

Insights, News & Events

SOCIAL MEDIA: A DEFENSE AGAINST UNION ORGANIZING?

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A company's website used to be the primary vehicle for communicating with its external audiences, its intranet for connecting with employees. Both were largely one-way streets in terms of dialogue. The respective audiences weren't invited to engage in the conversation. At least not out in the open for everyone else to see, and potentially escalate further.

Then everything changed.

Facebook, LinkedIn, Twitter, Yelp, and other popular social media platforms opened the conversation between a company and its audiences for all to see and comment. On the positive side, companies began to use social media to interface directly with consumers to enhance their experience and communicate to an external audience positive information about the company.

The negative is the type of scenario that can unfold when, for example, a corporate office asks its employees to remove all non-work-related stickers from their equipment. Bob, a professional plumber in Winnetka, Illinois, didn't like that the new policy would require him to get rid of the U.S. flag he put on his toolkit. Now instead of going to HR with his complaint, he shares his outrage over his employer's "un-American behavior" with his friends on Facebook, who pelt the company with digital warfare in the comments and across other social media platforms for several days after Bob's original post.

And it gets even worse—it's not just businesses and individuals using social media to complain about issues, real

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or imagined. Labor unions have turned to these platforms to organize and mobilize disgruntled workers, and to communicate about organizing activities and meetings, reaching a broader audience much more quickly.

Even non-union employees are using social media to surface, discuss and challenge employer actions. All of this begs the question: if unions and employees are using social media, shouldn't employers be using it to defend against union organizing?

The answer? Maybe. There are pros and cons that you must consider before taking your employee relations program to social media. Social media allows a company to reach all employees via a platform that most employees are comfortable using. On the other hand, social media places your communications in the public eye, vulnerable to immediate and open criticism and discussion. If you choose to use social media, you must do so judiciously and strategically.

EMPLOYER PRESENCE ON SOCIAL MEDIA: THE BASICS

If you choose to use social media to positively influence employee relations, you must be fully committed. This commitment requires allocating the personnel necessary to post content daily, interact with followers, and promptly reply to comments or messages received.

But what should we post? The topics of interest to employees today really are the same as they've always been—they want to hear timely, concise, and interesting information that is relevant to their job. Anything mentioned in the traditional company newsletter is fodder for social media, albeit in shorter form.

On Twitter, you might congratulate an employee for an industry recognition she just received. On Instagram, you could post photos of employees at one of your facilities after rolling the 1,000th finished product off the line. Corporate employees have a tricycle race in the parking lot to raise money for United Way? Upload the video to YouTube. These and other platforms are a great way to help connect your leadership with your employees in person and in real time.

AN ADDITIONAL TOOL FOR CONNECTING WITH EMPLOYEES

As the history of unionization has made clear, when employees feel dissatisfied and disrespected because they believe their concerns aren't being heard or addressed, they are apt to look to a third party who will lend a sympathetic ear. While social media permits employees to be heard by the employer, it also allows employees to be heard by a large number of other employees and outsiders. If you choose to use social media to communicate with your employees, you must be prepared for the potentially negative responses from others.

Therefore, you should carefully select a person to respond on your official social media accounts. In addition to using a social media specialist trained to effectively utilize social media for branding purposes, be sure that person is properly trained on the requirements of the National Labor Relations Act. Remember that the Act applies to an employer's communications online, just as it does for what is said in person or communicated in a written handout.

SOCIAL MEDIA VS. INTERNAL EMPLOYEE WEBSITES AND APPS

If you want to avoid the public nature of social media and its potential backlash, you could consider creating an internal website—an intranet—just for employees. This platform allows you to communicate with employees specifically in a workplace context as opposed to interfacing publically. An intranet can also house things like employee handbooks, benefits forms, and other oft-requested HR documents.

Similar to the unions talking several years ago about [creating an app to help with their organizing campaigns](#), you can push out an employee-only app that provides the same benefits as an intranet, plus the ability to send workplace updates to employees' phones: *Don't forget tomorrow is jeans day!* or *Due to sub-zero temperatures, the offices are closed today.*

As with all communications, be careful not to overdo it. In addition to the annoyance factor, there could be legal ramifications and costs. You could be liable for wage and hour violations for forcing non-exempt employees to look at work-related messages on non-working time.

SOCIAL MEDIA DURING A UNION ORGANIZING CAMPAIGN

Employers that wait to use social media until there is union organizing are already at a disadvantage. In fact, doing anything for the first time after the union is knocking at your door (e.g., group meetings, letters home, handouts), becomes a credibility issue for employers. By the same token, if your social media account isn't created until after you become aware of union activity, it could be considered an unlawful attempt to determine which side is being supported and by whom.

Employers that have a robust social media presence before a union organizing attempt, however, may be able to use it to their advantage, as it adds another avenue—in addition to the typical bulletin board postings, handouts, letters to employees' homes, one-on-one conversations, and small group meetings—for communicating messages to employees during an organizing campaign.

A serious concern for employers using social media for this purpose, however, is the potentially broad reach of any anti-company response. For example, consider the impact of an employee's critical remarks on Twitter as opposed to that same employee venting in a small group meeting.

CONCLUSION

Social media can be a great tool for companies to proactively engage with employees, but there *are* risks. If you hope to use social media to communicate during a union organizing attempt, as with all communication methods, you should have an established practice of engaging employees in that manner for it to be credible and to defend unfair labor practice charges.

Is social media the right tool for your organization? Maybe. You need to consider the risks, evaluate your company's ability to keep content fresh and respond quickly to negative feedback, and know your workforce. At the end of the day, the question is whether employees believe they have a voice of their own or if they need to pay someone to speak for them. Whatever communication vehicles you use, just be sure you listen and respond appropriately to your employees' concerns.

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