

Social media and your employees

In the good old days, a disgruntled employee would go home and vent to a significant other about the pressures of his or her job. Nowadays, complaining and venting often happens on social media for the entire world to see. These public statements can create serious problems for your practice, especially if the rant includes information about a client or specific case. That's why human resources experts recommend the implementation of an employee social media policy. You have a lot at stake. A social media policy can help you protect your practice, as well as your clients.

What is a Social Media Policy?

An article in Inc. describes a social media policy as an outline that provides employees with "corporate guidelines or principles of communicating in the online world." While you may expect your staff members to consistently demonstrate a commitment to confidentiality and professionalism, the harsh truth is that someone may will likely fall short of your expectations. A social media policy serves as a method of crisis management that will hopefully prevent damaging communications about the firm, or at least mitigate the damage when necessary.

The detail and reach of your social media policy largely depends on the goals of your organization. For example, if your firm uses social media for marketing and client communication, you may want to create a policy that explicitly outlines which employees are authorized to represent the firm on social media platforms. Alternatively, if your sole concern is reducing the risk of harm from personal employee posts, your policy may solely addresses that specific issue.

Creating a Social Media Policy

A human resources professional can assist you with the basics of creating social media policy. There are also numerous examples available on the Internet, which you can tweak to meet your firm's needs. When creating your policy, take some time to consider the following:

- Don't forget what you learned in your Constitutional Law class about protected speech. You may not be able to prevent your administrative assistant from complaining about her cramped work space or your micromanaging habits. Be specific when writing your policy to ensure that you are not trampling on anyone's civil liberties.
- Reiterate the importance of confidentiality. While your employees may have a constitutional right to some expressions, they also have a duty to maintain the confidentiality of your clients. Let's say one of your attorneys routinely mentions that he works for your firm on his social media accounts. One night, he posts about his discontent for the actions of a divorce client that he saw earlier in the day. A friend of the client happens to follow your associate's social media and knows that she visited the office earlier in the day. She forwards the post to the client and her estranged husband. You now have a huge problem on your hands.
- Separating the firm from the individual. When reading a social media post, a third party may assume that an associate is acting as an official representative of your law practice. Consider the potential benefits and consequences of such an assumption, particularly if the associate is giving legal advice or essentially advertising the firm's services. It may be useful to include policy provisions that specifically address this concern.

Social media has become a staple of our society- the good, bad, and extremely ugly. Can your law practice afford to sit back and wait for the backlash of a confidentiality breach?

About Erika Winston:

Erika Winston is a freelance writer with a passion for law. Through her business, The Legal Writing Studio, she helps legal professionals deliver effective written

messages. Erika is a regular contributor to [TimeSolv](#) and a variety of other publications.