

## Employers defining ownership, content guidelines for social media

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Courtesy Spencer E Holtaway

Some employers have begun using social media guidelines and pre-employment agreements to help prevent employers from using social media in a way the employer finds unacceptable.

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Facebook posts, tweets and Instagram photos all reflect the host account, but they can also affect others — including an employer.



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"To a certain extent, you always represent things other than yourself," said Karen Russell, an associate professor in the Henry W. Grady School of Journalism and Mass Communication at the University of Georgia.

From a public relations worker being fired after insensitively tweeting about AIDS in Africa or a daughter costing her father \$80,000, it doesn't take long for some user to inadvertently become a social media sensation.

Some employers have begun using social media guidelines and pre-employment agreements to help prevent such happenings, said Cayce Myers, a doctoral candidate for mass communications at UGA.

"The truth of the matter is that the law has sort of caught up with social media," Myers said.

Although he isn't practicing, Myers is an attorney and said employees are starting to focus on two particular areas regarding the social media accounts of their employees — ownership and regulation.

In regards to ownership, Myers said some corporations argue they own particular accounts through trade secret law. Specifically, the corporation asserts that the followers of an account represent the clients and potential clients of the company.

"[Companies are] saying, 'Where is the content coming from? Who's content is it? How did you get all those followers? You didn't get them because of you, you got them because of your affiliation with us,'" Myers said.



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Although having mixed success in courts, Myers said some of these cases are evaluated to be worth hundreds of thousands of dollars.

"We've moved away from social media being something that's fun to use and being something that's worth money," Myers said.

While no precedent stands for these types of cases, Lisa Quast, a contributor with Forbes, said, "New employees should discuss ownership of social media accounts at the beginning of their employment, especially if they already have a personal social media account and following in the same industry."

No matter who owns the account, the employee represents the company in some capacity.

"A lot of social media professionals make fun of 'tweets are my own' in bios because it's meaningless," Russell said in regards to those users who attempt to separate themselves from their employers. "It doesn't offer you any legal protection, either."

With content regulations, however, employers are making progress. Social media is being treated, Myers said, like a "virtual water cooler."

Myers said companies couldn't fire individuals for legitimate workplace grievances, like discussing thoughts on upper management and working conditions.

Content that these guidelines could regulate, though, might entail the creation of a "hostile work environment" or defaming statements concerning customers or fellow employees, Myers said.

If someone is working for a company and make attacks toward other employees or personal attacks toward management, then they can be fired, Myers said.

One issue with such agreements, Myers said, is the jargon. For large corporations, these guidelines must be understandable by all levels of employees.

"When it goes beyond that very limited requirement, it becomes a problem," Myers said.

He said regulations have been struck down where employers attempted to have workers submit posts for approval prior to publishing or to hinder workers from mentioning their employers at all on social media.

Christine Farmer, a senior biology and nutrition science major from Kennesaw, said she saw good intent with the pre-employment guidelines but a gray area in the ownership battles.

"People think they have the right to say whatever they feel like whenever they want to under any circumstance, and that's not the case," Farmer said. "It's not a way to control people, it's just a way to be socially responsible."

Regardless of a contract, Farmer said no company wants to be put in a bad light. "You work for them, not for yourself," she said.

Farmer said she isn't very active on social media, evident in her only having a Facebook account. She said she just doesn't need any others.

"I think it's good for our generation to learn that there are repercussions to what you say on social media," Farmer said. "As we get jobs, there's the possibility for what we say to be put under a microscope."

