

Friending, Following and Firing: The legal basics of social media



Legal Matters

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Guest columnist

It is without a doubt that social media is here to stay. If you are not a Facebook fan, Twitter user, Snapchat, or Instagrammer, you might consider joining the roughly 7-in-10 adults who are, according to a Pew Research study. As a business owner, one must learn to use these platforms effectively and legally.

Get with the times before you and your business get left behind.

When using social media to promote your business, you need to be aware of the legal landscape you are navigating.

Controlling Your Message

If you have employees who promote your business or their individual sales online, you need to ensure that

your company employs an effective social media use policy. Setting parameters for employees is necessary to effectively protect your business and maintain order.

The policy, at a minimum, should provide guidelines for employees' use of the company's name, linking to the company's social media page, and distribution of client information.

If you plan to promote your business via social media, ensure you have a social media policy to protect the image and goodwill you worked so hard to create. The National Labor Relations Board's General Counsel has issued memorandums on how far an employer can go in limiting employee use of social media.

Knowing Your Limits

With the availability of images and information at our fingertips, you might assume that anything on the internet is free game. Remember, if your business intends to use protect-

ed information, you need appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property. The same concept applies to customer information.

If your company closes a huge deal with a new customer, get permission to publish any media, picture or information online. Despite our "oversharing" society, privacy and confidentiality remain paramount.

Knowing the Law

Business owners may be confronted with employees who use social media as a platform to vent work-related issues. While employees may attempt to hide behind their keyboards, employers need to know how far they can go in controlling an employee's outside online conduct.

Believe it or not, an employee's derogatory online statements may be protected by the National Labor Relations Act (NLRA), which protects the rights of employees to act together to address conditions at work, with or

without a union. If employees engage in "protected activity" under the NLRA – i.e., participate in discussions on their employment conditions, wages, safety, etc. – an employer should consult with legal counsel before taking any adverse action against the employee.

It is clear that in today's world the effective use of social media is essential in promoting and maintaining a successful business. Business owners need to be aware that its use comes with risk as both a seller of products or services and as an employer.

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