

Beware of Blogs

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Blogs are booming. According to current estimates, there are more than 150 million Weblogs or "blogs" live on the Web today. And it is thought that some 900,000 new blog postings are added daily. Most have nothing to do with the workplace, though disgruntled employees or ex-employees increasingly are using blogs to lash out at an employer, supervisor or co-worker, or to post confidential information or trade secrets.

How should employers deal with this issue?

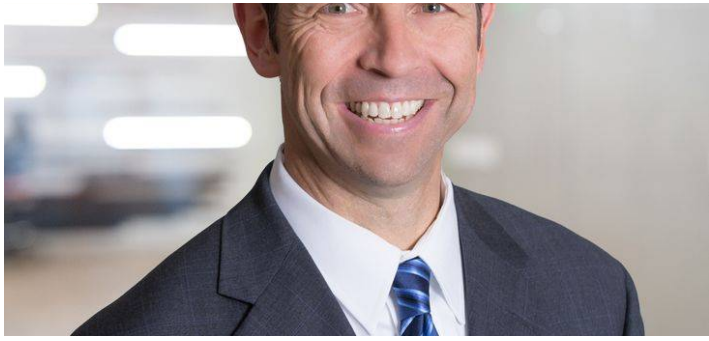
As an at-will employment state, Colorado generally gives employers the right to place limitations on employee activities, including blogging activity, especially if conducted on company time. But what about after hours? While Colorado law generally prohibits employers from terminating employees for lawful, off-the-job conduct, that protection is not absolute. Employers have wide latitude in restricting such conduct where necessary to avoid a conflict of interest with any responsibilities to the employer or even the appearance of such a conflict. Blogging often presents such a conflict. To clarify the limits placed on employees, many employers are implementing blogging policies.

Colorado employers currently have broad latitude to discipline or terminate employees because of blogging activities that interfere with or impact job performance; however, common-law privacy claims and statutory protections are increasing. Today's employer must be mindful of the often delicate balance between protecting its own legitimate business interests versus an employee's right to engage in lawful off-the-job activities. By the same token, employees should be careful not to use their blogs in violation of employer policies or at the risk of exposure to claims for defamation or invasion of privacy. As with most employer-employee issues, a dose of common sense goes a long way.

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