

Social media - legal tips for employers

Social media are the communications and marketing tools of the moment. A large number of people have some form of social media involvement, whether that is through Facebook, Twitter, LinkedIn or one of the many other platforms.

It is no wonder that businesses are getting increasingly concerned about the impact of social media in and outside of the workplace.

Below are five steps companies can take to help their business manage these risks effectively.

1. Social media strategy

It is absolutely essential to understand the company's approach to social media. The company should set out how social media is to be used both internally and externally as a business tool for marketing, recruitment and networking.

2. Social media policy

A well drafted social media policy should cover the use of social media by employees at any time, including outside office hours, and regardless of whether the employees use office equipment or not.

The policy should make clear who it applies to and who is responsible internally for implementing, administering and amending it.

The policy should also set out the parameters for the use of social media as a business tool. For example, if employees use websites such as LinkedIn or Twitter to communicate with clients, they should be told that those accounts remain the property of the company and must be opened in the company's name only.

Employers should also review their GDPR Privacy Standard to ensure it covers the use of social media, and then circulate it to employees – see our GDPR fact sheet for further information.

3. Social media training

Companies should provide training to all employees to help get the message across as to what is and what is not acceptable practice. It can also be a helpful way of defending any vicarious liability claim in the context of, for example, employee harassment or discrimination.

It is best practice to require employees to confirm in writing that they have participated in the training and understand the relevant policy.

4. Review existing policies and employment contracts

Employers should update their standard employment contracts to make sure they deal appropriately with confidential information and that restrictive covenants take into account any relevant social media rights, for example LinkedIn contacts or Twitter followers.

Businesses should take the opportunity to update their disciplinary policy to make sure it covers the sort of behaviour that will not be tolerated and how it will be viewed and sanctioned. Updating the equal opportunities and anti-harassment policy will also help set the tone for behaviours that will and won't be tolerated.

5. Crisis management

It is crucial that companies have appropriate crisis management plans in place for when things go wrong with social media. It is important that senior members of a company know what to do in a crisis and this should include, but not be limited to, social media take-down procedures, marketing protocols and action against employees. Companies need to take control before things go viral.

How we can help

We have written many social media policies for businesses and can guide you through any areas where you are not clear on how to implement best practice. We can also provide staff training sessions for organisations.

Our expertise

The team, led by partner Matthew Clayton, is well-known in the area for expertise and for providing 'solutions-focussed' advice. Matthew is recommended by national legal directories who say *"He is responsive, commercial, understands where employers are coming from and gets right to the point, with meaningful and practical advice."*

Contact

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