
Social Media Sites and Privacy at Work

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More than ever before, people are connecting with one another online. As a result of the proliferation of social media sites like Facebook®, LinkedIn®, MySpace® and Twitter®, individuals have the ability to create personal profiles and exchange e-mails, pictures, files and instant messages on the Internet. This article addresses some common questions employers ask about social media sites.

Q. Are social media sites used in the workplace?

A. Yes. Some employers develop their own internal social media sites to assist employees in working together or for the purpose of sharing company information. In many cases, social media sites are accessed by employees at work for personal reasons.

Q. Why should you be concerned about employees' use of social media sites for personal reasons?

A. One major concern is loss of productivity. A 2007 study by Richard Cullen of SurfControl, an Internet-filtering company, estimates that Facebook® may be costing Australian businesses \$5 billion a year. A second major concern revolves around privacy issues.

Q. What privacy concerns do social media sites raise for employers?

A. You need to be aware that monitoring potential or existing employees through personal or work-based social media sites may be subject to privacy legislation applicable in your jurisdiction. In British Columbia, for example, employers are restricted in their ability to collect, use and disclose employee personal information without an employee's consent.

Q. How do these privacy concerns manifest themselves?

A. Many employers use Internet search engines, personal websites and blogs to discover information about prospective employees. You should be aware that even publicly available social media site pages may contain inaccurate or outdated personal information. Equally, you must be extremely hesitant about relying upon such information. You should also not use personal information obtained from such sites in a discriminatory manner against prospective employees.

In addition, most employees view their personal social media site pages as private. Employees are often unaware that personal information posted on these sites may be accessible by their employers and co-workers. Any organization that monitors its employees' use of social media sites must ensure that its employees are aware of this practice.

Q. What are the possible consequences to you of inappropriate use of employee personal information on social media sites?

A. An employer that uses an employee's personal information, obtained from a social media site without that employee's consent or in a discriminatory manner, could face privacy or human rights complaints, a workplace grievance under a collective agreement, and negative publicity.

Q. How should you minimize the risks associated with social media sites?

A. Employers should develop and communicate to all employees a clear policy on the appropriate use of social media sites. The policy should cover:

- whether work-based or personal use of social media sites is permissible in the workplace;
- under what circumstances, and when (e.g., unpaid breaks) social media sites may be used;
- a description of acceptable and unacceptable use of social media sites;
- whether the employer monitors social media sites;
- whether privacy legislation applies to the collection, use and disclosure of personal information in the workplace; and
- the consequence of failure to abide by the policy.

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