



The New Internet Danger: Employers Can Be Liable For Employees' Online Conduct

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The federal government recently enacted new guidelines that can impose liability on employers for the online conduct of their employees. Under Federal Trade Commission guidelines that took effect Dec. 1, employers could face enforcement actions should their employees use social media to comment on their company's products or services in inappropriate ways, even if the employer did not authorize the comments.

Whether employees use blogs, Facebook, Twitter, message boards or any other type of online social networking platform, employers could face the wrath of the federal government or the prospect of class action lawsuits if online postings run afoul of the new guidance. In issuing the new guidelines, the FTC announced it could impose liability on endorsers and companies that fail to disclose that they employ someone who is posting online about company products or services. If a consumer is found to have been misled by such a blogger into purchasing a defective or dangerous product or service, the blogger who failed to disclose the relationship would be liable, and so would the company that failed to effectively prevent its worker from blogging.

Obviously, employers need to update or create a social networking employment policy to address this new development. Employers who want to stay ahead of the curve will want to pay attention to the newest area of potential liability and begin addressing potential problems before they arise.

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Attachments

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