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Navigating social media in the workplace: Risks, policies and best practice

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What we will cover

- Implications of employee's social media activity- from venting about work to posting potentially offensive views
- Reputational damage and the fine line between free speech and hate speech
- Practical steps for creating clear social media policies

45.8% of employers have acted against an employee due to their social media



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97% of workers (internet users) are accessing social media

More than 5 billion social media user identities, equivalent to 62.3% of the world's population

Annual growth of 5.6%, last year increased by 266 million

35.1% of employers feel that their employees don't understand their company's social media expectations well

1 in 4 employers don't currently have a social media policy in place



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Vicarious liability



- An employer can be held liable for the wrongful actions of their employees
- Employers would not normally get involved with matters outside of the workplace. Social media can blur lines between personal and professional
- Several high profile cases in the last 10 years.

Mohamud v Morrisons. 2016

Employer could be VL for violent or criminal acts

Barclays Bank v Various claimants. 2010

Supreme Court ruled employs cannot be held VL for actions of contractors

Unsavoury views vs hate speech

- **The Equality Act:** recognises Freedom of speech and political and religious expression.
- Individuals may be allowed to express unsavoury or controversial views on social media without it necessarily qualifying as hate speech.
- Protections on views that meet philosophical belief, series of qualifications. Case law around this is evolving.
- Unlawful speech such as inciting violence or hatred based on protected characteristics and unsavoury views are expressed in away that constitutes Harassment or Discrimination crosses into hate speech.
- Ultimately employers do not have the right to control employee's beliefs outside of work, even if these views are unacceptable to others.

Social media conduct

Broadly falls into two categories:

- Inappropriate behaviour exposed through social media
- Derogatory comments about the workplace posted on social media



Reputational damage

Content online is potentially damaging to organisations or individuals.

Positives

Improved collaboration, visibility, recruitment & Information. *Pressure on employees to 'stay connected' work life balance, personal & professional life*



Users take spontaneous photos at random times when prompted by the app to capture exact times and then shared. Breaching data protection or security.

Practical steps for creating a social media policy

1. Purpose
2. Application
3. Guidelines
4. DO's & Don'ts or Acceptable & Not Acceptable
5. Define roles & responsibilities
6. Include legal considerations
7. Discuss use of company assets
8. Set crisis management protocol
9. Outline policies, procedures & consequences
10. Accessible

The logo consists of the letters 'TUC' in a bold, sans-serif font. Each letter is white with a light blue gradient and features a small white arrow pointing in a specific direction: the 'T' has an arrow pointing right from its top bar, the 'U' has an arrow pointing up from its left vertical stem, and the 'C' has an arrow pointing right from its top curve.

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