

For more in-formation...

For more information on the legal aspects of social media use and workplace policies, consult ABCs HR department or legal advisor.

Remember: Your online actions have real-world consequences. Think before you post



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ABC Ltd

Responsible Social Media Use: Know Your Rights and Responsibilities

Understanding the Legal Ramifications of Online Behaviours



Introduction

: In an era dominated by social media, it's crucial to understand the impact of our online actions, especially in the professional realm. This leaflet aims to shed light on responsible social media use for ABC employees, particularly focusing on the legal implications of posting offensive content, and the laws surrounding bullying and harassment in the UK.

What is Responsible Social Media Use?

Responsible social media use refers to the conscientious and ethical utilisation of social networking platforms. It involves being mindful of the content we share, respecting others' privacy, and upholding professional standards, both online and offline (CIPD, 2014).

LinkedIn have created 10 ground rules to being a responsible social media which include:

1 - Verify Information: Before sharing or reacting to content, verify its accuracy and credibility. Misinformation and fake news can spread rapidly on social media, so fact-checking is essential to prevent the dissemination of false information.

2 - Be Mindful of Your Privacy: Understand the privacy settings of your social media platforms and review them regularly. Only share personal information with trusted individuals and be cautious about sharing sensitive data publicly.

3 - Respect Others: Treat others with respect and kindness in your interactions. Avoid engaging in cyberbullying, harassment, or spreading hate speech. Foster a positive and inclusive online environment.

4 - Protect Your Mental Health: Social media can sometimes contribute to stress and anxiety. Be mindful of your social media usage and take breaks when needed. Unfollow or mute accounts that negatively impact your mental well-being and curate a positive online experience.

5 - Practice Digital Etiquette: Follow etiquette guidelines while interacting with others on social media. Use proper language, avoid excessive self-promotion, and engage in constructive conversations. Be

mindful of the tone and impact of your comments.

6 - Engage Critically: Develop critical thinking skills to analyse content and understand different perspectives. Challenge biases and engage in respectful and open-minded discussions. Seek reliable sources of information and diverse viewpoints.

7- Be Responsible for Your Online Presence: Understand that your actions and words online can have real-life consequences. Think before you post, share, or comment. Be aware of the potential impact your online presence can have on your personal and professional life.

8 -Limit Screen Time: Set boundaries for your social media usage and prioritize offline activities, relationships, and self-care. Excessive screen time can negatively impact your well-being and productivity.

9 - Protect Yourself from Cybersecurity Threats: Use strong, unique passwords for your social media accounts, enable two-factor authentication, and be cautious about clicking on suspicious links or sharing personal information with unknown sources.

10 - Stay Informed about Platform Policies: Keep yourself updated on the terms of service and community guidelines of the social media platforms you use. Understand what is allowed and what is not, and report any violations you come across.

(Lu, 2023)

Did you know?

→ If you post about ABC Ltd online you could be dismissed for breaching social media policy! In the *Weeks v Everything Everywhere Ltd* 2012, it was found that Mr Weeks who had been posting about his workplace and referring to it as "Dantes Inferno" and refused to take the posts down after discussions with his manager was dismissed. In the employment tribunal the judge ruled that Mr Weeks had breached the company's social media policy and as such the dismissal was upheld!

The Legal Landscape:

In the UK, laws exist to protect individuals from online harassment, bullying, and discrimination. The Equality Act 2010 prohibits discrimination and harassment based on protected characteristics such as age, race, gender, and sexual orientation, whether it occurs in person or online. This means that posting offensive content targeting individuals based on these characteristics can have serious legal consequences.

Employees using social media should be aware that harassment based on protected characteristics, such as age, disability, race, religion, sex, or sexual orientation, is illegal under the Equality Act 2010 in Great Britain. The Equality and Human Rights Commission offers guidance on harassment and employment practices, which can be considered by courts or tribunals if not followed. The law protects individuals from harassment during job application, employment, and sometimes even after employment ends. Despite the removal of explicit protection for third-party harassment from the Equality Act, liability can still arise under other legal duties like breach of contract or direct discrimination (CIPD, 2023)

→ When discussing social media use and its repercussions, it's important to note the legal stance on workplace bullying in the UK. Unlike harassment, there isn't a single law solely addressing workplace bullying. Instead, it can be covered under various legislations such as the Equality Act 2010 if linked to a protected characteristic, the Employment Rights Act 1996 concerning 'detriment' provisions, or even through claims for breach of employment contract terms. Additionally, bullying may fall under criminal or civil provisions outlined in the Protection from Harassment Act 1998, as well as other legal principles like employer's duty of care for worker safety, Health and Safety at Work Act 1974, Criminal Justice and Public Order Act 1994, and the Human Rights Act 1998. Employees need to understand that their actions on social media could potentially fall under these legal frameworks, leading to serious consequences if they engage in bullying behaviour.

Did you know?

→ In 2014, the Employment Tribunal Appeals upheld its ruling that an employee had been fairly dismissed for posting offensive content on twitter. In *Games Retail Limited v Laws*, 2014, it was found that Laws had created a twitter account and followed other organisations that were in the same

industry as their employer. After posting a series of offensive tweets that his employer deemed offensive and threatening, they were dismissed. When Laws took the dismissal to tribunal, the tribunal upheld the dismissal due to the breach of the company's social media policy.

Repercussions for Employees:

→ Employees who post offensive content online, especially on public platforms, may face severe repercussions. This includes damage to their professional reputation, disciplinary action by ABC Ltd, and even legal consequences if their posts constitute harassment or discrimination under the law. In the case of *Creighton v Together Housing Association Ltd*, 2016, it was found that Creighton had an open twitter account and was posting derogatory comments about team members over several years. After an investigation, Together Housing Association dismissed Creighton on the ground of gross misconduct. This case highlights that employers have a right to terminate an employee's employment contract based on their social media accounts.



Understanding Bullying and Harassment:

What is bullying and harassment? The Equality Act 2010 describes harassment as *'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'* and although there is no legal definition of bullying, ACAS describes bullying as *"characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone"* (ACAS, 2023).

Bullying and harassment occur at the more severe end of incivility within the workplace (CIPD, 2023) and despite increased awareness of the problem within the workplace, bullying and harassment is still an issue. Bullying and harassment can take various forms online, including derogatory comments, threats, and the spreading of harmful rumours. It's essential to recognise that such behaviour is not only morally wrong but also unlawful. Victims of online bullying or harassment have the right to seek legal recourse and hold perpetrators accountable for their actions. Although there is no legal claim of bullying or cyber-bullying, if the bullying is linked to a protected characteristic or of a sexual nature, those experiencing the bullying can bring a discrimination claim (BDBF, 2024).



Tips for Responsible Social Media Use:

Think Before You Post: Pause and consider the potential impact of your words and actions online.

Respect Others: Treat others with kindness, empathy, and respect, both in-person and online.

Know ABCs Social Media Policy: Familiarise yourself with ABCs guidelines regarding social media usage. These can be found in the policy section on the staff intranet.

Report Misconduct: If you encounter offensive or harassing content online, don't hesitate to report it to the appropriate authorities.



Conclusion: In conclusion, responsible social media use is not just a matter of etiquette—it's a legal and ethical imperative. By understanding the laws surrounding bullying and harassment in the UK and committing to respectful online behaviour, we can contribute to a safer and more inclusive digital environment for all.

