# **SOCIAL MEDIA POLICY GUIDELINES**

Because employers will have different rules and expectations with regard to the use of Social Media at work, policies should reflect the context in which staff are expected to work. These guidelines are designed to help small charities consider the range of factors that may be relevant when drafting such a policy.

When drafting your Social Media Policy, use the following questions/points to guide the areas to cover:

* Who will the policy apply to?
* Define what you mean by social media and give examples of what you would include
* When does the social media policy apply? In work hours and out of work hours? On personal equipment and equipment owned by the charity?
* How does each social media platform relate to the work environment? For example, does the charity encourage all staff to Tweet as a way to raise awareness of the charity, but has a different policy to Facebook?
* Many staff will have a personal social media profile and this will rarely impact on their work-life. However, in drafting your policy you should consider setting expectations about how the charity is portrayed and whether you allow your charity name to be associated with staff through their personal social media platforms.
* Personal use of social media – is this permitted during working hours? Is this permitted on work equipment? When should personal devices be used? What restrictions do you want to consider?
* Do the employees’ duties require them to speak on behalf of the charity on social media? If yes, should any approvals be sought? Is any training required? What should employees do if they are contacted by the press or social media outlet for comment about the charity?
* Do you have specific ‘dos’ and ‘don’ts’ for your employees when using social media? For example most charities will need to make the following rules clear to all staff but you may have particular rules. Staff must not post disparaging or defamatory statements about the organisation or its stakeholders? They should make it clear in social media postings that they are speaking on their own behalf (unless they are posting as part of their job role)? They must not post comments about sensitive business-related topics, such as performance? If they see content on social media that disparages or reflects poorly on the charity they should refer this to the Chief Executive. They must not post anything that could be considered discriminatory against, or bullying or harassment of, an individual. Most organisations will stipulate that these rules apply as much to personal social media as they do to the charity’s accounts.
* Employers have the right, in certain circumstances, to monitor their employee’s usage of the internet or email at work. Your policy (and Privacy Notice) should make this clear if that is your practice.
* Do you use social media as part of your recruitment processes, i.e. do you use internet searches to perform due diligence on candidates? If this is relevant, then this should also be reflected in your Privacy Notice.
* Make clear that any breach of the policy may lead to action being taken under the organisation’s disciplinary policy.
* Remember that social media is constantly changing and charities should regularly review its social media policy to ensure it is up-to-date.

Relevant cases

* Barbulescu v Romania 61496/08 ECHR In this Romanian case, the European Court of Human Rights (ECHR) accepted that the employee's right to a private life had been affected when his employer accessed his Yahoo messages. However, the ECHR went on to hold that the employer's actions were justified in the circumstances and not in breach of art. 8 of the European Convention of Human Rights.
* Game Retail Ltd v Laws EAT/0188/14. The Employment Appeal Tribunal (EAT) held that a tribunal erred in failing to take full account of the public nature of Twitter when finding that the claimant's dismissal for posting offensive tweets was unfair. The EAT did not provide general guidance on dismissals for social media misuse because each case is different.

The HR Services Partnership can help you draft a policy or procedure which is specific to your organisation. And as an NCVO Trusted Supplier we offer preferential rates for members of NCVO.