EMPLOYMENT NEWS ALERT

1ˢᵗ Quarter 2010   Brian E. Curtis, Esq.

÷NET*Workplace*ø
The Rise of Social Networking on the Job
How Employers Should Handle Facebook, LinkedIn, MySpace, and Twitter in the Workplace

The world in which we live and work today has been dramatically changed by the technology we use to communicate with each other, to obtain information, and, of course, to run our businesses. The use and reliance on social networking sites has been explosive and exponential. Millions of people the world over are members of at least one social network and most are members of multiple sites. They spend an enormous amount of time online everyday checking and updating their profiles and adding friends on Facebook, making connections on LinkedIn, and sending Tweets to their followers.

Because of all the time spent by workers on these sites, the prevailing view of employers up to now has been that social networking sites negatively impact employee productivity so the use of these sites in the workplace should be banned. More recent research, however, has had conflicting results, much of which has found that social networking has its advantages and the companies that adopt policies to manage the use of these sites in the workplace going forward will enjoy greater productivity. Letøs look at some of the benefits and concerns with a view towards developing workplace policies that can adapt and evolve with this technology.

Benefits	*Pitfalls*
1. Can operate as a strong, but low-cost, PR tool to reach new leads, contacts and prospective clients.	1. Excessive, unfettered use may affect productivity.
2. Incorporate into a companyøs sales strategy as a low-cost way to gather marketing information.	2. Accidental, or even purposeful, disclosure of a companyøs confidential proprietary information.
3. Allow a company to provide a õpersonal touchö to its existing customer base.	3. The spread of viruses and malware.
4. Expands potential new revenue streams.	4. The cost to a companyøs IT resources, as use of high bandwidth levels can be expensive.
5. Boosts worker morale.	5. Legal liability to the company for its employeesø postings.

Remember, social networking sites are merely ÷applicationsø í a companyøs policies on social networking in the workplace must focus *not* on the applications, but rather on the people who use these sites. Although a companyøs internal systems can control to an extent an employeeøs use of these sites at work, it cannot protect against what an employee may be posting from home or elsewhere during off-work hours. To HR and other personnel management professionals, this dilemma sounds all too familiar.

A 2009 study by the Kaiser Family Foundation found that American workers with Internet access at work now spend an average of 7 hours daily (at work and at home, combined) ÷consumingø various forms of electronic media content, and this number jumps to nearly 11 hours daily due to ÷multitaskingø workers who simultaneously access LinkedIn from their desktop and Facebook from their Blackberry. So what are the options for a company today whose workforce continues to spend more and more of their time online or, at the least, connected to some form of electronic media throughout the day?

Options

1. A total ban on access to all social networking sites.
2. No ban at all, allowing unfettered, unmonitored access.
3. A partial ban on access, with clear policies setting limits on use and access.

best solution and that may be true for some organizations such as government departments subject to specific security restrictions. But for the vast majority of private companies which employ the vast majority of Americans in the workforce today, this option would be counterproductive. The fact remains, most employees access these sites during working hours so a total restriction simply would not work to your company's advantage.

Option 2, no ban at all, is equally counterproductive, primarily for the age-old reason that all workplaces need structure and direction to function properly, thus, unfettered access can, and likely will, wreak havoc.

Option 3, to set forth clear policies that allow employees to access social networking sites while detailing clearly defined limits on use and access and clearly defined responsibilities to your workers, would be the most beneficial to your organization. Striking the right balance is, as always, the key to success in devising and implementing these policies. We have provided here some basic tips to follow to help in creating this balanced approach.

What Can Employers and Managers Do Right Now?

1. Make sure your company's networks and servers are protected with up-to-date anti-virus and malware software, encryption software (if needed), firewalls, and monitoring software for Internet access.

2. Implement security and usage requirements, not "guidelines"– be specific! Employees need to know and understand what they can and cannot do when on these sites during work hours. They need to know that their online activities are being monitored and recorded and that failure to follow the company's policies can result in discipline, including termination. They also need to understand that even though the company is permitting them to access these sites for limited "personal" time, the company reserves the right at any time to access and review all electronic communications on its systems including information on employees' Internet usage.

3. Clearly identify the limits on use and access. Give employees access to social networking sites before and after work hours and during lunch breaks. IT administrators can use Web-filtering software to limit access.

4. Educate your employees! Most simply do not realize that their online activities can cause real security concerns for the company. Tell them how a click on a link they receive in an email or an application they download can infect their computer and the network with malware and tell them not to click on suspicious links and not to give out personal details online beyond that which they have posted in their profiles. Tell them how their actions can affect the company and their co-workers in order to give each employee a sense of responsibility.

We have the tools and the expertise to help you navigate through this fast-changing area of HR management and can help you draft and implement policies that will ensure your company is protected while at the same time staying competitive in the marketplace and maintaining an efficient and productive workplace. *CALL US NOW! WE CAN HELP!*

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If you would like additional information on the topics detailed in this issue, or any prior issues, of <u>Employment News Alert</u>, or otherwise need assistance and advice on any employment matter, please call or email as follows:

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