

## Twitter in the workplace: what companies need to know about social media policies

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The rise of Twitter has been one of the success stories of social media. Twitter is one of the ten most visited websites in the world and now has 284 million active users. It was at times ridiculed by many in power including the current UK Prime Minister. It then became a phenomenon that was too powerful to ignore; now 75% of the world's heads of state are on Twitter.

Twitter has been a headache for companies and lawyers. One question that will not go away is: 'What are employees allowed to tweet on their private Twitter accounts outside working hours?'. There has always been tension between an employee's right to freedom of expression and the employer's need to reduce risk to its reputation.

The December 2014 case of *Game Retail Limited v. Laws* illustrates the difficulties that these cases pose. An employee, Mr Laws, had been dismissed for offensive tweets that appeared on his private Twitter account. The tweets themselves often appeared to be the random thoughts of Mr Laws and included swearing and angry insults directed at various groups of people including caravaners, dentists, A & E employees and golfers. Very extreme swearwords were used and on one occasion very violent language was used.

Mr Laws was dismissed by his employer and went to an Employment Tribunal who found that he had been unfairly dismissed. The Employment Appeal Tribunal (EAT) had to decide whether sacking Mr Laws for his tweets was a reasonable thing to do.

This EAT found that:

- The tweets were going out to 65 Game retail stores that had followed Mr Laws.
- The issue was wider than whether the employee had criticised the employer in the tweets. One also had to consider whether the tweets would be offensive to customers.

Mr Laws did not have separate Twitter accounts for work and his private life nor did he have any restrictions on his tweets. In this case the EAT found against Mr Laws and they decided that the case should be heard again by a different Employment Judge.

It makes a difference if an employer has a social media policy.

It is important for employers to make sure that their employees are trained in the field of social media. Most social media cases that cause employers trouble seem to arise out of employee ignorance in respect of social media rather than any malice. The younger generation have grown up in an age of social media and instant communication and some employees have simply not been schooled in social media risk.

Social media training should include:

- training an employee on what they should not say on social media;
- the law on defamation;
- employee advice on inappropriate photographs;
- how inappropriate tweets and Facebook accounts can get the employer in trouble; and
- what amounts to bullying and harassment on social media.

Social media policies should also include details on how employees should refrain from bringing their employer into disrepute both inside and outside the workplace.

Social media issues can lead to dismissals, litigation and brand damage for companies. Having the proper training

and policies in place can avoid these problems.

Cordery provide social media training and also draft social media policies. There are details of the training we offer [here](#).