

With the Increasing Interest in Blogs, What Issues Should Employers Be Aware Of in Addressing Its Employees' Blogging Habits?

Publication

10.01.08

In light of the increased popularity of blogging, coupled with the fact that more members of Gen Y are beginning to enter the workforce, employers need to be prepared to deal with issues arising from this form of expression. Blogging can pose serious problems for employers not only from a standpoint of employee productivity and morale, but may also expose a company to liability and/or damage its reputation. Despite the ubiquitous nature of blogging, there is little in the way of guidance from the courts to aid employers in dealing with employees who harm the reputation or operations of their employer's business by posting confidential or harmful information on their blogs.

Although an employer may limit or restrict an employee's blogging during business hours or use of company equipment, an employer cannot entirely silence an employee's expression. If an employee uses his or her blog to express their opinion on wages, hours, or terms of employment, then such expression is likely protected by the National Labor Relations Act. Furthermore, where an employee uses his or her blog to report potential violations of law or public policy by the employer, also known as "whistleblogging", the posting may be protected by state and/or federal whistleblowing laws. In considering any change that potentially reaches into an employees' off-duty conduct, you must balance the company's need to protect its operations and reputation with the employee's right to express himself or herself.

This article appeared in the October 1, 2008 issue of *HR FactFinder*.

Related People





George A. Reeves, III

Partner

803.255.0000

Email