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Inappropriate use of Social Media (Facebook)



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You might appreciate that back in November 2011 I drew to your attention the desirability of having policies in place for e-mail and internet usage, but what about the use of social media networks such as Facebook?

A recent case in Northern Ireland has shown how an employee can get into hot water (and even lose his job) for writing inappropriate or offensive comments on such sites.

In this particular case the male employee referred to a female work colleague by name, and then suggested that she was promiscuous. His comment also identified her lawyer.

When this came to the employer's attention (don't ask me how this happened, but it only goes to show how potentially dangerous such comments can be, and how easily they can come into the public arena) the employer carried out an investigation and eventually sacked the employee.

The Tribunal in Northern Ireland said that it was not an unfair dismissal.

The employer was entitled to say this was gross misconduct, even though the comments were not attacking the reputation of the employer.

It was felt, by the Tribunal, that the comment amounted to harassment of the female employee, and that was enough to warrant dismissal.

It was no good the sacked employee claiming that he was expecting privacy for his comments made on Facebook since his "settings" said that his comments were only open to his "friends".

It was pointed out that such comments can easily be copied and passed on to others, so that they become more public than originally intended.

The employer's disciplinary process was not particularly good in this case – I won't bore you with the details – but I do think that it would help any employer, faced with such a situation if they had in place a clear statement to all their employees that any such comments could amount to a disciplinary offence if the employer has in any way been identified.

BILL FUDGE
For and on behalf of Sharman Law LLP

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