

Employment Practices *Update*

Bringing important information to emergency service organizations

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SOCIAL MEDIA: Postings may compel ESOs to take disciplinary action

Statistics indicate approximately two out of three Americans visit social media networks online. Facebook alone boasts more than 500 million account holders worldwide.

Emergency service organization (ESO) employees and volunteers are utilizing social media networks and Web sites at a rapid pace. Facebook, YouTube, Twitter, LinkedIn, personal Web pages and blogs are only a few of the current social media resources tapped frequently.

ESO members' usage, written content and photographic and video-based images on social media sites could create a multitude of problems for both the individuals and the ESOs for which they work. It's good practice for ESOs to be sensitive to members' social media communications that could be considered a breach of confidential information, inappropriate, offensive, unprofessional, disparaging, defamatory, discriminatory or harassing. Among other risks, an ESO could be held liable for its members' postings on their personal social media networking sites. This article provides ESOs with analysis and risk management guidelines for handling difficult issues involving members' social media usage.

Can the content of a member's social media site be kept private?

An inherent conflict regarding social media can often be an individual's reasonable expectation of privacy or confidentiality when the content (written text, pictures or videos) is being disseminated on the World Wide Web. An email, Facebook post, photograph, blog or video could be passed along to an endless number of recipients.

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Social Media: Postings may compel ESOs to take disciplinary action

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Many individuals may attempt to limit access to their social media sites or communications, but sometimes these exchanges land in the hands of unintended recipients. Inappropriate, offensive or personal material may draw the attention of ESO leaders who will then determine if any disciplinary actions should be taken.

Objecting to members' social media usage

On ESO time or within ESO facilities – The ESO has a vested interest in what behavior or activities its members are engaged in during work hours, within ESO facilities or otherwise engaged in ESO-related activities. Members should be cognizant of inappropriate usage of ESO-owned Smartphones, computers or other devices to communicate offensive, intimidating, discriminatory, harassing or other unprofessional social media content. ESO members may even be disciplined for using a personal laptop computer or Smartphone while on duty, on ESO property or otherwise engaged in ESO-related business.

Off-duty – Members may post pictures, videos or written text on personal social media sites while off-duty. However, it is crucial ESO members understand that postings made on their own time, from their own computer or Smartphone and while off ESO property can still harm the ESO, its members and the community served. Under a variety of circumstances, these off-duty communications can sometimes be tied to business-related activities, co-worker relationships or reputations within the community.

ESO-related information – Members of ESOs may use their personal social media networks to discuss ESO-related business information and could violate confidentiality laws and/or ESO policies. Members may communicate sensitive or confidential information about the ESO's financial, operational and personnel functions. Similarly, social media sites may contain medical or personal information about citizens served by the ESO.

Co-workers as subjects of postings – Problems can result when an ESO member

posts information, allegations, pictures or videos about co-workers that could be considered damaging. For instance, an ESO member can post disparaging allegations or comments that are harassing or discriminatory in nature against co-workers.

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Social media policy development

Involve legal counsel – It is strongly recommended that ESOs work with local counsel to develop a policy pertaining to members' usage of social media.

Policy language specific to members' utilization of social media or networking can be woven into an existing policy on other electronic communications systems. Alternatively, the ESO may develop a stand-alone policy addressing social media or networking.

Other policies that could be applied to social media usage address:

- **Harassment, discrimination, retaliation or other behavior that may be considered inappropriate, offensive or intimidating.**
- **Inappropriate usage of ESO time or equipment (i.e. computers) or is otherwise detrimental to productivity, morale, work culture or the ESO's mission.**
- **Code of Conduct. The emergency services industry often relies on the public trusting in the integrity and professionalism of its members. ESOs typically have instituted policies that allow members to be disciplined for behavior on- or off-duty that reflects poorly on the integrity and professionalism of the ESO and its membership.**
- **Breach of confidentiality or unauthorized communications regarding private business-related information. This may include financial information, operational data, sensitive personnel matters or even photos or videos taken at emergency scenes.**

- **Misuse or misrepresentation of the ESO's name or business consequently violating copyright or trademark laws or protections.**
- **An individual's social media site may indicate he or she is a member of a certain ESO, therefore, representations made by that person on a Web site could be misperceived as representing the views of the ESO.**

Members should receive and sign a form acknowledging their understanding of the electronic communications systems (including social media) policy. The form should also include the ESO's ability to monitor their usage while on duty, within ESO facilities or otherwise engaged in ESO-related activities.

Implementing a policy that bans members' usage of social media networks is most likely unrealistic. Instead, focus on a policy that is grounded in common sense and places reasonable restrictions on content and usage. Also discuss the ESO's goals, needs and expectations for such a policy.

Periodic training for ESO membership

ESO members are encouraged to provide training for its membership on social networking and other electronic communications systems. It is important to explain the parameters of a policy and also answer members' questions. Periodic training may help ESO members understand that social media usage could be detrimental to the organization or its members.

Conclusion

Americans value and protect their reasonable expectations of privacy in respect to their personal activities. However, problems often arise when an ESO member's personal communications are inappropriate, offensive, disparaging or discriminatory and disseminated to others within the ESO or members of the community served.

Social media carries a risk of shared information being distributed to many outside the originally intended scope of communication. It is important to educate ESO members about exercising sound judgment when utilizing social media, while reinforcing the potentially detrimental impact it could have on the organization.