



DELAWARE

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ELECTRONIC WORKPLACE

Commonsense guidelines on social media use

by Lauren Russell

A lot of our guidance focuses on employees' use of social media for personal reasons. But what about employees who use social media as a professional tool? That's a situation that lawyers, and many other professionals, frequently face.

Here in Delaware, we are lucky to have access to a national expert on social media: one of our own newsletter editors, Molly DiBianca. With input from Molly and other practitioners, the Delaware State Bar Association (DSBA), which regulates Delaware's lawyers, has issued some commonsense guidelines on the use of social media by lawyers. The DSBA's guidelines are a great resource for everyone who wades into the murky waters of work-related social media use. Below is an adaptation of the DSBA's rules that can be applied to any business.

Guidelines for online conduct

Represent the company and your profession well.

Exercise good judgment. Entities and individuals who fail to do so or who fail to comply with the guidelines on social media use may forfeit the right to participate in social networking activities. In some circumstances, inappropriate use of social media may subject you to discipline for failing to adhere to applicable professional rules.

Be responsible. You are personally responsible for the material you post on any social media network. All statements must be true and not misleading. Keep the posts relevant to the company and its mission and/or goals. Adhere to all laws and company policies regarding the disclosure of confidential information.

Identify yourself. Use your real name and, if relevant, your role or interest in the topic that's being discussed. When appropriate, make it clear that you are speaking for yourself and not on behalf of the company.

Be civil and respectful. It is acceptable to disagree with others, but do not engage in defamatory, libelous, or damaging innuendo; use abusive, threatening, offensive, obscene, explicit, or racist language; or post illegal material.

Be quick to correct an error. If you make a mistake, quickly provide the correct information. If appropriate, modify an earlier post to make it clear that you have corrected an error.

Follow copyright and fair use laws. Always give people proper credit for their work. Make sure you have the right to use material with attribution before publishing. It's a good practice to link to others' work rather than reproducing it on your site. If you're in doubt as to the proprietary nature of material, don't use it. Recognize the potential professional and legal consequences of any failure to follow applicable laws governing the use of others' material.

Protect confidential and client information. Do not discuss or misuse proprietary or confidential information, and follow all professional and ethical rules governing the disclosure of such information.

Abide by legal restrictions. Comply with all legal restrictions and obligations governing professional conduct, particularly those regulating communication and advertising, when you post content to any social network.

Get approval before using the company's name or logo. To create consistency and community on the Web, the company has established standard logo templates, disclaimers, and naming conventions. You may incorporate the company's name into your social media identity only with prior approval from authorized managers.

Be aware of the consequences for misuse and abuse. The company will not actively monitor your social media activity. However, if an inappropriate posting is brought to the company's attention, it will take appropriate action to enforce the guidelines, including disciplinary action.

Bottom line

In this day and age, nearly all employers understand that employees' use of social media can have an impact on their company. When employees use social media to further their business goals, the propriety of their social media interactions is even more important to the company. Any policy addressing work-related social media use by employees should address the need for professionalism as well as the ongoing duty to comply with applicable laws and rules.

Your guidelines on social media use can include your company's antidiscrimination and antiharassment policies as well as any ethical rules that govern your profession or industry. Because of all the state and federal laws that can be implicated by social media policies, we always recommend running questions about your policy past your employment counsel!

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