



## WORDS ON WISE MANAGEMENT

### Protect your company with an effective social media policy

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The use of social media has become extensive in the workplace, and social media policies are gaining attention. Workers' exchange of "personal" and work-related information brings risks to employers.

Learn to manage employees' social media use and understand its potential impact on your brand. All companies need a social media policy—even if the company has no social media presence—because your employees may be creating one of their own.

#### *NLRB's social media guidelines*

The National Labor Relations Board's (NLRB) social media guidelines are very important. The Board's decisions in social media cases can be used as guidance by all federal courts when deciding freedom-of-speech cases. The National Labor Relations Act's (NLRA) provisions cover all employees, regardless of whether they are unionized. Section 7 of the NLRA permits employees to engage in "protected concerted activity"—i.e., when two or more employees take action regarding the terms and conditions of their employment for their mutual benefit.

The NLRB's social media guidelines initially faced criticism because of confusion created by some of the Board's decisions. Employers must walk a very fine line between prohibiting unwanted conduct and avoiding unlawful restrictions on protected activity.

All employers should consider including in their handbooks a policy that establishes rules for employees to follow when communicating about the company on social media. Policies should not prevent employees from engaging in protected speech on their own social media sites or punish them for making disparaging remarks about the company or supervisors.

#### *Developing a sound policy*

Here are some things to consider when creating a policy on social media use for your company:

- **Reinforce your complaint procedure.** Encourage employees to bring grievances to their supervisor before taking to social media, but recognize that tweets about how much an employee hates her job may be protected, depending on their context.

- **Define confidential information.** Define what kinds of information your employees can share online. Spell out whether employees need approval before posting certain types of information.
- **Explain the consequences of employees' online actions.** Increase employee awareness that social media doesn't occur in a vacuum. A post that was meant for just Facebook "friends" can wind up on the front page of viral news site Reddit. Be specific about the consequences if, for example, an employee posts a video of himself in his work uniform engaging in behavior that might cast him and your company in a negative light.
- **Identify a spokesperson.** Designate someone who will answer questions about your company on social media. Ensure that employees know whom they should refer questions about your company to, so they don't answer themselves.
- **Discuss online behavior and etiquette.** Let employees know that it's OK to "agree to disagree" with others, especially on Facebook, Twitter, and YouTube, but it's essential to remain polite and professional at all times. Remind employees how quickly a comment can go viral on the Internet.
- **Address what is considered illegal.** Employees shouldn't engage in any illegal activity and should respect others' copyrights, trademarks, and intellectual property when they're online.
- **Focus on educating employees.** Having a social media policy is a start, not a solution. You should provide extensive training on the policy and attempt to ensure compliance through understanding. Your social media policy should be published as a separate document in addition to your handbook and should include an acknowledgment.
- **Protect intellectual property and confidential information.** The NLRB will scrutinize policies that limit the disclosure or use of intellectual property and confidential information.

No policy can prevent all potential abuse from occurring. However, implementing a lawful social media policy and training your workforce will go a long way.



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