

Quick Tips For:

SOCIAL MEDIA

Privacy Claims

- Social networking sites are at least somewhat public. However, a privacy claim may still arise if an employer surreptitiously gains entry to an employee's private site

Be Consistent with Monitoring

- Publish policies for when and how an employee's social media usage will be monitored
- The person who monitors social media sites should not be the decision-maker regarding an employee's job status

Do Not Ask for Name and Password

- N.J.S.A. § 34:6B-6 prohibits an employer from requiring or requesting a current or prospective employee to provide access to any personal social media account

Be Clear About What Is Not Okay

- Provide specific examples to employees of information that should not be posted online

Do Not Prohibit Protected Social Media Activity

- Some types of activity, such as discussion of wages or working conditions, are protected by labor laws

See other side please.

Quick Tips For:

SOCIAL MEDIA *(continued from other side)*

Implement a Social Media Policy

- A good social media policy should
 - indicate that the policy exists to protect a legitimate business interest
 - acknowledge that there could be legitimate criticism of working conditions
 - include a fact-based, non-disparagement policy
 - include a “Savings Clause”
 - ~ e.g., “This social media policy should not be construed to interfere with employees’ rights under the National Labor Relations Act or any other law.”

Encourage Employees to Follow the 3 Rs of Social Media Use

- **Responsibility** – Ensure that posted content is factually correct and that is not confidential information
- **Respect** – Content, once posted online, is permanently recorded. Do not post anything that you would not feel comfortable saying to the whole office with a camera rolling
- **Restraint** – Think twice, click once

For more information on these topics, visit Hill Wallack LLP's Employment Law blog - <http://www.pa-nj-employmentlaw.com>

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