

Social Media Misconduct part 6

Q: What's the cornerstone of an employment relationship?

A: Trust! When the company says that there is a breach of trust, the company believes that the employment relationship is tethered and unfixable.

Dubbed the decade of the Social Media Revolution! How does HR mitigate the risk?

THE ANSWER

1. Have an inclusive rank and file social media task force;
2. Speak with one voice when creating your policy;
3. implementation goes hand in hand with brand awareness;
4. Keep up continues communication with staff and executives; and
5. remain vigilant.

This is effortless if you partner with Moni Attorneys. We assess your risk and forecast solutions that fit your budget and profile.

Visit us: www.moni.co.za or call us: 011 646 4558



Case Law: You are the weakest link...Goodbye

In Weeks / Everything Everywhere Ltd, a UK Tribunal upheld a dismissal as fair and found that in social media cases you do not need to show actual harm but potential for harm.

f

The Facts: Mr Weeks did not like Ms Lynn. He wrote about his dislike for her on his Facebook page. She complained to his manager about the posts. Once Mr Weeks knew of the complaint he stepped up his rant and threatened his colleague and his employer:

*“It saddens me that people request to be your friend and then stab ya in the back – I’m a big believer in karma, what goes around comes around... I aint changing what I say on Facebook page so eat cake bitch! And, “Well been a long day – 12 hours in Dantes ... Still reeling from the knife in the back... If you perceive my light and jovial manner as a sign of weakness you may get a very unpleasant surprise. If you come to hurt me I’m f**n ready for yal! No more words from me, next its action.”*

Mr Weeks ‘flatly refused’ to desist from making the posts on his Facebook page. He was warned by HR that he is infringing the company social media policy.

f

The Finding: the comments about Ms Lynn constituted cyber- bullying and a serious breach of the social media policy and disciplinary policy and either would have been sufficient to dismiss the employee; and Referring to your workplace as Dante’s Inferno prejudices the company as it castes derogatory aspersions on, inter alia, its image.