

EMPLOYERS V FACEBOOK – FACE IT OR NOT?

Over the last few years, social networking websites like Facebook, Twitter and MySpace have become unbelievably popular, with virtually 1 in 5 internet users belonging to one of those networks. They have allowed many people all over the world to stay in touch, upload photos, record their daily comings and goings and gossip about personal, social and work lives. Facebook alone has around 4.5 million users, many of which are UK based.

This surge in activity has led to numerous problems in the Employment world. Many employers are finding that their staff want to use these websites during the working day and enjoy doing so but the effects on the business can be and in many cases are massive. Dippalli Naik of Sydney Mitchell Solicitors comments on the potential pitfalls for Employers considering whether to allow their employees to access the sites:

1. Productivity

There is no doubt that allowing staff to use these websites in work time will result in a decline in work output. A recent study from Peninsula stated that the websites could be costing businesses in the UK over £130 million a day and 233 million lost working hours each month. For a small to medium sized business this could be devastating.

2. Resources

These websites can consume massive amounts of bandwidth through uploading photos and browsing which in turn affects the entire network and its effectivity. In smaller companies this again could be very detrimental to productivity and service provision.

3. System Protection

Computer hackers are drawn to social networking sites like bees to honey, as it is the perfect platform to launch damaging viruses, spyware and email scams. If any such software were to infiltrate a company's network the damage could be significant, in some cases enough to close the network down so that the business cannot function properly.

4. Confidentiality

Employees may inadvertently release confidential information on these websites which businesses will want to protect such as financial information, client names and details and processes or unique procedures. Within minutes the information could be accessed by a hacker or a competitor with terrible results.

5. Disciplinary Issues

Until these websites were created, many employers had no idea what their employees said or did in their private lives. However now an employer can access any employee's profile and "wall" where comments can be left about any aspect of life. If an employee happens to make a derogatory comment about the employer or details are revealed about the employee's activities, which might affect the employer's view of that person there is a possibility that the employer could use that information to discipline, dismiss or in the case of a prospective employee decline to offer the job or an interview. There have been many stories on this very situation in the news and on line so it is an increasingly important issue.

Deciding whether to act on information discovered on a social networking website is a delicate issue. All employees have private lives and their rights are preserved in the Human Rights Act. Equally all employers have a need to protect their reputations and their business information and staff. If there could be a potential disciplinary issue as a result of a comment, breach of information or behaviour then employers must look at the situation rationally and reasonably, as if it were a normal internal matter. If they react on instinct without investigating and carrying out a fair procedure they are likely to face appeals and claims in Employment Tribunals.

A middle ground?

There are ways to tackle these problems and allow your employees access to the sites to avoid mutiny! The first step is to ensure you have policies in place to deal with internet usage, stating when staff can and cannot use the web and therefore these websites. Some companies have simply banned the internet or blocked the sites however this could be an over reaction and far too restrictive, especially given that many businesses need to use the internet to do their jobs. As long as the usage can be monitored, viruses guarded against and policed there is no reason why staff cannot be allowed to use social networking sites during lunch hours or after work.

The Disciplinary procedure can also be adjusted to include abuse of the internet and these websites to ensure that employees are aware of the seriousness of their actions if they post disparaging comments, breach confidentiality or spend excessive time on the web during the working day.

Another possibility is to actually openly discuss with employees as consultation what you as a company expect from them when using the websites and how their behaviour or actions outside of work could affect the company's reputation as well as their own. This will encourage honesty and respect between you and avoid any nasty surprises later.

In conclusion....

Social networking is here to stay. With so many people keen to share their lives and experiences, good and bad, with their friends and loved ones its hard to imagine a world without them now. However employers need not be overly worried by the hype – as long as they put measures in place and manage their staff there is no reason to fear a face off with Facebook.