

## Using Social Media the Wrong Way Could Cost You More than Your Job

September 9, 2011 – It is no secret that many employers are now looking at the online activities of job applicants. If you have been foolish enough to post pictures on your Facebook page of yourself being drunk at a party, there is a very good chance that any prospective employer will find out about them. In fact, there are now companies that are specializing in employment background checks for social network activities. But what about after you are employed? Can an employer fire you for your online activities? That answer depends upon what exactly you are saying online, who you are saying it about, and your employer's written employee policies.

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(function() {
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];
s.type = 'text/javascript';
s.src = 'http://widgets.digg.com/buttons.js';
s1.parentNode.insertBefore(s, s1);
})();
```

Most employers are not trying to look over your online shoulder. As long as you are not doing things online that tie your employer to you, breaking the law, or harassing co-workers, you probably won't hear too much about what you do online on your own time. In fact, it is not clear that employers have any right to regulate your personal activities when you have time off unless those activities negatively reflect on your employer.

That is not to say that if your boss or co-workers are also on your friends list that it is a good idea to post a bunch of questionable pictures that your friends will see. They could very well come back to haunt you at a later date.

But there are activities that can violate your employer's policies. Some of these activities can result in disciplinary action, up to and including termination. Others could not only cost you your job, but also get you sued.

Most companies will give new employees an employee handbook. While you may never have bothered to read the handbook, your employer probably had you sign a receipt for it which stated that it was your responsibility to know the company's policies and acknowledging that you received a copy of the book. And most employee handbooks have a variety of policies in common.

Among these, you can't harass co-workers; either in the office or outside. You can't talk about or release information which is considered confidential. You can't talk about or release information which is considered to be a trade secret. Any ideas or inventions you develop as a result of your employment are the property of your employer. And you can't do or say things which could potentially create a hostile work environment.

This means that if you post the company you work for on a profile page and then post that your boss is a jerk, you could be violating your agreement with your employer. Depending upon the circumstances and the demeanor of your boss, you

could wind up getting anything from a warning to being fired for a violation of company policy.

But let's say that you come into some information that is a little more important. Maybe you overheard a conversation that your company was being purchased or is merging. Or maybe you heard that sales were off. This type of information can affect a company's stock price. If you post information like that, it could be very damaging to the company and you could be setting yourself up for a law suit.

There are social networks now that are targeting this type of office gossip. Officeleaks.com is promising users anonymity and billing itself as an online version of people standing around the water cooler gossiping. But even with the security precautions offered by the company, anonymity can't be guaranteed.

Even if you use a generic user name, any postings that you make from a computer at your office may very well be traced back to you. And if you post something that affects your company stock price or revenues, there is a fairly good bet that even if it can't be traced to you initially, your company may hire some type of investigator to track down the right person. Do you really want to place yourself in this type of position?

You also need to be aware that if you are saying things about your employer via e-mail, if you are using your company e-mail you could be in real trouble. Most companies e-mail policies state that your e-mail is company property and that you have no expectation of privacy. And most of the court decisions on this topic favor employers.

The best rule of thumb is to think before you post. If you don't have anything good to say about your employer, then you probably shouldn't be saying anything at all. That's especially true when you are saying it online. Keep in mind that in the economy even if you are not thankful to have a job, there are plenty of other people who would be happy to take your place. It is definitely an employers market.

by Jim Malmberg

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