
SOCIAL NETWORKING ISSUES

A Network SA Resource for Children's Services November 2010

The very rapid growth of blogging, interactive 'social networking' websites and other forms of social media has raised questions for children's services concerned that staff may, wittingly or unwittingly, breach confidentiality or otherwise put the reputation of the children's service at risk.

Most services would have at least some staff who use

- social networking sites such as Facebook or MySpace
- video and photo sharing websites such as YouTube, Photobucket, Flickr or Shutterfly
- micro-blogging sites such as Twitter
- forums and discussion boards such as Whirlpool, Yahoo! Groups or Google Groups
- online encyclopaedias such as Wikipedia
- weblogs, including corporate blogs, personal blogs or blogs hosted by traditional media publications, or other web sites that allow users to use simple publishing tools.

Websites such as these can be fun to use and a great way for families, friends and acquaintances to share thoughts, comments, opinions, ideas, jokes and pictures. They can be powerful communication tools and quite addictive! You can't prevent employees or job applicants from putting information about themselves on websites, nor, in a general sense, would you want to. You should, however, have a policy regarding use of social media in relation to your children's service, or at least mention the issue of websites in the context of a general policy covering off-the-job conduct and not harming the employer's business.

Misuse or careless use of such sites can have consequences for both the children's service and the employee:

- The organisation can be defamed, or confidential or commercially sensitive information revealed about it.
- The employee's career can be jeopardised.
- Blogged comments tend to remain in the public domain for a very long time, so once a mistake is made it may be very difficult to eradicate.
- The distinction between the views of the organisation and those of the employee is sometimes blurred.
- It is harder to control - for example a photograph taken at the workplace by a camera phone can later be published on a social networking site such as MySpace, Facebook or Youtube.
- A Google search of the employer's name will produce a full list of any blogged comments about the organisation, so they are easy for anyone with internet access to find.

Employers should ensure that employees are aware that use of social media, even in the employee's own time, becomes an issue for the employer when:

- the children's service or people associated with the service (including staff, committee members, parents and children) are defamed, harassed, vilified or brought into disrepute;

- confidential or sensitive information belonging to the service is revealed (this includes personal, private or confidential information gained in the course of employment about any of the people associated with the service, intellectual property belonging to the service, business plans, financial information or comments about same);
- children are identified or photographs of children are published;
- rules for publishing or otherwise using work which is protected by copyright issues are not observed; or
- it adversely affects job performance.

Employers should advise staff that misuse of external sites could have consequences including disciplinary action which could result in termination of employment in serious cases. As at November 2010, there have been at least five cases before Fair Work Australia where employees have been sacked after something they wrote or did was recorded on Facebook. There are likely to be many more dismissals that went unchallenged and never reached the tribunal.

In a recent judgment, the Fair Work Australia commissioner Michelle Bissett said complaints by workers about their employers on social networking sites were becoming more common. She warned employees that postings on Facebook were public comment.

"A Facebook posting, while initially undertaken outside working hours, does not stop once work recommences ... it would be foolish of employees to think they may say as they wish on their Facebook page with total immunity from any consequences."

It is important for employees to understand that once a mistake is made it may be very difficult to eradicate information or photographs which might be embarrassing or even career-threatening - not just with the current employer but with obtaining future jobs as well. Prospective future employers may conduct an internet search of the applicants' names for background information on job applicants and blogged comments made a long time ago may remain in the public domain, accessible to those who know how to look for them.

Relevant legislation:

Copyright Act, 1968 (Cth)
 Spam Act, 2003 (Cth)
 Privacy and Personal Information Protection Act, 1998

References:

Blogging: guidelines for an HR policy. 2007 www.workplaceinfo.com.au accessed March 10, 2009 (© Australian Business Pty Limited, used with permission)

Social Media - Telstra's 3 Rs of Social Media Engagement (2009)
<http://www.nowweareretalking.com.au/opinion/blog-how-the-3rs-empower-telstra-staff-online-225>
 accessed April 21, 2009

Network SA has undertaken all reasonable measures to ensure that the information above is accurate and specifically disclaims any liability, loss or risk, personal or otherwise, which is incurred as a consequence, directly or indirectly of the use and application of any of the contents.

Published by Network SA Resource, Advisory & Management Services Inc. Building 2, The Parks Community Centre, 2 - 46 Cowan Street, Angle Park SA Mailing address: PO Box 2440, Regency Park SA 5942 Phone: 8445 8128 (toll free for country callers 1800 673 714); Fax: 8268 8065. Email: info@networksa.org.au; Website: www.networksa.org.au

ABN 55 025 418 476