

SOCIAL MEDIA DILEMMA IN THE WORKPLACE – TO CLICK OR NOT TO CLICK



Fearful of retaliation, employees unwilling to confront their bosses and management head-on, were increasingly using social media websites to vent their frustration and voice job-related complaints. This has prompted new discussions about what is legally acceptable and what is not? Workers who posted derogatory and offensive comments online are finding out to their cost. Last week a bartender was fired, when he, in a discussion with his sister on Facebook, told that he hadn't received a pay hike in the last five years and that his boss took a share of the tips he received from the customers and hoped that "they choked on glass as they drove home drunk." In another incident, Wal-Mart disciplined a worker for wild online ranting about the management and its policies. These were only two of the umpteen cases of dismissal for ranting online, by offended employers. Some of these dismissals were overturned by the National Labor Relations Board (NLRB) that termed them as unlawful. The National Labor Relations Board confirmed that, the number of cases they had received, regarding social media complaints, has gone up considerably and it was becoming a turbulent combat zone of labor law, for both the employers and the employed. The Board said that most of the cases that are brought to their notice were regarding employees being unlawfully fired or disciplined for alleged misuse of the social media. Companies feel that under the guise of violation of an employee's freedom of speech, employees were misusing the right. Unbridled and vengeful ranting, could also lead to employees sharing trade secrets, financial information, customer data, important documents that could have serious negative repercussions for the company. Computer giant Apple has laid down clear rules for its employees. Social networks are not permitted for communication between employees. Apple's policy's document says, "The lines between public and private, and personal and professional, are blurred in online social networks. Respect your audience and your co-workers. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, etc.) but also topics that may be considered offensive or inflammatory. In sum, use your best judgment." Tim Bukher, an internet law specialist attorney at Handal & Morofsky in New York said that "as far as online ranting goes, New York is an "at-will" employment state. As a default, an employer can fire an employee for any reason." It seems, however, that with the law a little ambiguous in its clarity about where a company's rights start and where an employee's rights end, companies may have to reconsider their stand of being rigid about non-use of social media by its employees?" Workers must also understand that unbridled and misguided misuse of the social media could have disastrous consequences and could render their media and workplaces NSFW – not safe for workers.