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SEILLER WATERMAN EMPLOYMENT LAW UPDATE

Employers Are Strongly Encouraged To Adopt a Policy Regarding Employees' Use of Social Networking Web Sites



Whether or not your Company maintains a Blog or a Facebook, MySpace or Twitter page, you can be certain that many of your employees do. As an employer, there are legal issues associated with these web sites that employers can, and should, address with their employees. Many companies have a policy

related to employee-use of employer-maintained email. Employers should consider expanding that policy to include the employees' use of social networking web sites in order to protect the employer from possible liability for the employees' actions.

Confidential Information

Employers should establish a policy prohibiting an employee from posting on social networking or blogs confidential or proprietary information such as business plans, products and services, customer lists, pricing information, financial information, employee information and trademarks. Employers have traditionally safeguarded their confidential and proprietary information with the use of non-disclosure agreements, password protected accounts and other similar measures. The growing use of social networking and blogging sites has created an additional avenue for the disclosure, even accidental disclosure, of confidential information. Employers should be pro-active in discouraging any disclosure of confidential information in cyberspace. This information can be a gold mine for competitors.

Disparaging, Harassing or Discriminatory Comments

In addition to this business-related information, employers may also want to consider including in the policy a statement describing other information that is prohibited, such as the employees' use of defamatory, harassing or disparaging language, statements regarding competitors, co-workers or customers and statements affecting the company's reputation. Employees can do immeasurable damage to a company's reputation by placing these types of comments on the web. Potential customers and new hires often

search the web for information about a company. Statements of this kind can discourage individuals from doing business with your company. In addition, these types of comments can provide valuable information to a plaintiff suing the company for discrimination and/or harassment, and could be potentially devastating to an employer's defense.

Conclusion

The type of policy you choose to adopt depends on your business needs and culture. Employers, however, should consider implementing a policy that covers both social networking and blogging and that clearly define the employer's expectations and protects the company from potential liability.



By [Cynthia Effinger](#). For more information on this topic or any other legal concerns or questions, please contact your Seiller Waterman attorney.

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