

## FIVE QUESTIONS TO ASK WHEN A WORKER'S FACEBOOK POST STINGS

News

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Suzanne Bogdan, a partner in the Fort Lauderdale office, was quoted in the November 2 *Law360* article "Five Questions To Ask When A Worker's Facebook Post Stings." Employers considering disciplinary action over a worker's inappropriate social media posts must walk a fine line between employees rights and an obligation to stop discrimination and harassment in the workplace. The article notes that the rules for what employees can and cannot say about each other and their supervisors are the same for both face-to-face exchanges and social media sites. But social media provides the potential for broad exposure and can create an indisputable record that would not exist for an in-person conversation. If the social media conduct does not involve the employer's equipment or network, it will be more difficult to discipline the worker behind that conduct. Suzanne said that if an employee makes an offensive social media post about another worker using their personal computer and on their own time, and the worker who is being disparaged complains, that can put a company in a tough situation. "There's no cookie-cutter approach. The bottom line is, whether it's at a barbecue, a wedding or on Facebook, if the impact of that behavior bleeds into the workplace, the employer has an obligation to do something,"

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