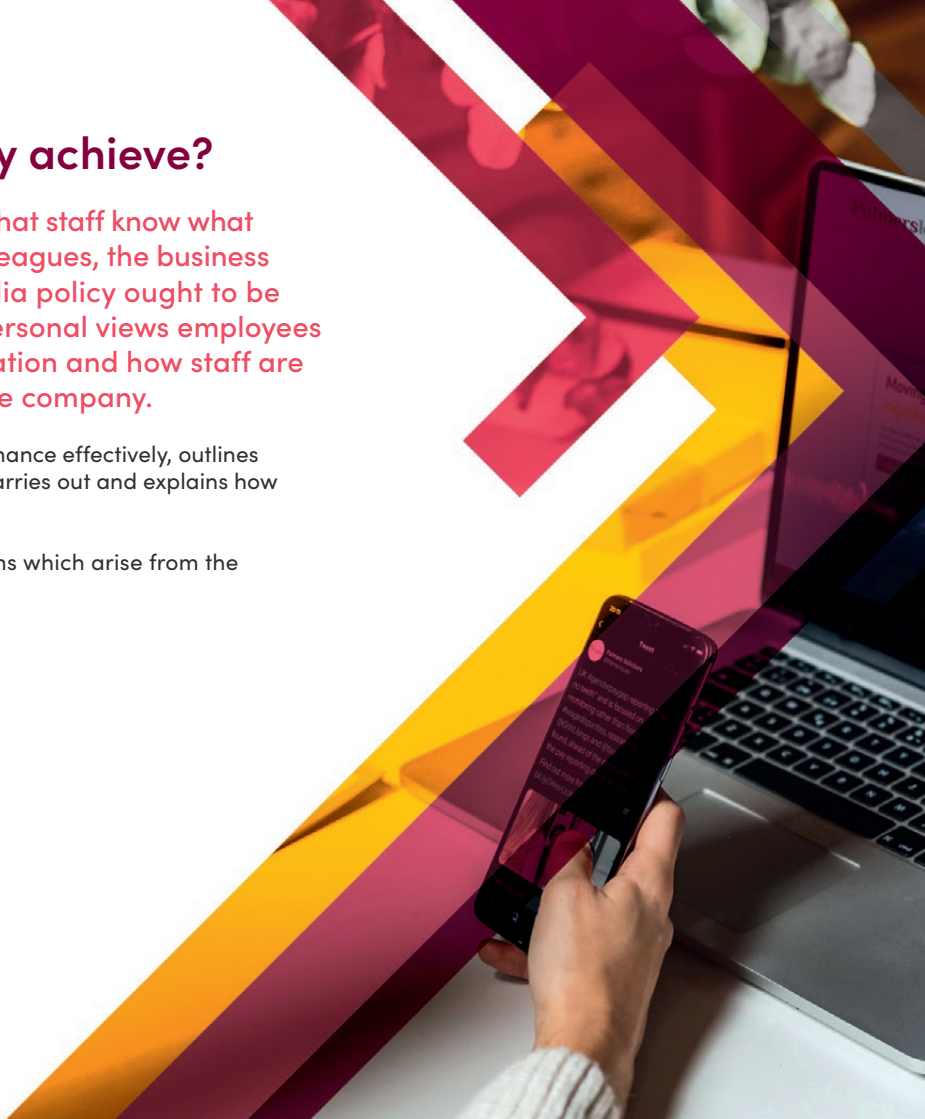
Furthermore, depending on the security setting used, such information can be visible to clients, prospects and colleagues, as well as the media, creating negative publicity for the brand which you have worked so hard to build.

What does having a policy achieve?

Putting clear guidelines in place means that staff know what they can and cannot say about their colleagues, the business and its clients. In addition, a social media policy ought to be designed to provide clarity about the personal views employees can express, what is considered defamation and how staff are expected to protect the reputation of the company.

Having a policy in place also helps manage performance effectively, outlines any monitoring of social media that the company carries out and explains how breaches will be dealt with.

All of this ought to help you to manage the problems which arise from the actions of employees.



What should a policy contain?

First and foremost, the policy needs to outline what constitutes acceptable behaviour when using email, the internet, social networking, blogs and tweets. It should also clarify whether such usage is being monitored and, if so, how this will take place. It is important to consult with employees before implementing such measures, and businesses need to be sure they can justify using them.

This includes setting out the limits on personal use of the internet and email addresses at work, setting appropriate privacy settings on sites such as Facebook, what can be discussed when blogging or tweeting on behalf of the company, and what should remain confidential.

Employees could be required to include a disclaimer on blogs to show that the points made reflect the views of the individual, rather than the ethos of the company. Furthermore, the policy can be used to remind staff of copyright issues to ensure that credit is given when quoting individuals or retweeting. It should also make clear anything which constitutes the intellectual property of the company itself.

You can also use the policy to require that your IT network is protected through controls on the downloading of software and appropriate firewalls.

It is important to have appropriate disciplinary procedures in place, which should be outlined in the policy document, should staff breach any of these procedures. These should include sanctions for cyber-bullying and other forms of harassment.

Finally, on a more positive note, there are benefits from integrating social media tools into your business strategy, so the policy should also contain details on how this can be used to boost your brand and reputation.

Beware!

An employer's desire to protect itself may put it on a collision course with an employee's right to privacy and freedom of expression, which are rights protected by the Human Rights Act 1998.

Consequently, you must ensure that you act proportionately in relation to any disciplinary action taken against staff in relation to inappropriate online conduct.

When monitoring communications through social media platforms and emails, employers must also comply with the various principles of the Data Protection Act 1998 that relate to data processing during employment.



Call Palmers Law for advice

At Palmers Law, we have the expertise required in order to safely guide you through the development, implementation and enforcement of staff social media policies.

In some circumstances, policies which you might currently have in place for email and internet usage can be adapted to meet these new requirements. Our specialists can review your documents and help with any changes that are required to bring them up to date for the social media age.

Where required, we will suggest amendments to cover such technological advances and recommend new policies and other improvements to ensure issues such as the use of smartphones and the prevention of cyber-bullying are covered. Palmers Law can also ensure your disciplinary and grievance procedures are up to date and legally compliant.

For tailored advice on the drafting of social media policies, or any other employment law matter, please contact us.

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