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Comment

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Social media and its impact on employers and trade unions

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Over the past five years the sophistication and reach of what has become known as social media has outstripped all expectations. It has provided individuals with a voice in a public space that they would never previously have had. It has allowed voices from all corners of the globe to communicate with each other, shifting power bases and facilitating popular movements. This phenomenon has implications as much in the workplace as it does at a social, societal and political level.

For employers and trade unions social media raises new legal and ethical questions. As well as these challenges, it presents new opportunities to engage with the workforce on both an individual and collective basis. In this new digital social space the rules are still developing, and the implications for workplaces are still emerging.

Acas has unique access to the perspectives of the key workplace players – employers, employees and trade unions – at both the collective and the individual level and this paper aims to draw on that experience to make a contribution to the current debate.

The paper begins by broadly defining what is meant by social media and charting rise in use across different platforms over recent years. It then addresses the implications that are emerging for both individual and collective employment relations, and draws on a new report commissioned by Acas – 'Workplaces and social networking – the implications for Employment Relations'[1].

Whilst the former report focuses most closely on aspects of employee behaviour and managers' response, this paper looks in particular at issues relating to social media and collective relations. Both papers will form the basis for forthcoming Acas guidance on managing the use of social media in the workplace.

Defining social media

"Social media" is the broad term given to describe the latest evolution of internet and web based communication platforms which enable users to rapidly connect and interact in a variety of different formats. A social media site is a platform that allows user-generated content to emerge through interactions and collaborations in a virtual community. This contrasts with earlier websites and other forms of broadcast media where users are limited to the passive viewing of content.

Whichever way we define or view social media, this evolution of the web has several characteristics which need to be understood when considering its impact upon organisations:

- **Reach** Social media has the ability to reach a vast number of people instantaneously and the technologies provide a platform which allows for two-way communication.

- **Accessibility/Usability** Social media is available to anyone who can use a computer or a smart phone. The high accessibility follows from two factors: firstly it is cheap, and secondly – unlike traditional media production – it typically does not require specialised skills from users.

- **Immediacy** Whilst traditional media often suffers from a time lag of several days, and sometimes months, before their message reaches their audience, social media reaches its users quickly, sometimes instantaneously.

- **'Permanence Paradox'** Social media can be adapted or enhanced almost instantaneously through user comments, editing or content submission. This co-creation of content and meaning is a driving force in the digital social space. However, paradoxically, social media content once created is very hard to delete as millions of digital copies can be made and transmitted instantaneously. Twitter, for example, has its archive preserved in the US Library of Congress.[2]

All of the above reinforce a cycle; in that the easier the social media is to use and access the higher its adoption rate and the more it becomes a fundamental part of everyday organisational life.

The adoption of social media

Statistics on the usage of different social media platforms nearly always indicate an upward trajectory as data from some of the most prominent social media platforms illustrates.

Facebook has over 500 million users and more than 30 billion pieces of content being shared each month on the platform including web links, news stories, blog posts, notes, photo albums, etc. In May 2011, British Facebook traffic surpassed that of Microsoft's websites, making it the most frequented website in the UK after Google, according to the online measurement body UKOM/Nielsen[3]. Facebook also reports that 250 million active users currently access the site through their mobile devices.

Twitter is five years old and as of September 2010 had 175 million registered users. Twitter reported in March 2011 that some 500,000 new Twitter accounts are created each day, and that one billion 'tweets' are now written each week. Both of these platforms are reaching a wider audience, with people aged over 50 signing up at record-rates (UKOM/Nielsen), suggesting that UK-based Facebook and Twitter users are now reflective of the entire online community.

The Google owned video sharing website YouTube reports that more than 13 million hours of video were uploaded to their site during 2010 and 35 hours of video are uploaded every minute. It reached over 700 billion playbacks in 2010. The recently launched Google+ social networking platform is already gaining users at a phenomenal rate, with some estimates placing its growth around 800,000 new users per day.

The rise of data sharing

Social media tools allow rapid data sharing across organisational hierarchies and this opening up of organisational data flow is perhaps one of the most fundamental impacts upon organisations.

Table 1 below provides a conceptual overview of how organisations have responded to each evolution of the Web since Tim Berners-Lee published his first web page in 1991.

Table 1. Organisational Response to Each Generation of Web Development

Phase of development	Organisational responses
Web 1.0 (approx 1991 onwards)	• Development of corporate websites • Development of corporate intranets • Wide scale adoption of email • Email usage and internet usage policies • Adoption of e-commerce as route to market • Adoption of websites for campaigning purposes

Web 2.0 (approx 2002 onwards)	• Development of corporate pages on platforms such as YouTube, Twitter, Facebook, LinkedIn • Interaction with customers through social media channels (including direct sales) • Implementation of social media policies • Stages in supply chains bypassed (disintermediation) • Adoption of read/write web for campaigning purposes • Using platform functionality (eg, location-based awareness to drive campaigns) • Recruitment starts to be supported or channelled through social media platforms
Web 3.0 (approx 2010 onwards)	• Development of multi-platform communications and engagement approaches • Real time management decision making • Rapid business model innovation • Further disintermediation especially of 'professionals' as knowledge brokers • Move to a looser, less regulated, more flexible model relying on professional ethics rather than rules?

Social media and the latest developments of the web are rapidly pushing organisations away from the traditional broadcast communication and engagement models that they have been used to. They create a constant ever-changing real-time open data flow, which is continually updated and drives behaviours and responses at a progressively faster pace.

The recent publicity around Wikileaks and super-injunctions, the revealing of data around banking bonuses and tax evasion, and the move by governments around the world to make public data available continue to drive the pace of change and force organisations to review their structures, systems and processes.

Impact on employment relations

For both employers and trade unions this new space offers opportunities and challenges to the way in which they engage with their constituents.

Its reach and speed have the potential to transform the employment relationship in a number of ways as a result of:

- New legal and ethical questions on what the acceptable norms of behaviour are in a new social space at an individual level;
- Potential to both share information and consult employees in new ways;
- Stronger collective voice of employees; and
- Change in the conduct of collective disputes and collective bargaining.

Employee use of social media and the law

The rise in social media usage by employees presents employers with a number of challenges in relatively un-chartered territory for all concerned. Should employers limit workforce access to social media sites at work? Can they regulate employees' behaviour on sites outside of work if postings are work-related? And what types of behaviour should result in disciplinary action?

The authors of the new Acas report on social media and the workplace identify two main kinds of social media usage by employees that have resulted in disciplinary action. The first is "posting comments, videos or photos that reveal some form of work-related misbehaviour." The second "involves using social media to express views to which employers object in some way."

Whilst email became widely adopted as a corporate communication tool there was a lag between the arrival of the technology and the adaptation of corporate structures to respond to the technology. There were several high profile cases of unintended email abuse which hinted at the potential dangers of a highly interconnected workforce that could forward digital information on to many others at a click of a mouse. Eventually, corporate policies caught up and the majority of companies have policies which govern email and internet usage. We see the same happening now with social media.

However, with social media there are some key differences to be considered. Workplace email – just like workplace written mail – is clearly 'bound' by workplace rules. It could be argued that most employees now recognise that workplace emails are formal documents and to a certain extent need to be viewed in that way. However, social media platforms such as Twitter, Facebook and blogging sites blur the lines between work and private life. A company can legitimately, and accurately, track social media commentary about its brand and very quickly find potential areas where employees, or others, are making negative comments about them.

The Acas report cites a number of cases that have arisen around this issue including that of Joe Gordon.

> "Joe Gordon is widely known as the first British blogger to be dismissed for work-related comments made online (Schoneboom 2008). Gordon wrote a general, allegedly humorous, blog. Entitled the Woolamaloo Gazette, the blog was about his life and occasionally touched on his work at the Edinburgh branch of a bookseller. The comments about work included complaining about his shift pattern, referring to his manager as "evil boss" and calling him a 'cheeky

smegger' for asking him to work on a bank holiday. He also referred to the firm as "Bastardstone's" (Gordon 2004, Barkham 2005). Gordon was dismissed from his position in early 2005 following a disciplinary hearing, but successfully challenged the decision on appeal."

As this example demonstrates, it is by no means clear what form of behaviour can be successfully challenged by employers. Commentators on the Gordon case argue that it is crucial for the employer to have some kind of social media policy in place to determine what is acceptable and what is not. However, the Acas report also highlights legal developments in the US where legal challenges have been raised over more draconian employer social media policies.

In addition, some commentators have been examining the ethicality of social media usage by employees and responses by employers. The Acas report argues that in cases where there has been little harm and the postings have been read by a relatively small group of people, taking tough punitive measures may be perceived as disproportionate and unethical.

In response to the widely publicised case of a woman being dismissed for calling her job 'boring', the General Secretary of the TUC, Brendan Barber, called upon employers to adopt a common sense attitude to these comments. He said that employees need to protect their privacy online and employers should be less sensitive to criticism. "Most employers wouldn't dream of following their staff down the pub to see if they were sounding off about work to their friends," he said. "Just because snooping on personal conversations is possible these days, it doesn't make it healthy."[4]

A practical policy response

The Acas report provides useful evidence on experiences to date in developing a response to social media, but concludes that the relatively new and rapidly changing nature of this arena makes it difficult to provide definitive guidance on best practice.

The basis of policies and guidance of the Acas case study organisations were largely one of common sense and a reminder to employees that the same types of controls apply online as they do offline. The Acas report recommends that "a good and clear policy on what constitutes an unacceptable use of social media in a particular organisation will help both the employer and the employee to understand where the boundaries between acceptable and non-acceptable use lie."

Among the recommendations put forward by the report is the need to consult with staff or their representatives when drawing up the policy; good communication of policy including a reminder to employees of their responsibilities to protect their own privacy; the availability of adequate mechanisms for employees to raise formal and informal grievances; consideration by organisations on how they can reap business benefits of social networking; and the need to keep up to date on developments in employment law.

Employers and the collective arena

Organisations are now beginning to use social media tools as a means of engaging with the workforce at a collective level. Where this occurs it is primarily done through a blend of existing corporate platforms such as intranets, instant messaging, internal chat forums and corporate blogs through to Facebook, Twitter, wikis or dedicated social network development platforms such as Ning.

Some organisations now use 'enterprise wikis' for knowledge sharing and engagement and these are rapidly challenging established corporate intranets as the main means for capturing and disseminating corporate information and knowledge. There are examples of virtual worlds such as Second Life being used for training and meetings.

Allowing employees to discuss work related issues on social media can bring real business benefits. The use of blogging can give the firm a human face in the eyes of the customer, and improved professional networking can help to share knowledge and thereby improve performance. But it is argued that firms can only fully benefit from social media in this way if employees are given as much freedom as possible in their usage of the technology. According to the Acas research there are firms prepared to embrace this new approach. In one of three case studies examining the use of social networking, the report describes how:

> "BT is already removing some of the blocking barriers which it has in place, meaning that it will have less of an overview on what its employees are doing on the internet. There are two main reasons for this; firstly it feels confident in this approach as it has a great deal of trust in its employees; and secondly it will improve both the cost and efficiency of the organisation. BT wishes to enable its workforce to work globally and so this means being able to access internet services from wherever they are located."

However, it seems that some organisations are struggling to come to terms with the implications and possibilities of social media as a means of engaging employees. Many organisations are still reluctant to allow access to social media sites on corporate systems ignoring the possibilities and only focussing on the threats that social media might bring. In any case, according to Facebook, the most active of its account holders use smart phones to access and update the site. With social media and web access quickly becoming ubiquitous an organisational response of simply blocking access becomes untenable.

This is a live debate at present with the political discussions around the role of social media in the recent UK riots. At some point all organisations will need to take the bull by the horns and be proactive in their approach to the challenges of social media.

Collective organisation

In collective or 'organised' labour disputes, social media has the power to rapidly organise disparate groups of individuals in increasingly fragmented workplaces, where trade union reps are thinly spread and struggle to maintain the direct personal

contact that previously existed. It also provides unions struggling to connect with younger workers a means to communicate with this group via a medium with which the younger generation are, on the whole, comfortable.

It has been argued that in the UK trade unions have been slow to embrace social media for campaigning and organising. However, there is evidence that this is beginning to rapidly change. The TUC set up a social media portal for the 2010 Congress which pulled together a number of social media resources and feeds around various campaigns. Recent campaigns against the government's deficit reduction programme have made considerable use of social media platforms.

Unison, for example, is currently running a Facebook-driven campaign against the government's austerity measures. This site, based on the Facebook platform, also includes location based information driven by Google Maps. However, it does not immediately ask for details to join Unison – merely sign up to the campaign. To see details about joining Unison one has to click through to the next page.

This is evidence of one type of 'digital activism' model of organising whereby people are encouraged to sign up to a single issue campaigning site (eg, against cuts, or for a fair society or sustainability) before the idea of formally joining the union is raised. It can also be argued that adoption of the internet and social media tools by individuals is hugely empowering, undermining the need for unions to provide advice and guidance.

Surrounding the publicity of Wikileaks union leaders became suspicious of the use of the data from social media by corporations, both for employment and dismissal reasons. The TUC has referred to Facebook as "3.5 million HR accidents waiting to happen"[5]. Similarly, unions often mention the need to recognise the dangers of using public social networking sites, which they view as being commercial sites with their own agendas.

Despite the wide-spread concern, trade unions and labour activists around the world are becoming increasingly sophisticated in their use of social media to campaign, organise and link with one another. The ease with which tools can be deployed and used along with the relatively low cost of deployment has seen a boom in internet or 'digital' activism. In addition, increasing technical connectivity has allowed groups or individuals to find and join with others, irrespective of geography.

The Facebook page of UNI Global Union, a federation body for trade unions around the world, provides a prime example of effective social media use for trade unions (see below). This page acts as conduit for linkages into a whole range of labour movement and campaigning websites. The links from this platform access several other social media platforms that are being utilised by activists and campaigners to raise awareness on several employment related issues.

Social Media network page of UNI Global Union www.facebook.com/UNIGlobalUnion

Two of the most prominent Labour Movement networks, Labour Start and UnionBook, are examples of social media in action. Labour Start for example provides activists with the facility to propagate their campaigns on a global basis. Campaign groups such as UnionFacts, also use social media campaigns but to oppose trade unions.

Collective bargaining and engagement

The freedom that social media brings carries challenges as well as opportunities for the traditional conduct of employment relations. On the one hand the ease of availability of information in the era of open data creates a platform in which unions and representatives have freer access to the kind of information that is often the subject of conflict.

This is because disputes often pivot around issues of transparency, business progress, affordability of pay, and comparability within and between organisations on terms and conditions. In this sense, easier data access reinforces aspects of the Information and Consultation Regulations which contain provisions supporting greater dissemination of information about businesses' economic situation and employment prospects (amongst other issues). Yet, if organisations fall short of the perceived norm in terms of open data this may prove controversial. Moreover, where transparency is resisted, trade unions and employees may seek to obtain and

interpret information independently, bringing greater risk of disputes. Where either party gains information from their opponent's camp, there may well be a significant shift in the bargaining power of one party over the other.

Changing the conduct of disputes

Social media has also directly influenced the way in which some disputes have been conducted. As with individual disputes the underlying grievances are likely to be similar to grievances that employees have aired for many years (eg pay, working conditions, management behaviour and decisions). But in terms of opportunity social media tools provide a way to engage with and organise people in a more efficient and rapid manner. They can also facilitate the collaboration with other campaign or interest groups.

In the East Lindsey Refinery disputes much of the organising was done via websites, such as shopstewards.net and SMS messaging. This enabled a local dispute to spread to over 20 other construction sites across the country overnight. Moreover websites created by the trade union stewards engendered much wider support that went beyond that of union members. The dispute itself centred around several hundred workers brought in from other countries in Europe to work at the refinery. They were housed on a barge to which they were largely confined outside of work hours. Normally the influx of temporary workers to the site would have boosted the local economy but because this did not happen, local hoteliers, shop owners and caravan park owners added their support to the dispute via the website.

In Germany trade unions have adopted the technique of flash-mobbing as an organisational tool. Flash Mobs have been defined as "a public gathering of complete strangers, organized via the Internet or mobile phone, who perform a pointless act and then disperse again." Spiegel Online reported on a dispute involving the trade union Verdi, which represents more than one million employees in the retail and public sectors[6]. Verdi organised a flash mob of around 150 people at a shopping centre in Aschersleben. The protest came after disagreements over pay and work conditions between Verdi and retail bosses across three states in the centre of Germany. The group filled shopping trolleys with a range of products but when it came to paying for the goods they handed over cards with political slogans such as "fair wages" instead of credit or debit cards. The action caused severe disruption in business with some stores spending a whole day in re-shelving the goods. Doris Finke, union secretary of Verdi told a local newspaper,

> "With this new form of strike we wanted to draw attention to our problems. But we also wanted to let our colleagues in other sales areas know about our problems."

It was widely reported that social media and mobile messaging platforms were used in organising the recent riots in England as well as the positive community responses that followed. In the UKUncut and anarchist protests during the recent TUC demonstration, large amounts of organising and campaigning (if not all) was carried out unofficially through social media. There was also involvement by other groups in the industrial action in June by teaching and civil service unions. The spread of activism outside the traditional boundaries of workplace collective action

provides potentially greater impact, but it also presents trade unions, employers and the authorities with more volatile demonstrations and less ability to control action that has the involvement of disparate but well organised groups.

In terms of the conduct of disputes, including Acas talks to resolve disagreements, parties depend on the ability to have free and open dialogue to float proposals and test understanding without the details being broadcast more widely. Social media including Twitter and Facebook can threaten this traditional stronghold of privacy. Moreover, once negotiations are concluded and an agreement reached, feeding back the outcome to constituents in a structured and considered way can be crucial to achieving support from the membership and avoiding industrial action. Dispute outcomes are often complex and nuanced and the emphasis must lie on achieving measured and effective management of dissemination of this information. Again this can be undermined if messages leak or are erroneously communicated to the wider audience. It is the speed, immediacy and reach of social media tools that distinguish them from other forms of communication and can threaten both confidentiality and the careful management of communicating dispute outcomes. More open data may also have implications for collective bargaining as parties often use knowledge to leverage their power in negotiations.

Looking Forward – Industrial Action in Virtual Worlds?

'Virtual worlds' such as Second Life are becoming increasingly popular with an estimated 15% rise in people using these sites every month. These worlds are often environments where people adopt personas or avatars to interact with one another. The potential of virtual worlds has been adopted by several organisations and has not gone unnoticed by union activists and in 2007 a 'virtual strike' was conducted at an IBM site in Second Life.

IBM Virtual Strike

Social media technology opens up the possibility of reaching vast numbers of supporters for a cause. This was used by IBM workers in Italy during a strike in 2007 against potential pay cuts. The 9000 workers were joined by 1800 supporters from 30 countries in a virtual picket line. Avatars representing users of the virtual world website Second Life could be seen carrying banners in support of the strikers, who even succeeded in cancelling a virtual staff meeting. In addition to the Second Life protest, videos sprung up on YouTube.

IBM was caught off-guard by this strike, the first of its kind. The strike eventually led to renewed dialogue and the workers getting a better deal. The success of the virtual picket was to a large part due to IBM's presence on Second Life; only a year prior they had made a $100 billion investment to create its own virtual 3D intranet[7].

Whilst the strike attracted a huge amount of publicity, there has not been the huge increase in Second Life activism once anticipated. Union Island, a Second Life based virtual world specifically designed to help trade unionists and activists use social networking and virtual reality sites more effectively ceased to fully function in January 2010 due to under use, and now acts as a signposting website.

Other sites survive however and Second Life Left Unity, for example, remains active, seeking "creative, non-violent means to foster revolutionary social dialogue via the virtual world platform of Second Life". In a recent survey of internet usage in over ten countries by UnionBook, a social networking site for trade unionists, it found that there was little use of Second Life, with Facebook being by far the most popular tool used by 88.1% of respondents[8].

Walton Pantland of the social media site, Cyberunions, commented that this might be due to Second Life being both time consuming and having high barriers to entry. Although he acknowledges that it provides benefits for distance learning and union conferences, and other commentators argue that it can provide a way in to political activity for those with physical or social difficulties, Pantland concludes that in practice, "union communication departments concentrate on low cost, easy to access technology, like email, text message and social networks"[9].

Whilst unions and their members may not yet be ready for the virtual picketing of Second Life described here, it is clear from the impact that social media platforms are having that the digital space of organisations is increasingly becoming a key area for employment relations issues.

Conclusion

Consensus on the norms of behaviour in the digital social space are just emerging, meaning that codification of acceptable and unacceptable practices has not yet taken place. The increased access to social media both in and out of the workplace means that employers and trade unions can no longer afford to ignore this growing phenomenon or treat it as a side issue.

Employers need to develop clear policies on social media usage and ensure that they are effectively communicated to the workforce. But to remain competitive and productive they also need to consider the business benefits that positive engagement with social media can bring. Fundamental to the successful implementation of these two aims is the ability to engender a high level of trust between employer and employee and their representatives and to do this all parties need to be involved in developing an approach to social media that is perceived as fair and workable.

This should include a dialogue about the employees' responsibilities to represent the brand of the company in a positive way. Employees need to be aware that there are consequences for the business if it is given a bad reputation online and, as such, there is a need to define acceptable practices for making opinions about the company public as well as what actions should be taken for lack of compliance.

Employers, on the other hand, must recognise that there are opportunities created by allowing employees to identify as belonging to the business, and possible gains in productivity through effective use of social media as a communication tool. Finally, the trust in itself may improve the employer-employee relationship.

For trade unions the organising opportunities that social media provides, and the ability to link their cause with that of other social movements has the potential – albeit with associated risks – to offer a new lease of life to collective employment relations. Commentators have remarked on the move from collective action through strikes in the 60s and 70s to individual action through exercising individual employment rights today. However, are these new social media developments ushering in a new era where 'individuals' are organised collectively through these tools to give employers a channel to hear their employees' 'voice'? And do they provide a credible new mechanism for unions to achieve and demonstrate strength in numbers? Social media is already changing the conduct of industrial disputes – greater access to business information may well begin to impact more fundamentally on collective bargaining and the balance of power between employer and employee.

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