

Today's Newest Employee Distraction — Social Media

On the streets, in restaurants, at bus stops, and anywhere people gather, you'll see dozens of eyes glued to electronic devices and social media sites. When people go to work, they bring their devices and social media access with them.

This situation raises two issues you may need to address:

1. You want your employees to give full attention to their job, so how do you handle this major distraction?
2. You fear that employees may say something negative about your company on social media sites and damage the reputation of your business.

Most experts studying these challenges recommend that businesses set up a social media policy. You must be very careful, however, to make sure your policy does not infringe on your employees' freedom of speech.

With that in mind, here are some recommendations that should guide you on creating your company's social media policy.

- **Educate employees to use common sense when they use social media.**

Limit the amount of personal communication made on social media while on the job.

Forbidding the use of social media on the job is a fairly difficult edict to enforce. It tends to work better if you state in your policy that employees may use social media while at work so long as it does not consume a significant amount of time or resources or interfere with operations, productivity, or other business policies.

Although social media falls under the laws of free speech, these communications are not exempt from personal liability laws that apply to other types of communication.

Individuals are responsible for what they post on their own social media and on other sites. It's important for you to make it very clear to your employees that they can be held liable for anything they say on social media if it is untrue.

- **Advise employees about mentioning your business on personal social media.**

Employees should be encouraged to add a disclaimer to their social media accounts stating that their thoughts are their own. For instance, on Twitter, users can use the "Bio" field to note that the views and thoughts expressed are their own and do not reflect the views of [Name of Your Business].

Employee Rights: Employees have the right to speak publicly and among themselves about your business or anything else. Courts have set precedents preventing businesses from firing or disciplining employees for what they post on their personal social media accounts. At the same time, you can take action if any employee leaks your confidential business information.

California is one of about 12 states with laws limiting an employer's right to access employees' social media accounts. Other states are reviewing these laws and considering similar steps.

Employee Limitations: You have much more control over your employees talking about your business customers. There are different rulings in courts regarding employees posting uncomplimentary updates about the business and an employee being critical of the company's customers. Employees can be found liable for using social media for unlawful harassment as well.

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- **Set specific policies on what employees can and cannot post on the social media sites that belong to your business.**

Companies should adopt a policy that does not allow employees to display items of a personal nature or interest on business social media networks. If you let your employees post personal matters on your business sites, you are legally giving them permission to post anything. It's better to put a policy in place that blocks personal postings on the social media sites that belong to your business.



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