Drafting a Social Networking Policy

Compliance – Social Networking and Policies

The last ten years has seen a revolution in how people communicate with each other. Social networking, which includes use of Internet forums, blogs, wikis, LinkedIn, Facebook, MySpace, YouTube, Twitter, Flickr, and the list goes on and on, has changed the world. As with most social transformations, this one affects the workplace as well.

If you haven't already created a social computing policy and guidelines for your workplace, you probably should. No policy is a risky policy. While workplace policy needs differ widely depending upon the nature and philosophy of the organization, nearly everybody needs a policy. The trick is trying to decide what will work for you, specifically.

The following are a few keys to consider in drafting your policy. Given how rapidly things are changing in this area, you'll likely need to review and update your policy regularly. It will definitely be a work in progress.

Developing Social Networking Policies and Guidelines

1. **One size definitely does not fit all.**

   Don't expect to adopt another organization's policy. At the very least you'll need to customize sample policies (including the template in HR Suite) to fit your industry, how technology is used in your workplace, your employees, and overall organizational need.

2. **There are varying degrees of tolerance among organizations.**

   High tech organizations may be very liberal regarding employee social computing and see business opportunities in letting employees network at work. Some older brick and mortar companies may have little use for and only see problems arising from employee social networking.   Where does your organization fit along this continuum?

3. **What kind of social networking does your organization seek to regulate?**

   a) When?
      i. Social networking during work
      ii. Social networking after work
      iii. Both
   b) What?
      i. What types of communications do you intend to address?
      ii. Does it depend on whether the activities are at work or home?

4. **What types of communication may be useful to your organization?**

5. **What types of communication could present problems to you?**

6. **Which groups in your organization should be allowed to use company equipment and work time for social networking?**

All employees? None? Some?

7.   **Should you consider blocking, filtering, or monitoring certain sites at work? If so, for what groups of employees?**

8.   **What are the legal concerns and potential negative aspects for employers?**

   a) Companies may be liable for defamatory, harassing, or discriminatory communications by their employees.
   b) Organizations should understand that employees have certain privacy rights and, in some states, laws protect employees who engage in lawful activities outside of work.
   c) Although this area of law is evolving, there are protections for employees engaging in political activities so an employee blog regarding politics, working conditions, or employee rights is probably protected.
   d) Federal labor law provides that employees have the right to discuss wages and terms and conditions of employment.
   e) Employers must be careful not to violate the federal Stored Communications Act. It prohibits a 3rd party from accessing electronic communications (e.g., email or social network sites) without proper authorization. There's nothing wrong if an employer reads an employee's posts on a public site…there's no expectation of privacy. However, if that employer gains access to a password protected site by illicit means or by coercing another employee to offer up the password, that's another problem.
   f) Many employers review applicants' social sites to learn more about the candidates. However, an employer who learns about an applicant's or employee's disability, sexual identity, race, etc., and fails to hire the applicant or promote the employee could face discrimination allegations.
   g) A Federal Trade Commission guideline (Guides Concerning the Use of Endorsements and Testimonials in Advertising) provides that employees who use social media to make statements about an employer's products could create liability (even unintended) if a consumer later claims that he was misled or purchased a defective or dangerous product. Companies could be liable for any false or unsubstantiated claims by employees or even for an employee's failure to disclose his relationship with the company.
   h) Inappropriate communication can damage company reputation.
   i) Problems may arise by intentional or accidental employee action.
   j) It can waste an awful lot of time and decrease productivity. (Some characterize this as "social notworking" vs. networking.)

9.   **How could social computing help your organization?**

   a) Professional contacts may use these methods to communicate with your employees.
   b) May provide an opportunity to improve community presence or reputation.
   c) Creates opportunity to get "the word out" about the company.
   d) Can serve as a means to launch marketing campaigns.
   e) Can put your company at a hiring advantage by using business sites as recruiting tools.
   f) Provides the chance for employees to interact with those in their same fields, increasing employee knowledge, resources, and professional contacts.

g) Keeps morale high.
h) Keeps you in touch with your customers and obtains their feedback.
i) Provides information regarding products and services.
j) Is a means to respond to news stories.
k) Provides a service to customers and the public by answering questions and offering information.

A Few Items to Include / Consider for Your Policy

1. Require that all communications meet your existing policies' standards regarding confidentiality and proprietary and sensitive information.
2. Ban the use of company logos, trademarks, etc., unless on company approved sites.
3. Remind employees that their online activities reflect on the company and that they should be respectful of coworkers, customers, vendors, and the organization's reputation at all times.
4. Don't infringe on copyrights, trademarks, etc.
5. Make it understood that employee violations of applicable policies and procedures may result in corrective action, up to and including termination.
6. Distinguish "at work" standards from "off hours" standards. In other words, what's allowed at work?

Other Things to Consider

1. Ensure that your policy and or guidelines are appropriately communicated and distributed. Consider having employees acknowledge receipt (sign off) of the materials.
2. Update your policy and guidelines at least annually, with input from legal, HR, IT, and management. Keep in mind employee's rights with reference to the National Labor Relations Board and recent case law in your specific state regarding social networking.
3. Make sure managers "buy into" and actively support your positions. Ensure that they fully understand their special roles in the company to serve as examples and to enforce company standards.

4. Train employees regarding your expectations.

Bottom Line

It's difficult to change or control employee behavior under any circumstances. Given the widespread use of social media sites, a total prohibition against employee use (on and offsite) is unenforceable and possibly illegal. Yet employees need guidelines to follow. The goal then is to use common sense to use social networking in a manner that can help the organization and which does no harm to you, the employer. While that's easier said than done, it's important to be proactive and address the issue. It's tricky to find the balance between ignoring the issue and acting as "Big Brother."