



LABOUR LAW UPDATE

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SOCIAL MEDIA IN THE WORKPLACE

In the current world of hashtags, tweets and likes, businesses are exposed to risk at all times.

Most people find the need to put their current workplace on their Facebook profiles, forgetting that this exposes them to risk in terms of comments made that may impact on their employment. However, this is not limited to this situation as any association with the organisation could lead to disciplinary action, where the comments made bring the organisation into disrepute.

The whole concept of “this is my personal profile” falls away in these circumstances. As soon as there is an association between yourself and the organisation, action may be taken against you.

It is therefore critical that employers educate their staff in terms of such aspects of employment. “Your time is not your time”, is a phrase often utilised. There is sufficient case law which indicates that off duty misconduct can lead to disciplinary action should there be sufficient *nexus*, between the conduct and the workplace. This case law has now found a parallel home into the world of social media and the utilisation thereof. How quickly don’t people make comments without engaging their brain for a second, getting caught up in the emotion of a statement being made public?

Most businesses do have social media policies, and there is no doubt that such social media policies, often found within the realms of electronic communication policies or the like, are necessary. These don’t necessarily deal with the broader problem as these are often related to the staff members who are posting comments on behalf of the organisation, or alternatively for those colleagues who decide to surf videos and social media whilst at work.

There is no doubt that due to the risks associated with comments made on personal profiles outside of the workplace being associated with the organisation, there is a need to educate all employees with regards to their appropriate use of social media and the possible impact it may have on their continued employment. It is the responsibility of employers to do so.





If one were to implement disciplinary action, one of the key questions to traverse is whether in fact there was knowledge of the rule. One could argue that this is just common-sense. However, it is the writer's submission that going a bit of an extra mile during the induction process can only assist with further reinforcing this issue, and preventing the occurrence of such behaviour.

We look forward to engaging you both on social media and in person and trust that our interactions are meaningful.

We look forward to your interactions hereon.

Johnny Goldberg & Grant Wilkinson

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