



Social Media at ABC Ltd.

At ABC Ltd we encourage the positive use of social media. Relational communication activities help build meaningful relationships with your colleagues. Share thoughts, comment on posts, and connect with others to enhance teamwork and collaboration.

By fostering online connections, you can strengthen your attachment to your fellow employees and the Company (Luo et al., 2018).

“At ABC Ltd we aim to accelerate communication and network resources to flow together, but in the right way!”

The Impact of Social Media

Social media has the potential to impact communication dynamics among managers, employees, and future job applicants. It can influence how ABC Ltd manages and safeguards its reputation. Additionally, it can often blur the boundaries between personal life and professional responsibilities which we will explore further in this information leaflet.

The Cost of Inappropriate Use

Estimates indicate that the inappropriate use of the internet and social media platforms by employees incurs significant economic costs to Britain's economy annually. Employers are confronted with challenges such as time theft, defamation, cyberbullying, freedom of speech concerns, and privacy invasion (Acas, 2024).

Compliance with Employment Law

Social media usage can affect several employment regulations, including those concerning discrimination, privacy, and employee rights. It is important for employees to understand and comply with these laws. Ensure your social media conduct aligns with company policies to maintain a positive work environment, (People Management, 2023).

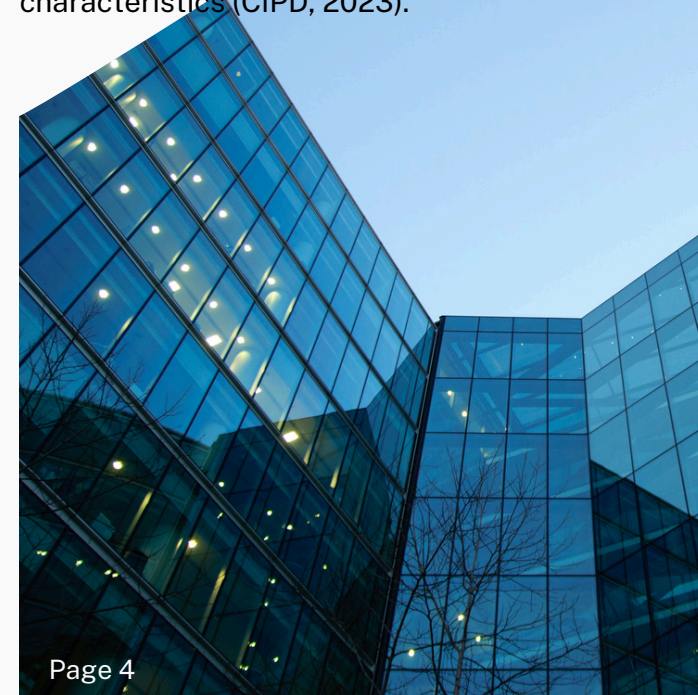
The ABCs of Employment Law

In the age of digital communication, it is crucial to be mindful of how we use social media – whether it is on personal accounts or company platforms (People Management, 2024).

Remember, your online actions can have consequences, especially when it comes to laws regarding bullying and harassment!

Harassment

In the UK, harassment based on age, disability, race, religion or belief, sex, sexual orientation, or other protected characteristics is deemed unlawful according to the Equality Act 2010. However, the Act does not cover harassment that is unrelated to any of these protected characteristics (CIPD, 2023).



What is Harassment?



Harassment refers to unwelcome behaviour that is considered offensive, typically stemming from:

A person targeting you based on a protected characteristic.

Any association with a protected characteristic, even if inaccurate assumptions are made about you. Harassment is unlawful under the Equality Act 2010, (Gov.UK, 2012).

Examples include: unwanted behaviour, verbal or written abuse, offensive emails, social media posts, images, gestures, facial expressions, or banter that you find offensive.

Any behaviour that you find unwelcome qualifies as unwanted, regardless of whether you have previously objected to it, (Acas, 2023a).

For the behaviour to be deemed unlawful, it must have the intention or effect of undermining your dignity, creating a degrading, humiliating, hostile, intimidating, or offensive environment for you (Barnett, 2023, pp. 236–239).

To be legally actionable, this treatment must occur within the contexts covered by the Equality Act 2010, such as in the workplace or when accessing goods or services (EHRC, 2018).

Harassment can be a one-off incident



In the case of *Austin v Samuel Grant (North East) Ltd* (2012) a heterosexual male employee, referred to as A, successfully addressed a harassment claim related to sexual orientation and religion or belief. This stemmed from repeated inappropriate remarks, both verbally and via email.

In one instance, A's colleagues made unwelcome comments about his interest in football, implying his sexual orientation. A raised a grievance, which the HR Director initially dismissed as office banter. The company argued that such remarks were common in North East England football circles and meant in jest (Personnel Today, 2015).



Message HR

HR@ABCconstruction.com



Office Location

123 Swansea City Centre



Customer Service

Call 01792
444 444

Get In Touch!



ABC LTD
CONSTRUCTION

Swipe Right on Responsibility
Your Social Media Survival Guide

What is Bullying?

While there is not a precise legal definition of bullying, it can be characterised as unwelcome actions originating from an individual or a group that encompass:

- Offensive, intimidating, malicious, or disparaging conduct.
- Misuse or exploitation of authority that undermines, humiliates, or inflicts physical or emotional harm on others.

Bullying can manifest as:

- A recurring behavioural pattern or an isolated incident.
- Occurring in person, through social media, via emails, or phone calls.
- Taking place in workplace settings or other professional environments.
- Not always overt or conspicuous to observers.

It is plausible that individuals engaging in bullying might not recognise their behaviour as such. Nonetheless, it still qualifies as bullying even if unintentional or unrecognised by the perpetrator (Acas, 2023b).



Is bullying and harassment the same thing?

No, bullying and harassment are often confused. According to the Equality Act 2010, bullying can amount to harassment if it pertains to any of the listed 'protected characteristics,' which include:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

(Acas, 2023)

Bullying, even if it is not categorised as harassment, could still result in other legal consequences. For instance, severe bullying could be a factor in constructive dismissal cases. Harassment, bullying, and discrimination in various forms continue to pose a significant issue for many organisations (CIPD, 2023b).

Changing cultures is a challenging task, especially when these behaviours have been ingrained over many generations, either implicitly or explicitly accepted. So-called "banter" or inappropriate actions often persist as societal norms. However, for those subjected to them, these behaviours are toxic and will not be tolerated at ABC Construction, (Ng, Niven and Hoel, 2019).

ABC's social media policies aligns with these regulations and establish clear guidelines for appropriate and inappropriate social media behaviour in the workplace.

Social Media Case Law

The recent case of *Crisp v Apple Retail (UK) Ltd* (2011), an employer's decision to terminate an employee for posting derogatory remarks about the employer on Facebook, even though the posts were limited to the employee's "friends" due to privacy settings, fell within the spectrum of justifiable actions.

The tribunal determined that the claimant's termination fell within the range of acceptable actions. They considered that the Facebook posts were not genuinely private and could have been easily shared without the claimant's control.

Additionally, the tribunal noted that while the claimant did not explicitly mention working at Apple on Facebook, their friends were aware of this, as indicated by certain comments in response to the post.

This case highlights the importance of employees understanding the repercussions they may face if they post offensive content online.





Understanding the Consequences

Such case decisions indicate that inappropriate use of social media or the internet could constitute misconduct, potentially justifying dismissal.

All allegations will be thoroughly investigated by the HR team and may even be considered a serious violation by the employee, providing grounds for immediate termination of an employee (People Management, 2023a).

Article 8 of the Human Rights Act 1998 grants employees the entitlement to 'respect for private and family life, home, and correspondence.' Legal precedents indicate that employees possess a justifiable anticipation of privacy while in the workplace (Legislation.Gov.UK, 2020). Whilst ABC Ltd have an obligation to respect privacy for our employees, read on, to understand how you can ensure social media etiquette.



Social Media Etiquette: Tips for Employees



Confidentiality Matters! Sharing sensitive or confidential information about the Company, clients, or colleagues on social media platforms can breach confidentiality agreements under the Data Protection Act 2018 and jeopardise trust (GOV.UK, 2018).

All employees must maintain confidentiality, if breaches are identified the disciplinary processes will be instigated.



Think Before You Post! False or defamatory statements on social media can have serious legal repercussions for both individuals and the Company. ABC has clear policies addressing defamatory content to safeguard against damage to reputations. Let's foster a culture of responsibility and respect online to uphold the integrity of our workplace (Taylor and Dobbins, 2021).



Be Kind! Discriminatory or harassing behaviour, whether online or offline, can have severe emotional and psychological impacts on the individuals targeted and remember it is unlawful under the Equality Act 2010 (Chansukree, Sagarik and Cho, 2022).

Play Your Part

According to the CIPD ((2020), cyberbullying occurs more frequently than inappropriate conduct during workplace social gatherings. Bullying or harassment can manifest just as easily through digital means as through traditional face-to-face interactions. Approximately one in ten individuals report experiencing such behaviour through email, social media platforms, or via phone calls or text messages.

All employees carry a duty to contribute to an inclusive and tolerant work environment through our actions. It is imperative that everyone upholds the Company policies, and ABC will continue to actively confront and address any inappropriate behaviour, (CIPD, 2023a)

Get in touch with the HR Team for further information.

