Do You "Like" Social Media in the Workplace?

Compliance – Social Networking and Policies

Are you a social butterfly? If so, then you are probably an avid reader, poster or blogger of Facebook, Twitter, LinkedIn or other social media websites. You probably "like," and "accept" multiple times a day!

Social media has become the norm for many individuals, businesses and organizations. It has become an acceptable and effective way to communicate with others who share similar interests and goals. According to a Nielsen* report, "State of the Media: The Social Media Report Q3 2011," Americans spend a considerable amount of their time on social networks. The report cites 22.5 percent of online time is spent on social networks and blog sites, while 9.8 percent is spent playing online games and 7.6 percent using email.

No doubt, social networks make a person feel connected. They feel in-touch with the world around them, whether it is with friends and family, or a colleague with a professional connection. The more time spent and the more comfortable people become with their social networks, the more information they share. Sometimes too much information!

And, this is where employers should exercise caution. In an effort for a diverse workforce, some companies have turned to social media websites to screen applicants. Is this a wise decision? Yes and no. Yes, because what people post on their social network is usually a good indicator of their behavior, and behavior is a component which may be deemed a good indicator of future performance. And, no, because viewing an applicant's profile can cause the employer to learn more information about the applicant than can legally be considered when making a hiring decision, thus creating a potential bias factor knowingly or unknowingly. Following are a few things to avoid if viewing an applicant's blog for hiring purposes:

- *Personal Information* - marital status, age, ethnicity, picture of self
- *Adverse Action* - the result of a decision not to hire because of information gleaned that could identify the applicant as belonging to a protected class
- *Subconscious Bias* - habits/hobbies/lifestyle queues that may not be in agreement with the hiring manager's personal beliefs, therefore clouding his/her judgment
- *Genetic Information* - knowledge of a family illness that could be hereditary, i.e. cancer, heart disease, diabetes, etc.

If an employer does decide to utilize this ever evolving tool, it would be best for Human Resources to have the responsibility for researching candidates rather than a hiring manager. HR would be in a much better position to look only for information that would be potentially damaging from an employment standpoint rather than a discriminatory bias. Employers will need to weigh the risk and decide for themselves whether social media will be used in their hiring decisions.

What about social media policies? Again, employers have to decide how much, if any, social networking they will allow on work time. Policies may have to be more relaxed when social networking is an integral part of an employee's job. Even the National Labor Relations Board (NLRB) has stated that employers

may not take adverse action against employees who openly discuss the terms and conditions of their employment, because this constitutes a concerted activity.   It is important to remember that employees are protected by numerous laws when blogging about their workplace, so drawing a definite line as to right or wrong may not be advisable. It would be wise to train managers to keep Human Resources apprised of any blog for which they have concerns and let HR consult with counsel if necessary.

While we cannot completely avoid the risk, we can certainly learn to manage it and make determinations that are best for our workforce and internal operations. Whether you "like" it or not, social media is here to stay!

*Nielsen is a well-known source for television ratings and media research.