

Social Media, The Workplace and The Law

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Not many business owners realize that Facebook has almost 425 million users world-wide. According to Facebook, over 50% of its' users log on every day and the fastest growing demographic for them is those 35 of age and older. At the same time, 25% of the U.S. population is considered to be users of MySpace. LinkedIn's 50 Million users are an average age of 41 and earn in excess of \$110,000 per year.

Some argue that Web 2.0 technologies (e.g. blogging, photo-sharing, video sharing, life-casting, networking, etc.) help companies meet their customers needs and that social media supports the democratization of knowledge, news and even professional sports. While there are real risks associated with employee social media use, employers can manage them with clearly defined policies and procedures regarding media use.

The law presently allows an employer to regulate, and even prohibit, employees from engaging in online social networking activities while on Company time, property or business. It is also appropriate for employers to limit employees from posting disparaging comments or discussing the Company's business, while engaging in social networking by adopting a policy making it clear that such conduct is prohibited. To avoid litigation and other risks such as the dissemination of confidential information, employers should implement a social media policy and regularly communicate the policy to its employees.

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