



The firing online

Joanne Moseley, Professional Support Lawyer from Irwin Mitchell solicitors, gives crucial legal advice on how you can avoid social media mistakes that can get you into hot water

The rise of Facebook, Twitter and LinkedIn has been little short of phenomenal – but there are many potential pitfalls and serious consequences for misuse. This is particularly relevant for greenkeepers who often use smartphones on their courses.

Smartphone technology makes it easy to post or respond to comments in hardly more time than it takes the user to formulate their thoughts.

There have been countless examples of individuals using social media to post embarrassing pictures (of themselves and others),

make inflammatory remarks, or to moan about their boss, job or customers. The problem of course is that unlike sounding off to your mates down the pub, posting comments via social media creates a permanent record and once something has been sent, the writer has no control over who else sees it.

Employees are entitled to a private life and to hold opinions that their employers may not agree with. However, that does not necessarily mean that you have an absolute right to say what you like and if you overstep the mark, you are likely to be disciplined and could even be sacked.

To make sure that one wrong tweet or Facebook posting does not cost you your job, follow these simple steps:

1 Find out whether your company has a social media policy

Now is the time to dig out the paperwork you received when you started your job - and read it. If your employer has a social media policy it might be incorporated into your employee handbook, or issued as a standalone policy, or referenced in the company's disciplinary policy. If you can't find these documents, ask your boss where to find them.

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If your employer has a policy which spells out what its staff can and cannot say about the business it can discipline, and in serious cases dismiss staff, for posting negative comments or images about its business.

It will often also restrict what you can say about its customers or clients, or about your colleagues in the organisation.

The policy will usually also contain a list of online behaviour considered to be so serious, any breach will constitute gross misconduct. It is important that you understand these, because if you commit gross misconduct, your employer will have the right to dismiss you without notice.

Even if your employer does not have a specific policy, it can still discipline you if what you have posted has caused damage to its reputation or brand. This might occur if a number of clients complain about what you have written.

2 Don't assume that what you post outside of work is ok

Clearly when you are at work, you are expected to concentrate on doing your job, not keeping up with your friends on Facebook or complaining online about your job. However, that does not mean that you are free to say whatever you want to in your own time, even if you are using your own phone or tablet.

Any restrictions contained in your employer's social media policy are likely to apply to what you say, not when you say it, or whose equipment you use to say it. For example, you are likely to be disciplined for circulating pictures of the dirty kitchen in your golf club or joking about how badly one of the members has behaved, even if you do this while you are out of the country on holiday.

If you want to be able to post or tweet frivolous comments with your friends, don't list your job or identify your employer in your public profile or reference it in any of your posts. Keep work and your social life and interests completely separate.

3 Assume that everything you say online will be made public

This is a good habit to get into. Before pressing 'send', ask yourself whether you would be happy for your parents, boss or partner to read your post. If the answer is no, or probably not, don't send it.

This applies even if you have locked down your privacy settings or are contributing to a closed forum. Social media providers

often redesign their sites and this can result in your profile becoming public by default. Plus, even if your settings are marked as private, there is little you can do to stop your comments being forwarded on and seen by others.

You may also want to think twice before inviting colleagues or your boss to become friends online as it is easy to forget that you have done so and post comments that they may find offensive or inappropriate.

Imagine the horror of the worker who posted "OMG I hate my job" and made reference to her boss being a pervert. She received a prompt online response from her boss, reminding her that she had added him as a friend and that she should not bother to come into work again.

Even if your manager is not included as a recipient to the post, they might still find out about it. Some policies actually require their staff to notify a manager if they see something that could pose a reputational risk to the business. You may therefore find that the colleague you trust has sent a screenshot or forwarded your message to your boss.

4 Don't stir up controversy or bad mouth your employer, its clients, or other members of staff

Everyone has bad days, but it is very unwise to vent online and post negative comments about your job. Even if your boss decides not to take disciplinary action against you, it

is the sort of information they are likely to remember when you apply for promotion or ask for a pay rise.

You will be expected to comply with your workplace diversity or equal opportunity policies which aim to protect workers from discrimination, harassment and bullying.

If you spread workplace gossip, or circulate discriminatory jokes amongst your colleagues, you may cause offence, even if that was not your intention.

Similarly, if you make personal remarks about a colleague you may also be accused of cyber bullying and/or discrimination.

Your employer has a duty to investigate these types of allegations and to take action to ensure that the behaviour stops - which may include demoting or moving you.

Plus, you may become personally liable for unlawful discrimination and may have to pay substantial compensation to the co-worker you have upset.

5 Don't use social media to raise workplace disputes

If you have a genuine grievance, raise it formally in accordance with your employer's policy otherwise you may find that you are disciplined for breaching company policy.

If you follow these simple guidelines and exercise good judgment, you should not go far wrong and can still enjoy all the many benefits of engaging with social networks.

about the author



Jo is a qualified solicitor and has worked as a senior dedicated employment professional support lawyer for several national and international law firms.

She provides guidance on complex areas of law, helps to deliver the team's national seminar programme and liaises with key client relationship partners to deliver client focused alerts, training and updates.

