# Legal Ramifications of Social Media Gaffes Can Be Extreme in Business Environment

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Pavneet Uppal was interviewed by the *Phoenix Business Journal* in the article "Legal Ramifications of Social Media Gaffes Can Be Extreme in Business Environment," featured on January 10, 2014.

The interview focused on social media and rights for both employers and employees in a changing technology and legal landscape.

Here's a few excerpts from the discussion:

**What legal consequences can companies face for offensive social media behavior by their employees — and, conversely, for firing people as a result?** The rules governing an employer's ability to discipline an employee based on social network postings varies based on the circumstances and the state where the employee works. Cases involving termination of employees for engaging in social networking still are in the early stages, and many legal issues remain unresolved. However, some states prohibit terminating employees for lawful off-duty conduct.

Likewise, employers should never access password-protected sites to which they have not been properly granted access, as doing so may result in a violation of the Stored Communications Act. Finally, employees' postings about working conditions may constitute protected concerted activity under the National Labor Relations Act.

**Are you seeing or expecting employers to get into legal hot water for screening job applicants using their social media accounts, or is that reasonable?** Perhaps the biggest area of potential liability for employers lies in the use of social media to screen potential job applicants. Employers know to steer clear of certain questions during job interviews. Topics such as age, religion, political views, or sexual orientation could open the employer to accusations of discrimination if the person is not hired. But social network profiles now make all of that information readily available. Thus, using social media as a screening tool may lead to claims of unlawful discrimination.

To read the full article, please visit *Phoenix Business Journal*.

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