

WILLIAM FRY III

EMPLOYMENT SNAPSHOT 2015

Social Media in the Workplace



OVERVIEW

Welcome to the William Fry Employment Snapshot 2015 which looks at social media in the workplace over the last 12 months.

Social media platforms continue to revolutionise communication. In our 2013 and 2014 social media reports, we examined employment related trends and issues affecting employers in Ireland. Our 2015 snapshot explores those developments and changes which have occurred in the area in the last year.

As with our 2013 and 2014 reports, the research for our snapshot was conducted with 500 employees in domestic and international organisations based in Ireland.

With the increase in employee mobility that the economic recovery has already started to bring, employers need to focus on how to protect their business information. Social media should be key to any such review. Our research found that the number of employees with work

related contacts on their personal social media increased by 10% to 50% since 2014; yet only 2% of employers have discussed this issue with their staff.

The overriding message for employers is to implement a social media policy tailored to the needs of their organisation, to review that policy regularly, to ensure that employees are aware of the policy and understand how it affects them and to enforce the policy consistently.

We hope you find this snapshot interesting and informative and we welcome your feedback.

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Alicia Compton
Partner



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OUR SURVEY RESULTS

USAGE

**23% OF
EMPLOYEES**

USE SOCIAL MEDIA TO SEARCH
OR APPLY FOR NEW JOBS

**50% OF
EMPLOYEES**

HAVE WORK RELATED
CONTENT ON PERSONAL
SOCIAL MEDIA

ONLY **2% OF
EMPLOYERS**

HAVE TALKED TO THEIR
EMPLOYEES ABOUT WORK
RELATED CONTACTS ON
PERSONAL SOCIAL MEDIA

15% OF EMPLOYEES

ARE AWARE OF THEIR
EMPLOYER DISCIPLINING
COLLEAGUES IN CONNECTION
WITH BEHAVIOUR ON
SOCIAL MEDIA



SOCIAL MEDIA AROUND THE WORLD



UK 

DISMISSAL FOR MISUSE OF TWITTER UPHELD AS THE EMPLOYEE'S FOLLOWERS HAD NOT BEEN RESTRICTED IN ANY WAY

DISMISSAL FOR DISPARAGING COMMENTS ON FACEBOOK ABOUT COMPANY PRODUCTS UPHELD DUE TO WATERTIGHT SOCIAL MEDIA POLICY

DISMISSAL FOR FACEBOOK COMMENTS ABOUT EMPLOYER'S CUSTOMERS UPHELD DUE TO COMPREHENSIVE IT POLICY

Australia 

SOCIAL MEDIA POLICY GOVERNING CONDUCT OUTSIDE OF WORKING HOURS UPHELD AS FAIR

DISMISSAL FOLLOWING NEGATIVE FACEBOOK COMMENTS POSTED BY EMPLOYEE ABOUT A CLIENT UPHELD

DISMISSAL FOR PRIVATE FACEBOOK MESSAGE HELD TO BE UNFAIR AS IT WAS AN EXERCISE OF EMPLOYEE'S FREE SPEECH

USA 

FACEBOOK "LIKES" DO NOT HAVE PROPERTY INTEREST AND DO NOT BELONG TO EMPLOYER SAYS US COURT OF APPEAL

DISMISSAL UPHELD WHERE EMPLOYEE'S FACEBOOK PHOTOS DISPROVE MEDICAL CERTIFICATE

DAUGHTER'S FACEBOOK POST BREACHED FATHER'S CONFIDENTIALITY CLAUSE LOSING HIM \$80,000 SETTLEMENT SUM FROM FORMER EMPLOYER

BEST PRACTICE - RECRUITMENT / HR

COMPLY WITH DATA PROTECTION AND EQUALITY
LAW REQUIREMENTS IF DEALING WITH CANDIDATE
INFORMATION SOURCED FROM SOCIAL MEDIA



DO NOT BASE A DECISION TO REJECT A CANDIDATE
ON DISCRIMINATORY GROUNDS
AS IDENTIFIED IN EQUALITY LEGISLATION

ENSURE EMPLOYMENT CONTRACTS REFER TO RELEVANT HR POLICIES
INCLUDING SOCIAL MEDIA AND CONTAIN GOOD CONFIDENTIALITY
PROTECTIONS AND APPROPRIATE POST TERMINATION RESTRICTIONS



IF DISCIPLINING EMPLOYEES FOR A SOCIAL MEDIA BREACH,
FOLLOW FAIR INVESTIGATORY AND DISCIPLINARY PROCEDURES
AND ENSURE DISCIPLINARY SANCTIONS ARE CONSISTENT AND
PROPORTIONATE TO THE CIRCUMSTANCES

BEST PRACTICE - POLICY

PUT A SOCIAL MEDIA POLICY IN PLACE,
MAKE SURE THE POLICY IS RELEVANT TO
YOUR ORGANISATION

ADVISE EMPLOYEES TO USE PRIVACY
SETTINGS/LOCK DEVICES TO MINIMISE
THE RISK OF UNAUTHORISED ACCESS
TO DEVICES

IF YOUR ORGANISATION HAS SOCIAL MEDIA
ACCOUNTS OPERATED BY EMPLOYEES,
STATE CLEARLY HOW SUCH ACCOUNTS ARE
TO BE MANAGED



COMMUNICATE THE SOCIAL
MEDIA POLICY TO EMPLOYEES

ENSURE THE POLICY COVERS EMPLOYEE CONDUCT BOTH DURING AND
OUTSIDE WORKING HOURS AND ACTIVITY ON EMPLOYEE-OWNED DEVICES

REVIEW THE POLICY
REGULARLY



MAKE CLEAR IN THE POLICY
THAT BREACH MAY LEAD TO
DISCIPLINARY ACTION



SET GUIDELINES ON EMPLOYEES POSTING OR RESPONDING
TO COMMENTS ABOUT YOUR ORGANISATION ON SOCIAL MEDIA

BEST PRACTICE - USAGE

ADDRESS THE ISSUE OF OWNERSHIP OF FOLLOWERS/CONTACTS/FRIENDS ON EMPLOYEES' PERSONAL SOCIAL MEDIA ACCOUNTS



ADVISE EMPLOYEES TO THINK BEFORE THEY USE SOCIAL MEDIA AND TO REMEMBER THIRD PARTY RIGHTS SUCH AS COPYRIGHT AND DEFAMATION

REMEMBER THAT EMPLOYERS MAY BE HELD LIABLE FOR ACTS OF BULLYING, HARASSMENT OR DISCRIMINATION CARRIED OUT BY EMPLOYEES ON SOCIAL MEDIA SITES

RETAIN OWNERSHIP AND KNOWLEDGE OF ALL USERNAMES AND PASSWORD DETAILS FOR ORGANISATION'S SOCIAL MEDIA ACCOUNTS



DO NOT ALLOW EMPLOYEES TO POST BUSINESS INFORMATION ON PERSONAL SOCIAL MEDIA ACCOUNTS

THE RESEARCH

The research in this report was undertaken by iReach Market Research. A range of questions relating to social media in the workplace was asked of 500 employees of companies operating in Ireland with 50 employees or more. All interviews were conducted in May 2015.

iReach Insights Limited is a full Marketing and Research Agency, across all research disciplines and methodologies.



WHY WILLIAM FRY

Our Employment & Benefits Team's expertise includes:

- Advising on any issue connected with recruitment, employment and termination
- Representing clients before courts and tribunals in employment disputes and prosecutions
- Employee Share Plans
- Pension Schemes
- Health & Safety
- Industrial Relations
- Immigration
- Advising on employment and pension issues in M&A transactions, group reorganisations, insolvencies and outsourcing
- Providing bespoke employment law training sessions

“William Fry stands out for its peerless dedication and strength across the board.”

(Legal 500 EMEA, 2015)

“William Fry’s team is responsive and reliable.”

(Legal 500 EMEA, 2015)

“This team asks the right questions to get to the heart of the issue. The lawyers are technically excellent and bring pragmatic solutions to our clients.”

(Chambers Europe, 2015)

“Great breadth of experience, and a high level of responsiveness.”

(Chambers Europe, 2015)

OUR CLIENTS



HITACHI



THE IRISH TIMES

MARKS &
SPENCER



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An tSeirbhís Oideachais Léanónaigh agus Scileanna
Further Education and Training Authority

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