The Social Media Revolution: Recent Developments And Guidelines For Employers To Consider

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Now more than ever working leaders are deciding double lives, not only in the way that you might expect. The old distinctions of day job and night job are fading to the background as we rapidly embrace a new double life: one actual and one virtual. The proliferation of social media statistics detailing the staggering growth of social media, but it is nevertheless instructive. Facebook, MySpace, Twitter and LinkedIn boast a combined 885 million worldwide users, with Facebook accounting for 56 percent of that figure despite first reaching 250 million users just last year. Facebook is currently the second most visited Internet site in the United States behind Google, while MySpace, Twitter and LinkedIn each place in the top 25. Combine all media and blog sites, and suddenly 22 percent of all time spent on the Internet is accounted for.1

If use of social media platforms dramatically altered your workplace, perhaps the next IT roll out should focus on ditching the dial-up modems.

Employers must heed the social media revolution and the significant changes it has brought to the employment landscape. Indeed, damaging or misleading workers or virtual personas created on these websites are not so ground checks, hiring, termination, and litigation strategies. The reason is that virtual conversations can profoundly affect employment decisions based on information about employees, and to assist

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Moreover, in light of the “off-duty conduct” rule set forth in NLRB v. International Brotherhood of Teamsters, Local 1240, 381 F.2d 864, 871 (5th Cir. 1967), and in light of the NLRB’s decision in AMR, all employers – whether unionized or not – must consider adverse employment actions based on information found on social media sites, including employee rants against their supervisors. Moreover, as we described earlier, federal and state law prohibits employers from taking adverse employment actions based on information obtained from employees through social media sites.

Employers should have no expectation of privacy when using company systems, with respect to blogging, employees should be told that they cannot attach company logos to their postings, or attribute to the company any views expressed in their writing, without prior permission. Employers should also have a policy to make it clear that they will deal with lawful but inappropriate comments or material made publicly available by employees through social media sites.

Disciplining Employees

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Conclusion

The debate over whether the Internet and its social media sites are just a fleeting fad, or a force that will be with us for many years to come, is now common for companies to use social media for marketing, customer feedback, promotions, and contests. Social media is also an inexpensive and effective way to perform certain employee background checks, hiring, termination, and litigation strategies.

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