

Social media etiquette ABC employees

This brochure highlights the importance and sets out the company's rules and expectations required of each employee working within the ABC Company. These rules must be followed to ensure that good practice is applied through the use of social media both inside and outside of the workplace. This information also identifies the potential risks associated with any inappropriate use and employees must be mindful that they must not place their employer in disrepute of any kind when using personal social media accounts as this could lead to disciplinary sanctions or even dismissal.

What is social media?

McKinsey & Company (2023) defines social media as being both websites and applications that enable users to interact with other users, communities, stakeholders and businesses through online networking. The most popular sites used include the following (this list is non-exhaustive):

- Facebook
- Instagram
- X (Formally known as Twitter)
- LinkedIn
- TikTok
- YouTube
- Pinterest
- Flickr
- WhatsApp
- Reddit
- Tumblr

Belbey (2015) argues that an organisation brand's health and reputation is often defined through engagement in the public environment, with this including personal activity. Whilst Bown (2019) highlights that negative social media content can not only destroy a business's trust in your brand in a matter of minutes, it can also severely cause impact, both financially and culturally.

Mohdzaini (2022) emphasises that although technology has drastically changed the way we work and improved many of the systems we use, it also has the potential to create serious challenges as well as ethical conflicts. Baczor (2017) argues that concerns employers are faced with through the use of social media channels, with previous employee voice mechanisms tending to be management-led and controlled. Social media provides the opportunity for real-time communication which can be reached immediately by a wider network of people.

Social media principles

The following principles are recommended by the Government Communication Service (2024) and these set out an employee's expectations and responsibilities when using social media outside of work:

- If any social media accounts identify you working within the ABC company including wearing uniform in any images on your platform, you must always identify yourself and make it clear any opinions are your own and you are not speaking on ABC's behalf through writing a personal disclaimer.
- Always use a personal email address and not the company email address and do not create a social media account that could be mistaken for an ABC account. It is your duty to protect ABC's interests and you must not publish anything that could directly or indirectly damage or compromise the company's reputation.
- You must never speak on the company's behalf on social media unless authorised to do so and you must always ensure that anything you do post is truthful and lawful.
- You must take personal responsibility for your social media content. If you can be identified as working for ABC, you must make sure your profiles, and anything you post or like, are compatible with how we expect you to present yourself to the public and company personnel.

Etiquette and behaviour expectations

ABC employees must always show respect to other users when using social media. An employee code of conduct sets out clear guidance on the type of behaviour that is considered unacceptable and the same high standards must be obtained when using social media outside of the workplace (Rubin, 2021).

ABC will not tolerate any of the following behaviours:

- Abusive or threatening language
- Sexually explicit language
- Unlawful or disrespectful comments
- False or misleading statements
- Impersonating your colleagues or third parties
- Inciting somebody to commit a crime
- Anything that could be reasonably construed as inciting or encouraging someone to commit a breach of health and safety rules

The laws at play

There are multiple laws that can apply to tackle inappropriate behaviour on social media – whilst some are social media specific, others can also apply in our day to day lives (UK Parliament, no date). These include:

- Communications Act 2003
- Designs and Patents Act 1988
- Malicious Communications Act 1998
- Defamation Act 2013
- Protection from Harassment Act 1997
- The Equality Act 2010

Bullying and cyber-bullying under the Protection from Harassment Act 1997, relates to unwanted behaviour from a person or group by who either puts humiliating, offensive or threatening comments or photos through social media platforms. It is possible someone might not realise their behaviour is bullying, however, it can still be bullying even if they do not realise it or do not intend to bully someone with such behaviours could be considered as a criminal offence (ACAS 2023b, LawStuff, no date).

The Equality and Human Rights Commission (EHRC) (2018) supports that bullying can be considered harassment if it relates any of the following protected characteristics as set out within the Equality Act 2010:

- Age
- Sex
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sexual orientation

ACAS (2023b) stresses that both employers and employees have a mutual duty to treat one another with honesty and respect. This includes the employee's responsibility to follow all reasonable instructions in preventing bullying in the workplace. The Equality Act 2010 also strengthens the law in preventing discrimination in the workplace. ACAS (2023a) argues the importance of setting clear principles to ensure that people must not discriminate in any activity connected to their workplace.

Inappropriate behaviour on social media - potential repercussions

It is important that employees are made aware of any potential repercussions should their conduct be questioned at all. This includes inappropriate behaviour which could lead to disciplinary proceedings being brought against them or even dismissal.

Willis (2023) defines conduct as the way that an employee is expected to act and conduct themselves during the employment relationship. This incorporates a set of internal guidelines that an employee must follow whilst in employment. These set standard expectations and behaviours that employees must adhere to.

ACAS (2022) guidance defines 'misconduct' as when an employee has inappropriately behaved or their actions have broken the company's rules. An example of misconduct could include:

- Bullying
- Harassment
- Insubordination (a refusal to carry out reasonable work)
- Being absent from work without permission (absent without leave or 'AWOL')

It is important to note that an employee could face disciplinary action if it is considered that misconduct has taken place outside of work. A disciplinary investigation

would be conducted to consider the seriousness of any misconduct and whether this could have a negative effect on the company.

Suff (2023) outlines that a disciplinary procedure "provides a clear structure for dealing with difficulties which may arise as part of the working relationship from either the employer's or employee's perspective".

For example, such a procedure may be required to make employees aware of what is expected of them in relation to standards of their conduct and the likely consequences of failure to meet such standards.

Case law

Recent case law relating to the *Plant v API Microelectronics Ltd* case supported a dismissal as a result of a breach of the company's social media policy. It found that social media or internet misuse can be deemed as misconduct amounting to a potentially fair reason for dismissal. The employment tribunal will look at whether an employer's decision, in this case, to dismiss, is within the band of reasonable responses.

The tribunal found that the claimant's dismissal over their derogatory comments made on a popular social media platform has been fair, despite the fact that the claimant was a long-serving employee with no previous disciplinary record.

Other employees within the company saw the comments and reported them. The claimant in this case was then invited to a disciplinary hearing and was dismissed for failing to provide an adequate explanation for their comments.

A key point in this case is that the company had set out clear expectations and examples of unacceptable behaviour and also reminded employees that comments on social media platforms are not private, highlighting that any breaches could lead to disciplinary action, including dismissal.

Cases such as this one have focused on the employees' derogatory comments, which includes online behaviour that could bring the employer into disrepute (Raval, 2017).

It is important to note that an employee could be faced with legal proceedings should it be identified that any comments posted through personal social media platforms are found to have harmed their reputation.

