

# Research Paper

## Workplaces and Social Networking The Implications for Employment Relations

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(The Institute for Employment Studies)

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# **Workplaces and Social Networking**

## **The Implications for Employment Relations**

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## **Disclaimer**

This report contains the views of the authors and does not represent the views of the Acas Council. Any errors or inaccuracies are the responsibility of the authors alone.

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# 1 INTRODUCTION

This report sets out the results of a small-scale research project commissioned by Acas examining the implications of social networking and mobile information and communications technologies (ICT) for employment relations. Social networking involves use of an online platform or website that enables people to communicate, usually for a social purpose, through a variety of services, most of which are web-based and offer opportunities for people to interact over the internet, e.g. via e-mail and 'instant messaging'<sup>1</sup>. As this is a relatively new phenomenon and there is no common international regulatory body, it is difficult to find an official or universally agreed definition. However, Boyd and Ellison's overview of the field in the Journal of Computer-Mediated Communication (2007) comments on the particular communication opportunities provided by social network sites (SNSs):

*"We define social network sites as web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system. The nature and nomenclature of these connections may vary from site to site... What makes social network sites unique is not that they allow individuals to meet strangers, but rather that they enable users to articulate and make visible their social networks... While SNSs have implemented a wide variety of technical features, their backbone consists of visible profiles that display an articulated list of Friends who are also users of the system... The public display of connections is a crucial component of SNSs. Beyond profiles, friends... SNSs vary greatly in their features and user base... Some have photo-sharing or video-sharing capabilities; others have built-in blogging and instant messaging technology."*

There is a large body of literature on the impact of growth in flexible working, teleworking and homeworking using ICT innovations which considers broad consequences for Human Resource Management (HRM). However, the implications for the employment relations dimensions of HRM arising from greater use of ICT innovations remain relatively unexplored, and where the issue of social networking has been discussed in the HRM literature this has tended to be in relation to recruitment practices. Thus, while the challenges of control, supervision and performance management in broad terms for virtual employment contexts have been noted, the implications for managing employment relations problems arising from use of social networking have not been explored. The use of social networking creates challenges for managing risks to individual and organisational reputations alike. It is not known how managerial assessment of performance in the workplace is affected by perception of employee use of social networks, and how social networks function as a means of exchanging information about individual concerns about fair treatment at work and how they might shape individuals' behaviour in the workplace.

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<sup>1</sup> A form of real-time direct text-based communication between two or more people using personal computers or other devices.

Given the very limited state of existing research in this area, the purpose of this project was necessarily exploratory and small-scale. It seeks to inform the development of Acas guidance for managers on handling employment relations issues arising from employee use of social networking tools, and identify and explore research gaps. It aims to answer the following research questions:

- How extensive is the use of social media in UK workplaces?
- What challenges and opportunities do social media present for management of employment relations?
- What does good practice in this area look like?

The remainder of this short report comprises seven main sections. Section two sets out the research methodology used; section three examines use of the internet, including policy and practice on employees' access to the internet; section four examines the use of social media sites for recruitment purposes; section five looks at social media and employment law; section six examines policy formulation; section seven examines cyber-bullying; and section eight offers some conclusions and policy implications.

## 2 METHODOLOGY

In order to try to answer the research questions set out in section 1, IES undertook the following:

- a literature search
- research into policy and practice in three organisations.

### 2.1 Literature search

The literature search was carried out between January and March 2011. The search involved a review of the academic literature on impact on/implications for workplace employment relations (e.g. recruitment practices; performance management; workplace conflict; diversity). The table below shows the search terms used.

<b>Search term 1</b>	<b>AND search term 2</b>
industrial relations	ICT
OR	OR
employment relations	virtual work
OR	OR
employee relations	telework
union	ICT
OR	OR
social dialogue	virtual work
OR	OR
social partner	telework
bullying	ICT
OR	OR
harrasment	virtual work
	OR
	telework
cyber-bullying	industrial relations
	OR
	employee
	OR
	work
social networking	industrial relations
OR	OR
virtual social networking	employee
	OR
	work
Facebook	industrial relations
OR	OR
LinkedIn	employee
	OR
	work
Twitter	industrial relations
	OR
	employee



<b>Search term 1</b>	<b>AND search term 2</b>
	OR work
blog	industrial relations
OR	OR
instant messaging	employee
	OR
	work
e-voice	industrial relations
cyber-bullying	industrial relations

The following databases were searched:

- International Bibliography of the Social Sciences (IBSS)
- British Humanities Index (BHI)
- Applied Social Sciences Index and Abstracts (ASSIA)
- Ingenta
- Wiley Interscience
- Emerald

We supplemented this search with targeted searches within journals focused on employment relations issues and also within journals focused on technology usage (although these journals did not yield any relevant information) and reports produced by the national press, trade unions, the CIPD, the IPA, Eurofound, the ILO and the European Commission.

A full list of the referenced articles used in this literature review is contained in the bibliography.

## **2.2 Policy and practice in organisations**

We examined policy and practice relating to the use of social media by employees in two major UK employers in order to inform this research. In choosing these organisations, we were guided by the fact that they had already engaged to some extent with the issue of social media, what it might mean for their organisation and how they were going to formulate and communicate a policy to staff. We were also keen to highlight any particular issues that relate to public and private sector organisations.

The first organisation was British Telecom (BT), where we carried out an interview with BT's security policy manager in April 2011.

The second was Her Majesty's Revenue and Customs (HMRC), where we carried out interviews with an HR adviser, the head of HMRC's digital strategy and a trade union representative involved in data security issues in May 2011.

We also carried out interviews with members of the E-communications and HR teams at the Advisory, Conciliation and Arbitration Service (Acas) in order to talk about the organisation's own policy on social media.

Through this part of our research, we sought to identify the positive and negative impacts of ICT on employment relations and how these organisations have responded to the rise of social networking through the creation and implementation of policies and practices.

The discussion guides used for these interviews are appended to this report.

### **2.3 Report presentation**

Throughout the report data from the interviews and literature search are integrated. A profile of the three organisations consulted is included at Appendix 1.

### **3 USE OF THE INTERNET**

Use of the internet and social media has grown substantially over the last decade, and the use of these new web-based technologies for work related activities has been a major part of that. In 2009 a face-to-face survey of 2013 individuals randomly selected from UK households found that 70 per cent of the population were using the internet, an increase from 59 per cent in 2003, based on a response rate of 62 per cent. Among employed internet users, 61 per cent made some use of the internet at work, spending on average seven hours a week online at work (Dutton Helsper & Gerber 2009). Around 91 per cent of businesses with ten or more employees have internet access (ONS 2010).

While internet usage has grown, the way people are using the internet has also changed. More interactive online technology such as blogs, social networking sites such as Twitter and Facebook and other innovations which are part of greater interactivity and user-generated content that characterise so-called 'Web 2.0' – i.e. sites allowing users to interact and collaborate with each other in a social media dialogue – have become more prominent. 49 per cent of internet users engage in social networking online, up from 17 per cent in 2007 (Dutton Helsper & Gerber 2009). Facebook, the most prominent social networking site, is second only to the Google web search engine in terms of internet traffic according to the Alexa internet rankings (Alexa 2011), with over 500 million users worldwide and 26 million UK users (BBC 2010). YouTube follows Facebook in terms of traffic and Twitter, a microblogging site begun in 2007, is tenth in the Alexa rankings, with around 3.7 million users in the UK (Optix 2010). This suggests that use of social networking has grown significantly, but does not provide information on its purpose and whether there are implications for employment issues.

## Prominent examples of Web 2.0 & social networking sites

**Facebook** – a social networking service where users create personal *profiles*, add other users as *friends* and exchange messages, including automatic notifications when they update their own profile. Additionally, users may join common-interest user groups, organised by common characteristics (e.g. workplace).

**Twitter** – a *microblogging*\* service enabling its users to send and read publicly visible messages called *tweets*. Tweets are text-based posts of up to 140 characters displayed on the user’s profile page. Users may subscribe to other users’ tweets.

**LinkedIn** – a business-related social networking site mainly used for professional networking. Users maintain a list of contact details of people with whom they have some level of relationship, called *connections*. This list of connections can then be used to build up a contact network, follow different companies and find jobs, people and business opportunities.

**MySpace** – an online community of users’ personal profiles. These typically include photographs, information about personal interests and *blogs*\*. Users send one another messages and socialise within the MySpace *community*.

**YouTube** – a video-sharing website on which users can upload, share, and view videos. A wide variety of *user-generated* video content is displayed, including film and TV clips as well as amateur content such as video *blogging*\*. Media corporations including the BBC also offer some of their material via the site. Most videos enable users to leave and exchange comments.

**Wikipedia** – a collaborative web-based encyclopaedia project; its 18 million articles have been written collaboratively by volunteers around the world, and almost all articles are freely editable by any visitor. A prominent web 2.0 site but not an example of social networking site *per se*.

\*A *blog* is a type of website or part of a website usually maintained by an individual with regular entries of commentary and descriptions of events (*blogging*). The content of a microblog is simply smaller in size.

In a survey carried out by the Work Foundation in 2009 (‘Changing relationships at work’) and based on 1,243 employees in businesses employing more than 500 people, over 85 per cent of respondents used email, desktop computers, the internet and their organisation’s intranet. In addition, 13 per cent of respondents had access at work to social networking sites such as Facebook and MySpace, 13 per cent had access to blogs, four per cent to miniblogs, such as Twitter, and three per cent to virtual world technologies, such as Second Life. It should be noted that the sample for this survey was highly qualified: nearly half were qualified to degree level or above and just under half (46 per cent) identified themselves as having management responsibilities. The survey also reported on employees’ use of new technology at home, and finds that a majority of individuals began to use new technologies at home before they started to use them at work. Thus while this survey of large companies suggests that access to social networking sites may be restricted by some organisations, employees may well make use of these outside the workplace. Of those respondents who had access to instant messaging, nine per cent said they used it for more than three hours each day, although this is likely to be internal instant messaging, as many

larger or IT sector organisations use this instead of or as well as email. In addition, seven per cent of those with access to professional networks and six per cent who had access to social networks also spent more than three hours using them on an average working day. Access to technologies also varies by sector, according to the report, with IT, telecommunications, and media and leisure most likely to offer access to the majority of its workers, and for those workers to use new technologies for more than one hour a day. Companies in the transport, logistics, retail and public sectors were least likely to offer their employees access to new technologies.

A report published in August 2010 by My Job Group ('Social media in the workplace') and based on a survey of 1,000 respondents, sought to paint a picture of the use of social networking sites in the UK and how it is affecting workplace productivity. In terms of time spent on social media sites, 55 per cent of respondents admitted accessing these sites while at work. A total of 16 per cent of respondents spent over 30 minutes and six per cent spent an hour or more per day (though there may also be an element of self reporting bias).

The survey also asked participants how they thought that social networking sites had affected their productivity at work. Over half (around 55 per cent) said that they were just as productive as before, with 11 per cent saying that they were less productive. The survey notes that respondents may simply be substituting their use of social media sites for the activities they were engaged in previously, such as emailing, telephoning and sending SMS messages from their mobile phones (texting).

### **3.1 Policy and practice in access to the internet**

At BT, workers had access to the internet from their desks. Some workers had internet access as part of their job, while others had internet access as a consequence of BT's policy of making internet access available to all BT employees. BT has a policy that allows employees to use the internet, including social networking sites, in working time, but limits this to "acceptable use", by which the policy means that the type of sites that employees can access need to be acceptable, rather than the time spent on the internet. Certain types of websites, such as pornographic sites and gambling sites are blocked by a firewall.

BT ran some research on the use of the internet and of social networking sites among its employees during working time and found that use was rather low.

*"Apart from one or two stand out exceptions, which we did something about, we found that BT people do not waste time on the internet. Typically, BT people spend on average less than an hour a day browsing the internet on non-work-related sites, and most of this was when they arrive in the morning or during a lunch period, and when shutting down at the end of the day. This was a very interesting and comforting piece of research to carry out ... people may have the browser up and may dip into it every now and then, but that is all and that is fine."*

Security policy manager, BT

BT stresses that it is keen to ensure that workers are productive rather than limiting access to the internet per se. In the case of call centres at BT, some managers have decided that they do not want their employees using the internet for non-work-related purposes at all and so have provided 'cyber cafes' where employees can access the internet during their breaks.

At Acas, internet access is provided to all staff and employees are encouraged to make full use of the facilities it offers in undertaking their work. With the standard exception of pornography and gambling sites, websites are not generally blocked. Staff are therefore able to access social network sites such as Facebook and Twitter from their work computers and are allowed to update their personal blog or microblog from an Acas computer at work – albeit within the confines of Acas' general internet policy (and hence not 'excessively' or during normal working hours). YouTube is not accessible, but that is due to band width capacity.

By contrast, only around 50 per cent of employees at HMRC currently have internet access, although this is about to change, as the organisation is in the process of rolling out internet access to all employees as part of the process of centralising the HR functions of civil service departments. HMRC also has a policy on acceptable use of the internet, which, as with the BT policy, blocks certain websites. HMRC employees are not prohibited from using the internet, but the policy states that they should do this in their own time, i.e. during breaks. HMRC, as an organisation that holds a large amount of sensitive data about the population, needs to have extremely tight data security procedures in place, and from this perspective, it feels that it needs to control the types of sites that employees can access from the organisation's IT system.

*"We're part of the government and have to be very secure. We don't like people using sites that might bring in viruses or malware."*

HR adviser, HMRC

These policies that attempt to regulate access to the internet and to social networking sites are focused on what employees do through the organisation's IT system. Although an employer's IT system may prevent employees from gaining access to certain websites, it does not actually prevent them from gaining access outside the workplace, as many of them will have internet access at home and through smart phones. This raises questions of how to apply regulations concerning appropriate conduct where employees use social media outside the workplace if their employment status is evident during their interactions. It also raises questions regarding where boundaries of privacy and human rights should be drawn.

## 4 RECRUITMENT WITH REFERENCE TO SOCIAL MEDIA

Reference to social media is used as part of the recruitment process by a growing number of firms, particularly to vet potential candidates. According to a US survey of 2,667 HR professionals, 45 per cent check job applicants' social network profiles before hiring while a further 11 per cent intended to do so over the next year (careerbuilder.com 2009). A smaller UK survey found that only 27 per cent of employers did so, although it was a more common practice in media, professional services and finance industries and less common among charities and retailers (Peacock 2008). It should also be noted that sites such as LinkedIn are professional networking sites that can be used explicitly for recruitment purposes.

There is no legislation that prohibits employers from considering information from an individual's Facebook profile when making a recruitment decision but there are a number of issues with using social networks in this way. Firstly, there are questions of privacy and the extent to which firms should have an interest in the private lives of their employees. Some HR managers feel such vetting processes are an invasion of privacy and object on principle (Peacock 2008). It is notable that in the US survey noted above, the most common reasons for rejecting candidates were lifestyle rather than employment based, for example postings that included "provocative or inappropriate" photographs were cited by 53 per cent of HR managers as a reason to turn down an employee (careerbuilder.com 2009).

Secondly, given the amount of information available about candidates on social network sites, employers leave themselves open to charges of discrimination (Lynas 2007). By vetting candidates online, employers are likely to know a range of information about candidates including sexual orientation, ethnicity, religion, marital status, age and political views, making it easier for rejected candidates to claim they have been discriminated against (Lynas 2007, Personnel Today 2010). It is relatively unusual for cases of discrimination at the point of recruitment to be brought to employment tribunals. The 2008 Survey of Tribunal Applications found that, of all cases brought involving discrimination, eight per cent were brought by claimants during or after a recruitment process. In reality, applicants usually have no information about the other candidates for comparison, and there is no evidence that social networking is necessarily more likely to give them access to this information. This places considerable onus on employers to self-regulate and act responsibly to comply with employment legislation.

The 2010 My Job Group report cited above ('Social media in the workplace') asked participants how they would feel if they had been declined an interview or job based on a potential employer viewing their social media profile. Over 30 per cent said that they would feel very angry or outraged and would consider taking further action, while a further 28 per cent said that they would be angry, but would not take further action. 24 per cent said that they would be frustrated and while they could see the reasoning, they would not think that it was fair. Only 12 per cent said that they would understand. This indicates that potential applicants think that employer use of social media profiles of job applicants is unacceptable, although the report notes that "social media are a very public space and this is frequently forgotten". In addition, 81 per cent of respondents said that employers should not judge applicants based on their social media profile, even though a third of respondents said that an employer could get an accurate picture of an

employee from their social media profile. The survey notes that *"these answers suggest that employees have a confused attitude towards social networking, seeing it as something their employer doesn't have a right to consider, but agreeing that it can give an accurate impression of them as a candidate"*. The survey also found that the majority of respondents did not have a social networking profile displayed on their CV (almost 87 per cent of the sample).

Research from Belgium (Caers & Castelyns 2010) finds some evidence that recruiting through social networking sites may encourage often-cited recruitment biases such as age, gender and ethnicity. In particular, a number of HR managers felt inferences could be made about candidates from their Facebook profile pictures (Caers & Castelyns 2010). As a result, some HR professionals advocate banning the use of social networks for vetting recruits or, alternatively, limiting the people who can carry out such vetting to HR staff and monitoring all searches carefully (Lynas 2007). The TUC Worksmart website ([www.worksmart.org.uk](http://www.worksmart.org.uk)) notes that it is bad HR practice for employers to use social networking sites to support recruitment; and that if they are claiming to support equal opportunities in recruitment, the process would undermine equality of access since employers would know more about some candidates (whether positive or negative) than others.

HMRC said that it did not consider employees' social media profiles during recruitment. The organisation has strict application and vetting procedures through which potential recruits must pass, due to data security issues, so use of social media websites may add little value to the screening process.

Acas does not make use of social networking to aid its recruitment processes. However, it recognises the issues that social network sites can raise for recruitment – for instance, candidates sometimes include links to their social network sites/websites as part of job applications, raising questions about whether the recruiter should look at the site, and, if so, how much that should influence their decision. As Acas' E-communications manager pointed out (with specific reference to applications for Government Communications Network posts within Acas):

*"It's difficult, because applications are also supposed to just cover two sides of paper. There probably needs to be some guidance on whether we should consult websites if a link is included."*

E-communications manager, Acas



## 5 SOCIAL MEDIA AND EMPLOYMENT LAW

Employer responses to the use of social media usage by employees have received a high level of attention, particularly through the press and high profile individual disputes between individuals and their employers. Initially, much of the attention in this area was focused on so-called "work bloggers" – employees who maintain a web log which discusses or references their work in some way. More recently, the focus has shifted toward employees' references to their work on social networking sites such as Twitter and Facebook. While a large amount of activity on social media is either entirely harmless or non-work-related, employers have in some circumstances taken exception to online postings made by employees and have taken disciplinary action.

Broadly speaking, there are two kinds of usage of social media by employees that have resulted in disciplinary action. The first is posting comments, videos or photos that reveal some form of work-related misbehaviour, for example 'tweeting' about feigning illness or avoiding work. In these cases, the issue centres less on the use of social media and more on the behaviour which the social media has exposed. The second kind of usage involves using social media to express views which employers do not wish to be connected with their organisation. Below are some examples of this.

The 2010 My Job Group survey ('Social media in the workplace') asked participants whether they had ever talked negatively about their workplace on social networking sites (such as Facebook, Twitter or MySpace). Over half said that they had never talked negatively about their workplace, although a third said that they had. Of those who had, the highest percentage (19 per cent) had criticised their boss or the owner of the company, although 13 per cent had criticised peers and 12 per cent had criticised their direct manager. One conclusion that the survey draws from this result is that companies should think seriously about introducing alternative and more formal mechanisms to enable employees to let off steam without fear of reprisal. This could take the form of internal online chat rooms or forums, where employees can write about issues that are bothering them. HMRC has such a forum in place, and employees are permitted to post comments on it during work time. The organisation keeps an eye on the threads and will respond with explanation or clarification where it deems necessary. At the repair and dry-cleaning chain Timpson's, a weekly newsletter contains information about the organisation on a "*no secrets*" basis, including descriptions of days in the life of other staff members (Keefe, 2005).

### **High profile examples of disciplinary action resulting from employees' social media usage**

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, about his life that occasionally touched on his work at the Edinburgh branch of the bookseller Waterstone's. 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, following the case's high profile in the media.

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Catherine Sanderson is a British woman who worked in France for a British law firm. Like Gordon, her blog was not strictly work-focused but did occasionally contain references to her employers, without identifying them by name. Her comments about her employers mainly involved gently mocking the conservatism of some of the senior partners. When Sanderson's employers discovered her blog, she was dismissed, provoking a huge storm of negative publicity. Sanderson took her employers to tribunal in France and received compensation for wrongful dismissal.

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Employees have also been dismissed for views expressed in other forms of social media. For example, Virgin dismissed 13 staff who participated in a discussion on Facebook in which passengers were described as "chavs" and allegations were made that planes were full of cockroaches (Quinn 2008). The employees were disciplined on the grounds of bringing the company into disrepute.

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More recently, there has been considerable attention given to sportsmen and women being disciplined for comments made on social media, particularly Twitter. For example, former Liverpool footballer Ryan Babel was fined by the English Football Association for casting aspersions on the integrity of referee Howard Webb by posting a doctored photograph of Webb in a Manchester United shirt on Twitter. In another case, cricketer Kevin Pietersen was fined by the English Cricket Board for complaining about being dropped from the England squad.

Asked whether they thought that it was fair that someone should be disciplined for criticising their workplace or colleagues on a social networking site, 43 per cent said that it was not fair, while 40.5 per cent said that it was, but only in extreme cases, while 12 per cent said that it was fair, regardless of what had been said. However, there does seem to be some confusion over the existence of a workplace policy: over 70 per cent of participants in this survey said that they did not know whether their employer had an HR or disciplinary policy regarding social media.

In deciding how to respond to work-related social media usage, there are three sets of issues to consider: legal, ethical and practical. This is discussed in more detail below.

## **5.1 Legal issues**

The consensus among HR professionals and employment lawyers is that it is possible for employers to take action against employees who make comments using social media sites. This is particularly the case where employee comments can be clearly considered defamatory (Whincup 2011, Seaman & Cooke 2010). On the other hand, however, a number of high-profile cases of employees being fired for usage of social media have resulted in the dismissals being overturned (Shoneboom 2008). Many writers on employment law have argued that, particularly following the Joe Gordon case, it is crucial for employers to have some kind of social media policy in place to determine what is acceptable and what is not. Such a policy would be intended to discourage employees from making certain kinds of adverse comments using social media and, in the event that employers find evidence of objectionable comments written by an employee, would make it easier from a legal point of view to take action against that employee (Brimelow 2005, Cobbetts 2005).

However, having a social media usage policy does not inevitably simplify matters either. In the USA, questions have been raised over the legality of more draconian employer social media policies. In particular prohibitions against any discussion of work using social media would seem to prevent employees using social media to raise legitimate complaints about their employers (Cote 2007). The recent case of Dawnmarie Souza in the USA seems to bear out some of these considerations. Souza was fired for posting comments on Facebook that were critical of her supervisor and which were technically in breach of her firm's internet policy. In challenging the dismissal, the National Labour Relations Board argued that the policy was too broad and that employees had a right to discuss employment conditions on social media (Greenhouse 2010). Souza won her appeal and her employer was forced to alter its internet policy.

No similar cases have been identified in the UK. However, it has been noted that certain kinds of social media comments might amount to a 'protected disclosure' under laws on whistleblowing, which would give protective rights to the employees (Brimelow 2005, Whincup 2011). These would include comments on alleged illegal or discriminatory practices on the part of the employer. Until cases are tested through the employment tribunals system, employers and employees need to apply common sense in use of social media, ideally carrying out research to find out the extent of employee use of social media before developing rules or a policy, and centring any policy on the message that online conduct should not, in essence, be different to offline conduct.

## **5.2 Ethical issues**

Aside from the legal issues, some commentators have examined the ethicality of social media usage by employees and responses from employers (Valentine et al. 2010). The question is important for a number of reasons, not least because if a dismissal is seen as unfair, it has the potential to generate discontent within the workplace. Two issues have been identified as important in considerations of the

ethicality of employees using social media. These are first, the subjects which are discussed on social media by employees and second, the balance between the wider rights of individuals and the more specific explicit and implicit expectations of behaviour at work which could be upheld through employment law.

In the first case, Valentine et al. (2010) find that dismissing a blogging employee is more likely to be considered ethical if the subject of the blog is work-related than if it is non-work-related. However, a key factor to be considered in both kinds of blogging is the "moral intensity" of the content. The concept of moral intensity covers a range of factors, including the potential consequences of the comments made, for example the likelihood of an employee's comments harming the company and the scale of any harm.

One distinction between high and low moral intensity activity online might be between employees using social media to "sound off" about certain aspects of their employment and employees making deliberately defamatory comments about their employers. As Richardson (2007) has noted, many work bloggers explain that the purpose of their blog is not to maliciously attack their employers, but rather to provide them with a space to "vent" when they become frustrated with work. The blog represents a free space in which they can express their feelings about work. As the TUC (2007) notes: *"Everyone has a bad day at work from time to time... employers should not be over concerned if someone occasionally shares that with their friends"*.

These kinds of social media uses may well therefore be of low harm and read by a relatively small group of people. Consequently, taking tough punitive measures in these circumstances may be perceived as a disproportionate and unethical response. The negative publicity Waterstone's and Dixon Mason received over the dismissals of Joe Gordon and Petite Anglaise bears out this suggestion. The Professional Footballer Association's response to the FA's action against Ryan Babel could be considered another example of this; the PFA's chief executive, Gordon Taylor, accused the FA of lacking a sense of humour and over-reacting to something that he claimed was meant as a joke.

There is also a potential for negative publicity following a dismissal. The cases of Joe Gordon and Catherine Sanderson both resulted in considerable levels of negative press attention for their employers. However, as Schoneboom (2011) notes, the widespread publicity given to these cases was largely due to their novelty in relation to social media technology, and therefore interest is likely to wane as use of the technology spreads more widely across employees.

A further tension is evident between macrosocial norms, such as the right to free speech, and microsocial norms, such as appropriate workplace behaviour, in relation to employee blogging (Valentine et al. 2010). Work bloggers often frame discussions about work-related social media usage as a free speech issue (Schoneboom 2008). On the other hand, employers may be more inclined to interpret work-related social media usage as a potential nuisance and a breach of the employee's responsibility to their employer (Whincup 2011).

It is therefore potentially very important that organisations use social media policies as a method for reconciling these competing positions. Valentine et al. (2010) find that where corporate ethical values are clear and strong, dismissing blogging employees is more likely to be seen as ethical. They argue that this is

evidence in favour of the adoption of policies on social media usage by employers which clearly delineate what is acceptable and what is not. Similarly, from an employee perspective, the TUC argues that it is unfair for employers to take tough action against employees using social media if what constitutes an unacceptable use of social media is not made clear in the context of the employment relationship (TUC 2007).

However, policies on social media use may not entirely resolve ethical issues related to social media if employees do not regard the policies themselves as ethical. For example, Associated Press employees recently took exception to a social media policy which held employees responsible for comments made by their friends on their Facebook profile (Worksmart 2009). The TUC (2007) has suggested that an effective social media policy needs to be the product of negotiations between employers and employees to find a set of guidelines that is acceptable to both.

## 6 FORMULATING A POLICY

All of the organisations we spoke to for this research have been engaging seriously with the issue of employee use of social networking sites, and have adopted slightly different approaches, largely due to the different nature of their business.

BT does not have a dedicated policy on the use of social networking sites, but it does have a policy on general internet use. This is a company-wide policy on *acceptable use* of the internet that can be tailored to local conditions: for example, the requirements relating to workers in desk-based jobs will be different to those working in the company's call centres. Certain websites are blocked for employees and this internet configuration is outsourced.

*"The point is, we don't sit there scanning the internet looking for new web content to block. We have outsourced that ... [that organisation's] responsibility is to know the categories which BT want to block and they have scanning services which they use to scan the internet. When they come across a website which comes into the categories set out by BT, then they can block it."*

Security policy manager, BT

BT's *Acceptable use* policy is standard and set right across the organisation; however the policy that allows managers to implement their own restrictions on internet-use is down to the local management discretion. This could theoretically have implications for fair treatment: for example, an employee could potentially bring a case of unfair treatment due to the varying access rights to the internet which are granted to them depending on their job role and the office in which they are employed. BT feels that it is therefore important to have carried out a survey beforehand, showing where employee use of social media and other internet sites was potentially having a detrimental effect on productivity, to support its policy.

The central issue for this policy is acceptable behaviour, rather than any emphasis on time spent on the internet.

*"If you go onto the internet and Facebook and starting complaining about BT then that is bringing the company into disrepute and it does not matter where you work or what your job is, it is still wrong and you will be disciplined. Time of day and how long you took to complain about BT is another matter!"*

Security policy manager, BT

HMRC does have specific guidance in place on using social media that covers the whole organisation. This guidance draws together and is largely based on the organisation's policies in other areas, such as its codes of conduct and policies on bullying, with the key message that employees need to follow the same standards of conduct and behaviour online as would be expected offline.

There were a number of triggers that led to HMRC formulating its guidance. Firstly, the organisation was looking at developing a digital engagement strategy,

which would have implications for HMRC employees' social media usage. This would encompass, for example, how the press office might use social networking sites in order to communicate with the public. The digital strategy team felt that in order to enable the development of this strategy, the organisation needed to clarify what was expected of employees.

*"We realised that one of the things that you need to do first is to set the ground rules in terms of staff engagement with social media. Once you have that in place, you can do other things. For example, if you want the press office to use Twitter, there needs to be some guidance about who can and who can't use it. We have to draw a line between the sort of corporate presence and the boundaries governing people's general use of Twitter."*

Head of external digital strategy, HMRC

HMRC is still developing its digital engagement strategy and will decide on the precise details at some point in the future. The priority for the organisation at this stage was to put into place guidance for social networking sites that is clear and understandable to employees.

The fact that internet access was being rolled out to all employees was a catalyst for developing guidance on the use of social networking sites, and the issue was further brought to prominence by a couple of high-profile incidents picked up by the media of HMRC employees using social networking sites.

*"We had concerns within HR about social media and how staff were using it. We've had misconduct cases involving social media, although we've handled it quite well. We decided in HR that we needed to do something."*

HR adviser, HMRC

Acas introduced specific guidance on the use of social media in January 2011. The main trigger for this was the fact that the organisation was itself beginning to engage with social media in a corporate capacity. Acas is currently using Twitter, LinkedIn and YouTube and has future plans to use Facebook as part of its efforts to engage with the public. It therefore wanted to ensure that its employees were clear about their own use of social networking sites before being asked to use SNSs such as Twitter in a professional capacity:

*"People didn't really understand how some social media, such as Twitter, work and so we wanted to make sure that they were clear about it."*

E-communications manager, Acas

## **6.1 Consulting on a use of internet policy**

All employment relations guidance advocates consulting as widely as possible on a policy before it is finalised. For example, Acas guidance to the public on formulating internet and email policies states that *"consultation with trade union or other worker representatives if a union is not recognised in the organisation, as well as management and contractor representatives will help provide authority and legitimacy"*. At HMRC, the policy was developed in conjunction with the trade

unions. In addition, before the policy was finalised, it was posted up internally in bulletin boards for employees to see and comment upon.

HMRC feels that this is the right way to go about policy formulation, as it will help to ensure that employees can have an input into the policy, which in turn will increase overall acceptance and awareness. HMRC obtained useful feedback from this exercise, particularly on the structure and phrasing/language used. HMRC also carried out an internal survey to check employees' knowledge about social networking sites, in order to help it to pitch the guidance correctly.

Acas also consulted its trade unions when formulating its social media policy, in keeping with its standard practice on trade union consultation in policy formulation.

## 6.2 Policy issues

BT's *Acceptable use* policy defines certain types of behaviours which all BT employees must display. These include not causing offence or bringing BT into disrepute. Most employee behaviours in this policy relate to human resource management issues, but matters relating to social media use are also classed as 'security measures' and so this policy is integrated with the organisation's Security Policy.

HMRC's policy contains the basic message that online conduct should not be any different from offline conduct, with the reminder that things which employees might think are private may well not be:

*"Everything you share on a social networking site could potentially end up in the worldwide public domain and be seen or used by someone you did not intend, even if it appears to be 'private' or is on a closed profile or group."*

HMRC guidance: 'Conduct: HMRC and using social media'

The guidance is, the organisation stresses, largely based on existing policies and therefore does not contain much that is actually new.

*"Essentially, what we did was to bring existing Conduct policies together. The only thing that was new was a policy to discourage people from associating HMRC privately with their social media – better not to do it. The rest of it was essentially conduct, communication and security policy. Essentially, we're saying that you should behave online as you do offline. We've just reminded people about existing policy and looked at it in the light of social media."*

HR adviser, HMRC

*"All we needed to do was to reference [existing policies]. If you do use social media irresponsibly, then you risk breaking these other very serious rules. [The guidance] is not the serious rules, but you could be breaching existing rules."*

Head of digital strategy, HMRC



The basic premise, therefore, is that employees need to exercise common sense and to realise that what they write on social networking sites is essentially in the public domain, even if they have privacy settings, or material is posted on a closed profile or group. There is therefore an educational element to the guidance, reminding staff of the potential dangers of using online media. It also contains guidance on issues such as not disclosing personal details or whereabouts, disclosing information unintentionally, choosing online 'friends' carefully, disclosing information about colleagues, including photographs which should not be put up without permission, and ensuring periodically that privacy settings remain unchanged. Use of the HMRC logo is not permitted.

*"I don't think that people realise - when they are sitting in front of a screen, all they can see is the screen. When you post something or press the send button on an email, it develops a life of its own."*

Trade union representative, HMRC

Acas' social media policy is also centred on the principle of '*don't do anything on line that you wouldn't do off-line*'; its stated intention is not to stop staff from conducting legitimate activities on the internet, but to flag up those areas in which conflicts can arise, particularly those that impact on Acas' reputation. For instance, the policy reminds staff that they should use social networking sites in such a way that does not bring Acas into disrepute, e.g. through posting derogatory remarks about the organisation, their colleagues or managers.

The policy also states that staff should not indicate a political allegiance in the course of using social networking sites – particularly if they identify themselves as working for Acas – and that behaviour should be in line with Acas' general guidance on political activities.

As with HMRC, the Acas policy contains guidance on issues such as sharing photographs, videos and comments; the policy states that it may not be appropriate for staff to share work-related information, such as photographs taken at private Acas events. Furthermore, employees should not post information about colleagues that they have been asked not to share, and should remove information about a colleague where instructed to do so.

Finally, Acas manages data security issues in relation to information on employment relations disputes; its social media guidance therefore explicitly states that staff should not comment on any current dispute or on any individuals involved from either party in current or past disputes.

### **6.3 Line manager handling of social networking use**

As with most other policies, the responsibility for the implementation of policy guidance on the use of social networking sites by employees and the use of the internet for personal use more widely rests with line managers. HMRC does not give any specific training to line managers on how they should handle these issues, largely because most of the issues that are likely to arise would come under the organisation's conduct policy, on which managers do receive training.

*"Managers can't be expected to know everything about everything, but I would hope that if there was a problem to do with social networking, the*

*manager would look into what this meant. The issue would basically be to do with the disciplinary code."*

Trade union representative, HMRC

The same applies at BT, where line managers are not given any specific training on social networking, although they will deal with the issues as they arise. The view from the organisation was that this was not a particular problem at present.

The Acas policy contains some specific guidance for managers with regard to blogging and microblogging; it stipulates that managers should not adopt an "*unnecessarily restrictive approach*" in these areas; rather managers should ensure that any special instructions on blogging or microblogging are reasonable and explained clearly to staff.

#### **6.4 Employees' access to information**

The rise of new technology and internet use means that employees can access information about their employment rights and about employment law in general far more easily than was the case in the past. Organisations such as the TUC and individual unions have sections of their websites that provide information about employment rights in an easy to understand format, and BIS and Acas also have web-based information about employment law and employee rights, which include links to Twitter, LinkedIn and YouTube. In addition, there are a range of websites offering employment law information and advice in increasingly innovative formats, such as downloadable podcasts<sup>1</sup> and YouTube instructional videos.

While increased access to information may be taken as a positive development in terms of enabling employees to increase their knowledge and helping them to deal with specific issues that they might have at work, this might also pose some challenges for organisations and managers. Employees may prefer to obtain their information in this way instead of talking directly to their employer or manager or obtaining advice from a trade union representative. Employees could also misunderstand information gleaned out of context on the internet, thus making interaction between employees and their employer on a specific issue more difficult. Managers need to be aware of these potential difficulties, possibly through targeted training in how to handle the consequences of employees doing their own research on employment law issues.

#### **6.5 Employer access to information about an employee's private life**

The rise of social networking websites such as Facebook means that employees can post a great deal of information about themselves which is accessible to the public, including, potentially, their employer. The employer is therefore in a position to access a range of written information and/or photographs relating to

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<sup>1</sup> A podcast is a pre-recorded audio programme that is posted to a website and made available for download so that it can be listened to on personal computers or mobile devices.

employees' behaviour *outside of work* that carries the potential to affect their reputation and dignity within work.

The TUC's Worksmart website notes that what an employee does in his or her private life should not be the concern of the employer: *"Employees have a right to a personal life, and provided they do not breach reasonable conduct guidelines, employers should respect this. They wouldn't follow an employee down the pub to check on what they said to their friends about their day at work. Just because they can do something like this online, doesn't mean they should."*

Other commentators argue that if an employee knows that an employer has had access to information about their personal life via a social networking site, they could cite this as a reason for any later adverse decision on the part of the employers (Baldas 2009). For example, a supervisor may learn from an individual's Facebook page that they belong to a gay rights group. If this employee is later dismissed for a performance problem, they could claim that they were unfairly dismissed on grounds of sexuality. Other kinds of personal information could include religious affiliation, age, ethnicity, political affiliation and health problems. Such claims, unless justified, are unlikely to be proven, and may be discouraged by tighter legislation on unfair dismissal claims proposed by the government, and currently subject to consultation. However, this puts an onus on employers to ensure that anti-discrimination policies are robust and embedded.

The 2010 My Job Group report asked survey participants whether they would change what they wrote on their social media profiles if they knew that their employer was viewing them. Fifty-eight per cent of respondents said that they would change it, with almost 11 per cent saying that they would change almost all of the things that they wrote. This is an interesting finding, indicating that people are not aware of the potential consequences of what they post on their social networking sites, when they are transferred into a different context.

HMRC does not look at the Facebook or other social networking sites of its employees as a matter of course, as it does not want to prescribe how employees should behave in their private life. For the organisation, the main and overarching issue is that employees do not behave in such a way as to bring the organisation into disrepute. Its guidance recommends that employees do not disclose their status as an HMRC employee on any social media site and that they should be careful about disclosing information about their colleagues. HMRC initially thought about specifying personal sites in their guidance, but after discussions with trade unions, decided not to.

*"When we were drawing up our guidance, we thought about including general good practice on the use of private personal sites. It's quite easy to stray into being prescriptive. However, trade unions had a different point of view and it's of value to have different views around to get an appropriate balance."*

HR adviser, HMRC

*"You have to start from a position of trust – people need to be trusted not to be stupid with it. We felt very strongly that HMRC couldn't dictate to employees what they did in their private lives. There has to be that glass*

*wall between the two. Equally, however, it would be wrong for an employee to put privileged information on their Facebook site. We have access to private data in our jobs and we have to respect that when on our social networking sites."*

*"If a person rang in sick and then changed their status on Facebook to "at Alton Towers", that would obviously be an issue, but we haven't seen anything like that."*

Trade union representative, HMRC

Acas similarly does not monitor its employees' personal social media sites. It follows the same line as HMRC, which is to issue employees with guidance stipulating that online conduct should not bring the organisation into disrepute in any way. Nevertheless, the HR function keeps up with case law in this area:

*"What we do is to make people aware of legislation and case law, as it comes through, and the current thinking on whether to get involved in employees' personal use of social media websites."*

HR manager, Acas

## **6.6 Blurring of work and private life**

There is inevitably, however, a certain blurring between employees' working and private lives. At HMRC, this is due to the fact that employees are civil servants and certain standards of behaviour apply, and always have done, both during and outside working hours. The Civil Service Code sets out the standards of behaviour expected of all civil servants in upholding the Service's core values, restricting staff from expressing strong personal political views which might be seen to compromise their impartial stance. While this does not stop people from having political opinions, it does mean that they must retain a proper reticence in political matters and take care to express comment with moderation so that their impartiality is beyond question<sup>1</sup>.

*"This [set of values] is as old as the hills, from the mid-19th century. This is already bleeding over into your personal life – it expects people not to be overtly political and not just at work. You are still a civil servant, even if you have left work for the day. That already imposes strictures on your personal life."*

Head of digital strategy

As HMRC also sees the benefits of its employees using social media, it felt that it needed to tread a middle line between placing restrictions on unacceptable behaviour and encouraging knowledge and development in the use of social networking.

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<sup>1</sup> Full details are set out in Section 4.4 ('Conduct: Political Activities') of *The Civil Service Management Code*, which sets out the central framework for management of the Civil Service. This can be downloaded at: <http://www.civilservice.gov.uk/about/resources/csmc/>

*Guidelines that said 'thou shalt not use social media' would simply never have flown. So we've very much gone for 'thou shalt', as long as you use these guidelines.*

Head of digital strategy

Acas employees are also covered by the Civil Service Code and the organisation's social media policy is therefore based on the standards of behaviour set out in the Code. Acas' guidance explicitly states that employees should comply with Acas staff rules and the Civil Service Code when expressing views on the internet.

BT views itself as a modern communications company and is keen to encourage its staff to keep abreast of the latest developments in information and communications technology. It therefore does not ban its staff from using websites such as Twitter and Facebook.

*"We are a modern ICT company and we realise that you need a modern workforce that is familiar with all of the various communication media out there that our customers use, so for that reason we liberate use of the internet so all our employees are up to date and comfortable with internet working media. Culturally, that is our attitude and we encourage it ... also, we can't ignore social networking sites as our customers are on them, using them and talking about BT."*

Security policy manager, BT

## **6.7 Privacy/monitoring**

One key aspect of ICT is that it provides a much greater scope for employers to monitor their employees (Nolan 2003). New methods for monitoring employees in the workplace include Radio Frequency Identification (chips which track an employee throughout the building, although this practice is not common in the UK), wearable computers and voice technology, satellite and cellular phone tracking, video monitoring, e-mail and web monitoring, keystroke monitoring and telephone call monitoring (Bibby 2006). Furthermore, as the discussion of the use of social media by employees highlights, employers may be tempted to monitor employees' activities outside work as well. This has been of particular concern to trade unionists using social media to organise, where the concern is that the storing of personal information by social network sites may be used by employers to break up organising attempts (Pantland 2010). Bibby (2006) highlights three major sets of concerns raised by unions about employee monitoring: health and safety issues regarding technology, such as wearable computers or the stress caused by constant monitoring; possible infringements of rights to collective representation by employers using monitoring to prevent unions from organising; and most importantly, protecting employees' right to privacy.

However, as Mitrou and Kryda (2006) note, employers may have legitimate concerns about security that in some way justify a degree of monitoring. In attempting to balance competing concerns, Mitrou and Karyda argue that any kind of legal and fair approach to monitoring must fulfil basic principles of data protection:

- principle of necessity – monitoring should only take place where it is needed to prevent illegal or defamatory acts and consideration should be given to any counter-productive effects of the monitoring
- principle of finality – the monitoring must have a clearly stated, specific purpose
- principle of proportionality – the extent of the monitoring must be proportionate to the potential harm of the activity it is intended to prevent
- principle of transparency – employees must be fully aware of what the firm monitors, how they go about it and why they do so.

One way to ensure that monitoring policies keep to these principles is, as the ILO (2001) suggests, to make them subjects of negotiation between employers and unions. As with policies on social media usage, negotiated policies are more likely to be accepted as legitimate by both sides than are enforced policies.

As noted above, both BT and HMRC do not monitor their employees through social networking sites. HMRC limits the scope of its social networking guidance to online conduct relating to work and their status as HMRC employees, and BT's *Acceptable use* policy only covers use of the internet at work.

*"We try to avoid telling people how to behave privately, but our guidance does go into private use of social media, from our department's point of view."*

HR adviser, HMRC

As such, HMRC does not look at its employees' private Facebook accounts, neither at the postings there or at any photographs, although employees are not allowed to use the HMRC logo. However, if they had concerns about a member of staff from a security point of view, or if they were investigating an individual, they would consider it.

In relation to the posting of political comments on social networking sites, at HMRC this is necessarily included in the overarching central framework for management of the Civil Service, which already restricts civil servants from expressing personal views that might be seen to compromise their political impartiality. The same principal applies at Acas, where staff are similarly covered by the Civil Service Code: Acas guidance states that employees should not indicate a political allegiance on social networking sites and should treat online campaigning groups with care.

## **6.7 Relationships at work**

Social networking sites tend to blur traditional relationship boundaries – individuals may have a large number of 'friends' on their Facebook site, some of whom may not actually be friends in the conventional sense of the word, and indeed whom they may never have actually met. Similarly, within the workplace, social networking sites can also disrupt traditional boundaries, relationships and hierarchies between employees. For example, individuals may want to consider whether they should 'accept' a Facebook 'friend request' from their boss. This can be confusing for employees and employers may want to consider offering some

type of guidance on this issue, while bearing in mind that individuals differ in terms of the level of detail about their private lives that they are willing to share with work colleagues. For example, individuals could be encouraged to think about options such as using the different levels of privacy settings on social networking sites, which will give access to a limited profile, and will also restrict third parties from gaining access to private information, via mutual social networking site contacts. It is also worth stressing that people should not feel that they have to succumb to the pressure to move with the times and embrace social networking – if employees are nervous about the potential ramifications of this, they do not have to do it.

In terms of online relationships between managers and employees, Baldas (2009) counsels employers away from tolerating this, claiming that it can trigger or exacerbate legal claims, including harassment, discrimination or wrongful termination, as well as cause accusations of favouritism if the manager befriends only a select few subordinates.

While this is a slightly different issue, the National Union of Teachers (NUT) issues specific guidance to teachers on not befriending children on Facebook. It states that teachers should not befriend pupils or other members of the school community on social networking sites and should consider carefully the implications of befriending parents or ex-pupils<sup>1</sup>.

One potential way for an employer to handle these issues is to agree a conduct policy with employees or their representatives, which makes it clear to them what is expected of them in their private lives, both offline and online. However, having a policy potentially leads to questions concerning whether such a policy can be enforced and whether it is acceptable for co-workers to 'add' each other as 'friends'. It also raises consideration of human rights legislation, in terms of the extent to which an employer can legitimately exert control or influence over an employee's private life.

HMRC does not specifically deal with the issue of relationships between managers and employees in its guidance on the use of social media, as it did not at this point in time feel that this was an issue that specifically needs to be addressed.

*"We would only step in if there was obvious evidence that this was becoming a risk. It depends on your relationship with your boss. It's like if your boss invites you down the pub for a drink. Do you go or don't you go? HMRC doesn't say that you have to go. You could do, but it depends on your relationship with your boss and on the personality of the people involved."*

Head of digital strategy, HMRC

The Acas guidance also does not address this issue directly, and to date there have not been any problems relating to online relationships between colleagues or managers.

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<sup>1</sup> E-safety: Protecting School Staff. NUT guidance and model policy:  
[http://www.teachers.org.uk/files/E-SAFETY-PROTECTING-SCHOOL-STAFF-Oct%2010\\_0\\_0.doc](http://www.teachers.org.uk/files/E-SAFETY-PROTECTING-SCHOOL-STAFF-Oct%2010_0_0.doc)

## 6.8 The business benefits of social networking sites

Many social media analysts have emphasised the benefits for firms of allowing their employees to discuss work-related issues on social media. For example, employee work blogging can promote a company's product, give the firm a human face in the eyes of the customer and encourage professional networking, which leads to improved performance (Weiss & Leigh 2009, Bradwell & Reeves 2008, Patten 2007). 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 social media. For example, Microsoft's social media policy is regarded as successful because it takes a relaxed approach to what employees are allowed to discuss, and as a consequence, around one in ten employees are willing to blog for the company (Patten 2007).

The civil service is aware of these issues and the Central Office of Information issued guidance to civil servants on how to engage through social media<sup>1</sup>, stating that "*digital technology has revolutionised the way in which people communicate and share information – at local, national and international levels. Civil servants need to understand these changes so that they can operate effectively in a dynamic media environment*". The guidance contains "*basic rules of engagement*" for civil servants who are disseminating information or blogging on social media sites. This includes being credible by being accurate, fair, thorough and transparent, being consistent, encouraging constructive criticism, being honest, sharing insights where appropriate, aligning online participation with other offline communications, and remembering to uphold the core Civil Service values and standards of behaviour set out in the Civil Service Code *online as well as offline*.

The potential benefits of social networking are something that BT and HMRC and Acas all want to explore, as all organisations realise that this is something that will help it to engage with their customers.

BT currently has a team (below one per cent of the workforce) which has responsibility for monitoring social networking sites for the purposes of the business. These employees include customer service representatives who use the sites to provide help and guidance to customers, or security and social media researchers who use the sites to establish trends in the market.

HMRC is particularly interested in Twitter, which it hopes will give it the opportunity to interact and communicate directly with the public. If a member of the public has a tax problem, they can either phone HMRC, deal with it online, or in writing. At present, most people phone call centre staff at HMRC to ask about tax issues and the organisation therefore certainly sees the potential of a medium such as Twitter for engaging directly with the public. It would like staff to use Twitter to talk about their work, but at the moment, it does not encourage this and asks staff to obtain authorisation, while the strategy is still being formulated.

Acas is already making use of a range of social media tools; it is currently using Twitter and LinkedIn and has a YouTube channel. It is also planning to launch a Facebook page and a regional Twitter feed in the near future, in order to further engage with the public and with organisations on a range of employment relations issues.

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<sup>1</sup> [http://coi.gov.uk/documents/Engaging\\_through\\_social\\_media.pdf](http://coi.gov.uk/documents/Engaging_through_social_media.pdf)



## 7 CYBER-BULLYING

In addition to the difficulties of managing use of social media services, a further management challenge arising from the spread of ICT and social networking media is cyber-bullying, which has been defined as “*any use of information and communications technology to support deliberate and hostile attempts to hurt, upset or embarrass another person*” (Llewellyn 2009).

Cyber-bullying might include the following actions:

- offensive e-mails – sending offensive e-mails to a colleague – even if this is meant as a joke – and continuing to send similar messages having already been asked to stop
- email threats – this might also include ostensibly relatively inoffensive messages in terms of actual content where it is the implied meaning behind the message that constitutes a form of bullying. An example of this might be where a superior is using email to bombard an employee with more work than they can handle, whilst other members of the team are not being treated in the same way.
- posting blogs and leaving comments on social networking sites – it may be that a person does not experience any direct form of cyber-bullying, being unaware that the bully is posting offensive messages about them on sites in the public domain.
- propagating defamatory gossip about employees on social networking sites and blogs
- threats or offensive comments sent to a person’s mobile phone via SMS text-messages
- harassment by email – sending persistent e-mails to a person when previous email approaches have been rejected
- sharing a person’s private data online – posting somebody’s personal details – i.e. those which they would not normally want to share with complete strangers, such as home addresses and phone numbers – in such a way that they becomes available to the general public.

A recent survey suggests that one in ten workers in the UK believe that workplace cyber-bullying is a problem and that one in five had been bullied by email and one in 16 said that they had been bullied by text message (Pitcher 2007). This was based on a survey of 1,072 workers run by the Dignity and Work Partnership. The survey also notes that the increased prevalence of portable communications tools such as BlackBerry smartphones<sup>1</sup> is making cyber bullying a problem outside working hours.

Much of the academic work on cyber-bullying has focused on occurrences amongst school children, with few studies of cyber-bullying in the workplace (Pritavera & Campbell 2009). However, some small-scale studies have been carried out – for example Pritavera & Campbell (2009) conducted a survey of

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<sup>1</sup> A smartphone is a mobile phone offering advanced capabilities, such as email and internet access, often with PC-like functionality

Australian workers' experiences of cyber-bullying. Although their survey was somewhat limited, they did find that workers who had been cyber-bullied tended to have also experienced some form of bullying through conventional channels. This indicates some differences to the research on cyber-bullying amongst school children, which suggests that cyber-bullying tends to occur independent of conventional bullying. However, the research in this area is still at a formative stage and conclusions should be drawn cautiously.

Advice on handling cyber-bullying is similar to advice on handling bullying more generally. Employers are encouraged to have strong anti-bullying policies in place but to ensure that these are updated in the light of new kinds of technology (Kubichek 2008). There is some difficulty in that cyber bullying can occur outside the workplace to a much greater extent than might conventional bullying, making it harder for employers to deal with easily (Llewellyn 2009). This poses a range of difficulties for employers, as they will have less control over bullying if it takes place outside of working hours and away from the workplace. Ways to deal with this could potentially include setting up a designated helpline or help point that employees could call or email into at any time of day. Employers can also work with their IT departments to stop cyber-bullying activities and to identify the perpetrators (if the bullying is using workplace IT systems). Employers may also want to consider extending their workplace bullying policy to explicitly cover cyber-bullying both within and outside working time.

The guidance and policies of the organisations we contacted for this research do not address the issue of cyber-bullying directly. At HMRC, this is something that is covered by the organisation's specific policy on bullying, which also covers electronic media such as email. Here, any form of cyber-bullying, including the posting of negative comments about co-workers would be deemed to be unacceptable behaviour under the organisation's bullying policy.

*"We have a duty of care to colleagues, so it is important that employees do not do or say anything on Facebook that harms them."*

HR adviser, HMRC

## 8 CONCLUSIONS AND POLICY IMPLICATIONS

This small-scale research project has highlighted a range of employment relations issues that relate to the use of ICT and more specifically the use of social networking tools.

Survey evidence illustrates that use of social networking sites by employees has grown significantly in recent years. However, some small-scale survey evidence shows that among higher skilled workers, only slightly fewer than 15 per cent have access to social networking sites at work. This may indicate that employers are prohibiting use of such internet sites to avoid having to manage any negative consequences. However, in some of the high-profile cases of unfair dismissals for what employers believe is inappropriate use of social networking sites, the location of the employee when posting comments is immaterial. This potentially means that any employers who believe they have protected themselves through a blanket ban on use of social media through company IT systems may be misguided. This also means that employers who do not provide IT access to some staff or do not have IT in their workplaces cannot afford to ignore the issue.

Consensus on norms of behaviour in such new social spaces is only just emerging, meaning that codification of acceptable and unacceptable practices has not yet taken place. Employers seeking to regulate employee behaviour are well advised to adopt a commonsense stance and a flexible, pragmatic approach, drawing, where possible, on the norms that might apply in non-virtual settings. For example, if comments or pictures circulated or employee behaviours would not normally be regarded as acceptable in a face-to-face workplace setting, rather than an online setting, it may be wise and legitimate to subject them to a check of whether the 'online' nature of an interaction makes them any more legitimate. If they fail this test, they could be defined as in breach of company internet policy and to advise that disciplinary action may be taken against individuals contravening it.

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. It is advisable to carry out some type of research beforehand, involve all stakeholders, including trade unions, and consult the workforce. This will make the policy stronger and more widely accepted. The joint development of a policy may also enable the parties to strike a balance between individual freedom of speech and actions that could have a negative effect on the employer. Regular review of policies is also a good idea, as the world of social networking and online media is moving at a fast pace.

From the organisations we consulted for this research, the basis of policies, guidance and practice is largely one of commonsense and a reminder to employees that the same types of controls apply online as they do offline. In the case of BT, the policy on internet use is flexible, which means that different parts of the business can adapt it.

Employers should also bear in mind that there might be generational issues at play, with younger employees being both more conversant with social networking sites, and less careful about how they use them. It is potentially quite easy not to think through the ramifications of posting something on a social networking site,

how far it might travel, and the difficulties of removing it. Education and reminders to staff on these types of issues should therefore be a key part of any policy or guidance on the use of social media.

One key theme to run through this report is the fact that social networking sites tend to blur the boundaries between public and private life and employers need to establish a view on what is acceptable in terms of monitoring and trying to control what employees post on social networking sites in their own time. One way of doing this is to limit access to material that could be defamatory to the organisation so that employees are not in a position to post anything sensitive on their own social networking sites, although most organisations will already have procedures in place on the sharing of sensitive information with employees, for example, sensitive financial information in discussions with employee representatives.

Despite these potential difficulties, it should also be considered that social networking can have specific benefits in the employment relations context. For example, blogging can be a positive action, allowing employees to present the human face of a company, if an employer is relaxed about allowing employees to blog. More widely, one of the main benefits of social networking, according to the organisations contacted for this research, is the potential business benefits of this medium, which are not yet fully understood. Allowing employees the freedom to use social networking sites can therefore be a positive step, help to develop the workforce's knowledge of social media, and be part of a wider strategy of digital engagement with customers. Further, before reacting to employee blogging that has not been agreed with the organisation, employers should bear in mind that much of the blogging may just be the upshot of individuals needing to vent their feelings, rather than actions with defamatory intent. These kinds of social media uses may therefore be of low harm and read by a relatively small group of people.

Cyber-bullying is something that is linked to the rise of social networking tools, although the evidence in terms of workplace cyber-bullying is scant. Nevertheless, employers should work on developing strong anti-bullying policies that are updated in the light of new kinds of technology, and need to bear in mind the fact that that cyber-bullying can occur outside the workplace to a much greater extent than conventional bullying, making it harder for employers to deal with easily. It will probably be the case that cyber-bullying will largely be covered by existing policies on bullying, and so policies or guidance on the use of social networking sites just need to refer employees back to the organisation's bullying policy.

Below, we offer nine recommendations to employers on how to manage the issue of employee use of the internet and social networking sites.

**Recommendation 1: All employers should have a policy on internet/social media use.**

The negative publicity that resulted from recent high-profile cases is unwelcome to employers. Employees will always need to 'let off steam' about their working life and traditionally this was achieved by chatting to friends in a social setting. It is therefore not the behaviour which has changed, but rather the context: blogging on social networking sites may allow the content of discussions to be

available to the general public, in contrast to a private conversation between friends. Critically, it is evident that employees have complicated and contradictory attitudes to social networking and that a high proportion post material about their view on and experiences of employment which they would not do using other media. It should also be remembered that consensus on norms of behaviour in such new social spaces is only just emerging, meaning that codification of acceptable and unacceptable practices has not yet taken place. Having a policy in place will ensure more clarity in these areas.

**Recommendation 2: An internet/social media use policy must set out clearly and explicitly the organisation's expectations of and definitions of acceptable and unacceptable behaviour, and the consequences of violation. These should be consistent with disciplinary procedures and cross-refer to them.**

The policy could be included within general guides on codes of conduct and amalgamated with the organisation's policy on data security and email. The policy should also contain a statement on employer use of the internet in relation to employees' activities outside work and be mindful of human rights legislation. It should also make reference to the Public Interest Disclosure Act and company policy on how employees should handle this.

**Recommendation 3: The policy on internet/social media use need not be complicated – the main message that online conduct should not differ from offline conduct, with reference to existing conduct guidelines, may suffice.**

Policies should advise employees to assume that everything they say on the internet could at some point be made public and to think about whether, for example, the comment they are about to post on a social networking site is something that they would want a colleague, their boss or a senior manager to read. Survey evidence has found that a majority of employees would change things they have written on their social networking sites if they thought that their employer could read them. It is evident that employees regard the internet as a qualitatively different form of communications medium, as shown by the high proportion of individuals who are willing to post comments on the internet that they would not wish their employer to see. A simple policy of advising employees not to say or do anything online that they would not do offline – and hence would mind becoming public knowledge – may often suffice as guidance.

**Recommendation 4: The policy on internet/social media use should be drawn up in consultation with staff, either through their representatives, if present, or directly, if no representatives are present.**

A prior survey of employee awareness of issues can help to achieve buy-in to future policy. Consultation with staff on the actual policy will help to ensure that it is fair. It may also help to determine what is reasonable within each organisation's context, particularly where employees have access to sensitive information on members of the public or commercially confidential information. It will also help build employee commitment to the policy and raise awareness of the fact that a policy is being formulated, which may be important for dissemination.

**Recommendation 5: A policy on internet use needs to be communicated.**

A high proportion of employee survey respondents do not know whether their employer has a policy on internet use – according to the 2010 My Job Group survey cited in this report, over 70 per cent of survey participants said that they did not know whether their employer had an HR or disciplinary policy regarding social media. This suggests either a policy gap or a communications gap. Managers need to ensure that individuals understand the policy and may need to think carefully about how they explain and justify it, which may need to vary between staff groups. For example, younger workers may be more proficient in their use of the internet and social networking sites, but may need more guidance to ensure that their use of this medium as an employee is appropriate.

**Recommendation 6: Organisations should make sure that there are adequate mechanisms for employees to raise formal and informal grievances.**

It is preferable for employees to use internal mechanisms to voice concerns about management practices than to raise these concerns outside the workplace and risk publicly damaging organisational reputation. The absence of any informal grievances in the workplace is unlikely to be an indicator of a healthy organisation. Such mechanisms could include internal fora, where employees are encouraged to be honest and to engage on issues that are bothering them, or “open” newsletters which contain information on difficult issues.

**Recommendation 7: Organisations may wish to consider how they can reap the business benefits of social networking.**

There is some evidence that staff may reciprocate organisational trust in allowing internet and social media access by promoting the organisation in return. The benefits of this are not yet fully understood, but organisations seeking to engage customers through the internet and digital technology should consider how they might take advantage of what could be a relatively low cost sales and marketing tool. Blogging by employees about their working life can be a way of presenting the human face of an organisation and some organisations are already looking at this idea. This usually takes the form of relatively formalised use of media such as Twitter, where designated employees post tweets about issues related to the organisation. It can also, however, take the form of employees blogging about their day-to-day life in the organisation. It should also be remembered that employees can glean a lot of important information from the internet and so a blanket ban on internet use would be counterproductive.

**Recommendation 8: Employers will need to keep up to date in developments in employment law relating to social media.**

Case law involving employment relations disputes concerning social media is at an early stage and many of the principles of difference and similarity between real and virtual communications and concepts of intent, privacy and the role of third parties in social networking have not yet been tested.

**Recommendation 9: Employers need to consider reviewing policies on internet use/social media on a regular basis.**

Social media and the internet are fast-moving worlds and employers need to ensure that policies are kept up to date with the latest developments and trends relating to internet use in their organisation. Regular policy reviews involving all key stakeholders will ensure that policies address the organisation's main concerns. Employers should ensure that policies also cover issues such as cyber-bullying, either by referral to the organisation's policy on bullying, or by addressing the issue explicitly.

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## **APPENDIX 1: PROFILES OF ORGANISATIONS CONTACTED FOR THIS RESEARCH**

### **British Telecom (BT)**

#### **Background**

BT is the largest provider of communications within the UK. It directly employs around 120,000 workers and has a global presence in 180 countries. All direct employees of BT have access to both the internet and the company's own intranet. BT has a policy in place on general use of the internet, but does not have a specific policy in place governing the use of social networking sites. It recognises trade unions and the main trade union active in BT is the Communication Workers' Union.

#### **Policies relating to internet access and social networking sites**

Overall, BT views itself as a contemporary ICT company and realises the need to promote a modern culture and employ an up-to-date workforce that is familiar with the range of communication media that their customers may use. For this reason, BT chooses to liberate the use of the internet and encourages all employees to become informed on and feel comfortable working with internet media.

Within this context, however, BT does have a policy on *acceptable use* of the internet, and also gives departmental managers the flexibility to differentiate use of the internet, leading to variations in access around the organisation.

#### **General restrictions on the use of the internet**

BT's *Acceptable use* policy defines certain types of high level behaviours by which all BT employees must abide. These include not offending anyone or bringing BT into disrepute. Although the majority of employee behaviours in this policy come under the remit of the human resources function, they are also classed as security measures and so this policy is combined with the organisation's security policy. Therefore, the overall responsibility for the policy rests with the security policy manager and security team.

The BT security team runs enforcement mechanisms which block access to certain categories of website (such as pornography and gambling sites) at the point when an employee uses the internet. Although the security team is able to monitor and control the sites which are blocked, the initial scanning of the internet for new inappropriate web content is outsourced to another company. This company is aware of the categories which BT wishes to regulate and therefore scans the websites and carry out the necessary actions when one is deemed to fall within these categories. The outsourced organisation automatically restricts all websites it deems to be inappropriate unless authorised otherwise by the BT security team.

Employees working for BT have varied access to the internet depending on their job role. Those working within the offices tend to have broad access to the internet, including social networking sites. However, the time of day or time spent by employees' in accessing the internet and social networking sites can be set by local line managers. The decision to implement these rules was informed by

research conducted by the Security Policy Manager at BT. The research was undertaken in response to a number of enquiries from line managers who believed that a member of their staff was timewasting and wanted to access their internet records and browsing history in order to prove this. It was felt that the research would help to explore the validity of this and in cases where timewasting may have been more prevalent, would help to prevent the issues from escalating. It was also an issue which was very high-profile at the time in the newspapers.

The research showed that apart from one or two stand out exceptions, BT employees did not waste time on the internet. Typically an average employee spent less than an hour a day browsing the internet on non-work-related purposes and most of this was when arriving in the morning, during a lunch period or when shutting down at the end of the day.

In response to this evidence, BT adopted a 'No One Size Fits All' policy and allowed local managers to implement their own restrictions on internet use. For employees whose access is restricted, cyber cafes can be provided, allowing workers access to the internet during their breaks. In other parts of the organisation there are no restrictions on internet access and access to social networking sites, partly as the research confirmed that employees within these job roles did not waste time and partly because in other job roles such as Field Engineers, employees have limited capacity or time to look at the internet.

However, the central issue for this policy is acceptable behaviour, rather than any emphasis on time spent on the internet.

### **BT's use of social networking sites for business purposes**

BT has a very small team (around <1 per cent of the workforce) which has responsibility for monitoring social networking sites for the purposes of the business. These employees include customer service representatives who use the sites to provide help and guidance to customers, or security and social media researchers who use the sites to establish trends in the market. BT also commissions some research from universities but they do not necessarily use BT facilities to access the internet.

### **Issues arising from social networking sites**

As seen above, there have been very few productivity issues associated with employees wasting time on social networking sites during working hours. These issues are dealt with by HR as a standard disciplinary process and the BT security team will provide the case evidence such as browsing history and webpage content.

### **Line manager training**

While all requirements of a line manager are published internally, BT does not formally provide its line managers with training on how to tackle issues relating to social networking sites but tends to deal with any situations as and when they arise. Although line managers are not provided with any specific advice, it is usually the case that individuals seek advice from their line manager regarding company rules around social networking which in turn encourages the line manager to explore exactly what these are.

## **The future**

From a corporate culture perspective, it is unlikely that BT's current approach to employee use of the internet and social networking sites will change and become more restrictive. From the research that it has undertaken, it feels confident that its employees are not spending inappropriate amounts of time on the internet. Further, the company realises that there is a need for it to be a part of the social networking revolution in order to remain a modern organisation and develop products and methods of communication to meet the needs of its customers.

BT wishes to enable its workforce to work globally and so this means being able to access internet services from where ever they are currently located. It takes the view that it is inefficient for employees to be required to enter a BT building in order to access certain services before they return to their job offsite.

Although BT does not conduct business via social networking sites, these sites are regarded as a useful tool to improve customer service. Despite the fact that it only forms a small part of the organisation's business plan, it was viewed as something which could not be ignored.

It is also cheaper to allow employees to access the internet directly without going through BT facilities, although this does bring other risks with it, such as information security. However this is a separate matter and BT is currently exploring software and hardware controls as well as user education to combat these risks. One way BT has approached this is by working with media companies to develop semi-comedic videos on the consequences of a lack of user education. These highlight how slack employee behaviour can have detrimental consequences for an organisation.

## **HMRC**

### **Background**

Her Majesty's Revenue and Customs (HMRC) is the government agency that deals with the collection of tax and the payment of tax credits and tax rebates. The current organisation was formed from a merger of the Inland Revenue and Customs and Excise. It has around 75,000 employees at present, but is looking to reduce this to around 50,000.

HMRC is the largest holder of personal data about the population in the country. The organisation therefore has very tight procedures and provisions in place that relate to data security.

HMRC recognises two main trade unions – the Public and Commercial Services Union (PCS) and the Association of Revenue and Customs (ARC), which organises senior managers, and which is affiliated to the FDA.

### **Access to the internet**

Around half of HMRC staff did not have access to the internet until recently, with access only granted if employees made a business case. This is now changing, due to the centralisation of HR functions in the civil service, and internet access is

being rolled out to all employees, to enable them to communicate with civil service networks.

HMRC has a policy in place governing acceptable use of the internet. Employees have access from their desks, and can access websites for personal use, although they may only do this during break times in their own time. Certain sites, such as pornographic and gambling sites, are blocked. Social media sites are also blocked.

### **Triggers for developing guidance on use of social networking sites**

HMRC has developed guidance on using social media, which has now been in place for around six months. The policy was developed jointly by representatives from HR, the organisation's digital strategy team, and trade unions.

There were a number of triggers for formulating the policy. Firstly, the organisation was looking at developing a digital engagement strategy, which would relate quite widely to HMRC's social media usage. This would encompass, for example, how the press office might use social networking sites in order to communicate with the public. The digital strategy team felt that in order to enable the development of this strategy, the organisation needed to clarify what was expected of employees.

HMRC is still developing its digital engagement strategy and will decide on the precise details at some point in the future. The priority for the organisation was to put into place guidance for social networking sites that is clear and understandable to employees.

The business benefits of using social networking sites is an issue that HMRC wants to explore, as the organisation realises that this is something that will help it to engage with its customers. It is particularly interested in Twitter, which will give it the opportunity to interact and communicate directly with the public.

Secondly, the fact that internet access was being rolled out to all employees was also a catalyst for developing guidance on the use of social networking sites, and the issue was further brought to prominence by a couple of high-profile incidents picked up by the media of HMRC employees using social networking sites in an inappropriate way.

Thirdly, underpinning all these different elements is the fact that HMRC is an organisation that holds a special position in terms of the large amount of data that it holds that must be held securely and guarded against criminal attack. Therefore, data security is of the utmost importance. There were also concerns that social networking sites may have the potential to bring computer viruses and malware into the organisation's network file systems.

### **The guidance on social networking**

Before the policy was finalised, it was posted up internally in bulletin boards for employees to see and comment upon. HMRC feels that this is the right way to go about policy formulation, as it will help to ensure that employees can have an input into the policy, which in turn will increase overall acceptance. HMRC obtained useful feedback from this exercise, particularly on the structure and

phrasing of the policy. The organisation also carried out an internal survey to check employees' knowledge about social networking sites, in order to help it to pitch the guidance correctly.

The guidance is, the organisation stresses, largely based on existing policies. The basic premise, therefore, is that employees need to exercise common sense and to realise that what they write on social networking sites is essentially in the public domain, even if they have privacy settings, or something is posted on a closed profile or group. There is therefore an educational element to the guidance, reminding people of the potential dangers of using online media.

The guidance essentially reminds employees of the organisation's conduct policy, stating that they should follow the same standards of conduct and behaviour as would be expected elsewhere. Employees are reminded to be careful about what they reveal about themselves on social networking sites and HMRC recommends that they do not say that they work for HMRC.

The guidance also contains sections on issues such as not disclosing personal details or whereabouts, disclosing information unintentionally, choosing online friends carefully, disclosing information about colleagues, including photographs, which should not be put up without and ensuring periodically that privacy settings<sup>1</sup> remain unchanged. Use of the HMRC logo by employees is not permitted, as it would not be in other media.

### **Private use of social networking sites**

The guidance states that it does not intend to limit sensible, personal, non work-related private use of social media. This is an important element of the guidance and the subject of some discussion between the organisation and trade union representatives when the policy was being formulated. The unions were concerned that HMRC would monitor employees' use of social networking sites. After discussions with the unions, HMRC decided that the guidelines should not cover this aspect of social networking site use. HMRC therefore does not monitor what employees post on their social networking sites, although it would look at them if there was a case of possible breach of the guidance.

There is inevitably, however, a certain blurring between employees' working and private lives, and this is something that comes from the fact that employees are civil servants and certain standards of behaviour apply, both during and outside working hours. For example, the Civil Service Code states that civil servants should act in a way which maintains political impartiality no matter what their own political beliefs. This does not stop people from *having* political opinions, but means that they should not *express* views that compromise, or might be seen to compromise, their impartial service to the Government of the day.

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<sup>1</sup> Privacy settings limit the website information to which a third party search engine has access (e.g. Google, Yahoo, Bing, Ask etc.). For example, Facebook privacy settings take action to block access by these engines to personal information about website owners' names, profile pictures and other personal profile data.

## **The future**

HMRC plans to review the guidance in the near future, to test how it has been working, although the consensus seems to be that it is working quite well, both in terms of the fact that employees have not found it necessary to make any complaints about it, and that there have been few breaches of it since it has been in place. Those involved expect that there will be some revisions to the guidance, based on the breaches that have occurred since it has been in place, and any feedback from employees and stakeholders on how they think they are working. As social media is a constantly changing phenomenon, all those involved in this guidance expect that the ground will continue to shift in the future and that the organisation must therefore keep pace with change. For example, since the original guidance was written, Twitter has become a much bigger phenomenon, and any new version of the guidance would need to reflect that.

## **Acas**

### **Background**

The Advisory, Conciliation and Arbitration Service (Acas) employs around 900 staff, based in offices located throughout Great Britain. Largely funded by the Department for Business Innovation & Skills (BIS), Acas is a Crown non-departmental public body (NDPB), governed by an independent Council. This allows it to be independent, impartial and confidential. Acas was established as a statutory body in 1976 with the general duty of promoting the improvement of industrial relations in Great Britain. This duty remains very much at the core of Acas' work today. Primarily known as a dispute resolution body, Acas also provides a wide range of products and services designed to improve organisations and working life through better employment relations.

Acas recognises two trade unions: the PCS and the FDA.

### **Access to the internet**

Almost all Acas employees have regular access to the internet through Acas computers. The system blocks certain websites – such as pornography and gambling sites – but does not block social networking sites such as Facebook and Twitter. Staff members are allowed to update their personal blog or microblog from an Acas computer at work – albeit under Acas' general rules on use of the internet (i.e. not 'excessively' or during normal working hours).

### **Triggers for developing guidance on use of social networking sites**

The Acas guidance on the use of social networking has been in place since January 2011. The main trigger for formulating the guidance was the fact that Acas was starting to utilise social networking corporately, as an organisation, and hence wanted to ensure that Acas staff were clear about their own use of social network sites before possibly being asked to use media such as Twitter in a professional capacity. The guidance was formulated by the HR team, in conjunction with the communications team and with the input of trade unions.



## **The guidance on social networking**

The guidance is centred on the principle of *'don't do anything on line that you wouldn't do off-line'*; its stated intention is to draw attention to areas in which conflict can arise (particularly those with the potential to impact on Acas' reputation) rather than to prohibit staff from conducting legitimate activities on the internet. For instance, the policy reminds staff that they should use social networking sites in such a way that does not bring Acas into disrepute, e.g. through posting derogatory remarks about the organisation, their colleagues or managers

The guidance also states that staff should not indicate a political allegiance in the course of using social networking sites – particularly if they identify themselves as working for Acas – and that behaviour should be in line with Acas' general guidance on political activities.

The guidance contains advice on issues such as sharing photographs, videos and comments; e.g. it states that it may not be appropriate for staff to share work-related information, such as photographs taken at private Acas event. It also stipulates that employees should not post information about colleagues that they have been asked not to share, and should remove information about a colleague where instructed to do so.

## **Private use of social networking sites**

Acas does not monitor employees' private use of social networking sites; its guidance about how staff should to conduct themselves online is thought to be sufficiently clear for employees to know what they can and cannot post on their own social networking sites.

## **The future**

Acas is continuing to monitor the social media environment closely, in recognition of the fact that this is a fast-changing area. The organisation is set to update its guidance on the use of social media, in order to reflect its own forthcoming plans in the social media area, which are likely to include the launch of a Facebook page and a regional Twitter channel in the near future.

## **APPENDIX 2: DISCUSSION GUIDES**

### **Discussion guide: manager**

*Explain that this discussion forms part of a study that we are conducting for Acas on the use of ICT and social networking in the workplace and its impact on employment relations. As part of this, we are looking at best practice and so would like to talk to you about what you think about these issues and whether you have formulated any kind of policy. Are you happy for the organisation to be named? We will send you the write-up so that you can check it for factual accuracy. Is it ok for this conversation to be recorded, for ease of analysis? If not, take notes. The interview should last around one hour. Any questions?*

#### **A . The organisation**

Can you tell me a little about your organisation – size, number and type of employees, main areas of business?

#### **B. Your role**

Can you tell me about your role – do you have responsibility for HR or IT policy?

#### **C. Use of ICT**

1. Do employees use the internet as part of their work? What percentage of the workforce has access to computers and/or uses them on a regular basis as part of their work?
2. Are there any general restrictions on employees accessing the internet/ specific websites in working time?

#### **D. Social networking sites**

1. Does your company make use of social networking sites for work purposes? eg Linked In etc
2. Is employees' personal use of social networking sites such as Facebook, LinkedIn and Twitter an issue for your organisation? Since when? How did you identify that it was a problem?
2. Can you describe what the main issues are? Eg employees using these sites in their own time, employees posting material that the company does not like, defamation issues, breaches of confidentiality.
3. Do you think that line managers are confident in handling issues around social networking? How easy/difficult do they find it? Do they receive any specific training, is the organisation planning on offering training?
4. Do you have a policy relating to the use of social networking sites?

If yes, ask the questions in section E. If no, go to section F.

## **E. Social networking policy**

What prompted you to formulate a policy? Were there any specific events that triggered this, or was it a gradual realisation that you needed a policy? Probe for whether the organisation has had any disciplinarys or dismissals relating to the use of social networking.

How was it formulated – did you agree it with trade unions/employee representatives?

What sorts of issues does the policy cover? Eg use of the sites, photos of work colleagues, political activities, any mention of where they work or of the company?

Do employees need to discuss their use of these sites with their manager in any area?

Does the policy cover other people posting things on employees' sites, or retweeting?

Does the policy cover anything relating to employees' private lives, or does it just relate to information about the employee's working life?

Does it require employees to put in a caveat when expressing an opinion, to make it clear that this is their own personal view and not that of the organisation?

Has the policy made a difference? For example, are there fewer issues to deal with in relation to social networking?

## **F. For organisations with no policy**

Have you had any disciplinarys or dismissals relating to the use of social networking?

Are you intending to formulate a policy, or do you think you need one?

What sort of areas would you want to cover?

Eg:

- use of the sites
- photos of work colleagues
- political activities
- any mention of where they work or of the company
- whether employees need to discuss their use of these sites with their manager in any area
- whether it should cover other people posting things on employees' sites, or retweeting

- whether it should cover anything relating to employees' private lives, or just relate to information about the employee's working life
- should employee put in a caveat when expressing an opinion, to make it clear that this is their own personal view and not that of the organisation

### **G. Final questions**

Do you think that your policy or approach to the use of social networking sites will change in the future? If so, why is that?

Overall, do you see the use of social networking sites as broadly a positive or a negative thing, or a mixture of both?

How do you see the use of social networking sites developing in the future? Do you think that the practice will die out, or will it become more mainstream?

What, if any, information, advice or guidance would you like to receive about handling issues concern employee use of social networking sites?

Is there anything else that you'd like to say that we've not covered in our discussion?

Thank you very much for your time.

### **Discussion guide: TU or employee rep**

*Explain that this discussion forms part of a study that we are conducting for Acas on the use of ICT and social networking in the workplace and its impact on employment relations. As part of this, we are looking at best practice and so would like to talk to you about what you think about these issues and whether you have formulated any kind of policy. Is it ok for this conversation to be recorded, for ease of analysis? If not, take notes. The interview should last around one hour. Any questions?*

#### **A. Your role**

Can you tell me about your role as employee/trade union rep. Which union, how many people do you represent, how long have you been in the role? Do you work alongside other reps? Does the organisation recognise your union for bargaining purposes?

#### **B. Use of ICT**

1. Do employees use the internet as part of their work? What percentage of the workforce has access to computers and/or uses them on a regular basis as part of their work?

2. Are there any general restrictions on employees accessing the internet/ specific websites in working time?

### **C. Social networking sites**

1. Is the use of social networking sites such as Facebook, LinkedIn and Twitter common in your organisation? Since when?
2. Does it create any tensions or problems between managers and employees?
2. Can you describe what the main issues are, from an employee rep point of view? Eg the employer trying to exert control over employees' use of social networking sites, the employer trying to stop employees posting material that the company does not like, management of time versus management of output, issues is worker recruitment
3. Have there been any instances of employees coming to you with issues/problems relating to their use of social networking sites? This could include cyber-bullying as well as issues around the organisation trying to control their use.
4. Do you think that line managers are confident in handling issues around social networking? How easy/difficult do they find it? Do they receive any specific training, is the organisation planning on offering training?
5. Is there a policy relating to the use of social networking sites?

If yes, ask the questions in section D. If no, go to section E.

### **D. Social networking policy**

Were employees/employee reps involved in the formulation of the policy? If not, why not?

What prompted the organisation to formulate a policy? Were there any specific events that triggered this, or was it a gradual realisation that it needed a policy? Probe for whether the organisation has had any disciplinarys or dismissals relating to the use of social networking.

What sorts of issues does the policy cover? Eg use of the sites, photos of work colleagues, political activities, any mention of where they work or of the company?

Do employees need to discuss their use of these sites with their manager in any area?

Does the policy cover other people posting things on employees' sites, or retweeting?

Does the policy cover anything relating to employees' private lives, or does it just relate to information about the employee's working life?

Does it require employees to put in a caveat when expressing an opinion, to make it clear that this is their own personal view and not that of the organisation?

Has the policy made a difference? For example, are there fewer issues to deal with in relation to social networking?

#### **E. For organisations with no policy**

Have there been any disciplinarys or dismissals relating to the use of social networking?

Would you like to see the organisation formulate a policy - do you think it needs one?

Would you be likely to be involved in its formulation?

What sort of areas would you want it to cover? Eg:

- use of the sites
- photos of work colleagues
- political activities
- any mention of where they work or of the company
- whether employees need to discuss their use of these sites with their manager in any area
- whether it should cover other people posting things on employees' sites, or retweeting
- whether it should cover anything relating to employees' private lives, or just relate to information about the employee's working life
- should employee put in a caveat when expressing an opinion, to make it clear that this is their own personal view and not that of the organisation

#### **F. Final questions**

Do you think that your policy or approach to the use of social networking sites will change in the future? If so, why is that?

Overall, do you see the use of social networking sites as broadly a positive or a negative thing, or a mixture of both?

How do you see the use of social networking sites developing in the future? Do you think that the practice will die out, or will it become more mainstream?

What, if any, advice or guidance would you like to receive on social networking issues in your role as a union rep?

Is there anything else that you'd like to say that we've not covered in our discussion?

Thank you very much for your time.



