



## Password Protected?

Publication

6.18.12

Social media has found its niche when it comes to restaurant marketing. From Facebook, to Twitter, to Yelp, restaurants and their employees use these sites to engage with customers. But is the monitoring of employee social media accounts the right thing for employers to do?

Since social media is commonplace, it would seem that requesting that either an employee or job applicant provide his or her username for an employer to access private social media information may seem like a sound, proactive approach to protect other employees, customers and the general good name of the business. While this practice may be a little more than what the company already does in performing routine checks on the internet to monitor and prevent potential problems in the workplace, there are many pitfalls that make the practice rare and unadvisable.

In light of these issues, newly-improved privacy options on social media sites are actually beneficial for employers. It is likely that your best course is to maintain a policy against online monitoring and hire a third party firm to run background checks (in compliance with state laws) to avoid negligent hiring claims. If you decide to monitor candidates or employees online, it is advisable to limit such searches to information readily available to the public at large. Finally, any policies addressing social media must be carefully drafted to avoid the NLRB's recent crackdown on employers who discipline employees for violation of the company's social media policies. Social media is here to stay; so it is important that you act now in crafting your policies and effectively communicating them to your employees.

This article appeared in Summer 2012 on the *Ohio Restaurant Association website*.