

# The Legal Strategist

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## TEXAS ESOTERIC FACTS

Texas is the only state to enter the US by TREATY, (known as the Constitution of 1845 by the Republic of Texas to enter the Union) instead of by annexation. This allows the Texas Flag to fly at the same height as the US Flag, and Texas may choose to divide into 5 states.

Social networking has become a way of life for millions of people. With such enthusiasm, a business owner would be remiss if they did not include social networking as part of their marketing and operational strategy. Social networking can enhance your recruiting and increase worker proficiency. However, along with the benefits of social networking comes the drawbacks of tweeing, posting on Facebook, blogging and surfing the web on the job. What can you, as a company, do to protect yourself from liabilities while using social networking to your advantage? The Feature Topic will briefly cover the very basic, and essential, safeguards that need to be in place in light of social networking.

The Feature Topic is a cursory review. If you would like more information on this, or any other topic previously covered in our newsletter,

Scott Barrett

## FEATURE TOPIC: SOCIAL NETWORKING AT THE OFFICE

Social networking is quickly becoming an important part of corporate strategy. It was not that long ago that businesses were shy when it came to a new technology called the internet. Can you imagine a business today that does not have a presence on the internet? Experts are predicting the same with social networking, saying that the use of social media is essential to team building and worker productivity.

In terms of a business focus, employees may use social networks for professional development, to supplement face-to-face networking, to describe business efforts and opportunities, or to seek advice or opinions by asking questions to the social network community. Organizations may utilize social networks to disseminate "press release" type information and may link back to their own website for additional details. Promoting events on Facebook can result in more rapid, widespread coverage than an organization could obtain anywhere else.

However, social networking activities raise legal issues around content use, infringement, defamation, attribution, as well as good old-fashioned tort liability. Social networking sites are also fertile ground for garnering evidence in criminal matters and for other investigatory purposes. Remember that existing laws apply equally to online and offline conduct. Companies should ensure the content posted on a social networking site is being reviewed and scrutinized prior to its release in the same manner as other content that is published by the company on a more formal basis

In developing policies covering social networking, use common sense that will help both the company and employees to use social media in a positive way. It all boils down to trust, open communication, and clarity in expectations. Negative "venting" on Facebook never does anyone any good, but neither does firing someone for saying something you disagree with. Employers should remain sensitive and show a responsiveness to employees' legitimate concerns, and employees should, in turn, accept responsibility for their actions and their words in professional and public settings.

So what can one do? Develop a company's social networking policy that should, at a minimum, include:

- ◆ Notification that the company is monitoring online activity during working hours, and, reserve the right to monitor activity when non traditional work environments (ie, work from home, virtual office) are used by the company or the employee;
- ◆ Prohibit the publication of disparaging comments about customers, co-workers or the company.;
- ◆ Prohibit employees from identifying and disclosing customers, employees or any confidential information;
- ◆ Include a provision in your policy that breaching your social media policy may lead to disciplinary action, including termination.

So it may be time for your company to start thinking about social media in the same context as all other forms of communication and that means developing guidelines for its use; training people to leverage the benefits; and proactively creating a positive social media presence for your company.

If you would like more information on the impact of your social networking policies, please contact [Scott Barrett](#) to set up a consultation.