Social Media on the Job: An exploration of the potential legal consequences of employees’ social media activities during the course of employment

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Dismissed

Catherine Sanderson

• Maintained a weblog at work.
• Mentioned amongst other things her relationships BUT not her employers.
• Summarily dismissed on its discovery.
• ET – Dismissal unfair.
• Received £30,000 compensation.
Methodology

• Focus on Harassment & Defamation

• The key provisions, legislation and case law and see how these interact with the possibilities and nature of social media.

• Aim – Establish the extent to which at the present time the existing provisions, legislation and case law lead to uncertainty.
Harassment

- Must be a ‘course of conduct’ (s7 PHA 1997) & the individual ‘knew or ought to have known’ (s1(1) PHA 1997).
- BUT what about a course of harassment solely conducted on social media?
Defamation

Who should be held liable for a defamatory remark retweeted?

- The original statement maker – Unintentional Publication
- The retweeter – Forward the words
- Both - Jointly or one more than the other.
Conclusion

• Harassment – Judicial attitude.
• Defamation – lack of clarity as to where liability attaches.
• Employers need guidance to appreciate the problems.

Further Research

• Position of Social Media companies
• New approach to governance
Thank You

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