

Social media: Tweet this – bosses can and should monitor your Facebook, Twitter accounts

Written by John Goddard - Business Reporter
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Employees should know they cannot expect privacy using Facebook or any other social media at work, a human resources conference heard this week.

Make sure they know they cannot expect privacy on any workplace computers, smartphones, networks or access points, lawyer Erin Kuzz told delegates to the annual Human Resources Professionals Association conference.

“You don’t want an employee to feel spied upon,” said Kuzz, an employment and labour lawyer with Toronto firm Sherrard Kuzz.

“But make sure they understand that (companies) have the ability to monitor their use of social media,” she said. “Make sure that maybe every month or two you do in fact do some monitoring. And make sure that employees understand that if you say you’re going to monitor, you’re going to monitor.”

One of the most notorious cases of workplace social-media abuse came in 2009 at a Dominos Pizza outlet in North Carolina, said fellow lawyer Sundeep Gokhale, co-presenter of the session “Social Media and the Workplace.”

In a video posted on YouTube, cooks showed themselves sneezing into the food, sticking cheese up their nose before placing it in a sandwich and other acts too disgusting to mention.

They were fired and criminally charged, but not all social media transgressions are as clear cut, Gokhale said.

Both speakers emphasized the need for companies to develop a social media policy. They also laid out some guidelines.

- Make clear that having a password does not equal privacy. “This takes away the argument that an employee might later use to explain misconduct: ‘I thought it was private — I had to get on with my password,’” Kuzz said.
- Make it an offence to give your login password to somebody else. “Then nobody can say, ‘Oh, that wasn’t me, that was somebody else who used my password,’” she said.
- Make clear that you have the right to monitor. Kuzz said one company she knows sends out a memo. “FYI: in one week we will do a sweep of the computers for maintenance and monitoring. If you have anything you don’t want seen, take it off.”
- Think about whether you might want to block social media sites technologically or limit social

media use to breaks and lunchtime. Some companies might block sites out of productivity concerns. Others might consider increased monitoring.

- Make it an offence to communicate confidential information, trade secrets, copyright material and anything defamatory or otherwise illegal.
- Have employees sign an acknowledgment form regarding the company's social media policy. To remind employees of the policy, Kuzz said, "You really should get an updated acknowledgment form every year."

Social media works both ways, the speakers pointed out.

An employer considering a job applicant might check the person's Facebook page and discover the posting, "Ha, ha, called in sick today, off to baseball."

Similarly, a job applicant might check social media to find out what employees or former employees are saying about the company.

"As an employer, you want to know what people are saying about you," Kuzz said.