

Social Media and Work: Tips and Traps



Social networking websites or apps, or social media, are online services which allow people to build personal profiles and make connections with others. Social media allows people to share their interests, what they are doing, how they are feeling and other personal details.

Some of the most common social networking websites include Instagram, TikTok, Snapchat, Facebook, Twitter, YouTube, Weibo, and LinkedIn.

Privacy

Most people assume that the information they post on their social media accounts is private because they are posting them in a personal capacity, or they have their profiles set to 'private'.

However - social networking websites implement new privacy policies and settings regularly, usually on an opt-out rather than opt-in basis. On some platforms, you have to navigate and click through many privacy settings before you can reach maximum security.

Even if your social media is set at the maximum privacy setting, so that your photos and updates can only be seen by your friends, you cannot control the behaviour of everyone who sees your page. Anyone can take a screenshot of what you share.

Social media and your employment

Although social media posts seem informal, information posted on social media may potentially be accessed by your current employer, prospective employers, recruitment agencies, co-workers and others.

During recruitment

Many employers and recruitment agencies use social media to learn more about job applicants and screen candidates. What you share online can both improve and damage your chances of getting a job. Here are some things to consider.

Set your privacy settings to the highest level to minimise opportunities for potential employers to access your profiles.

Make sure you are familiar with and able to navigate the privacy settings on your social media accounts. Set your privacy settings to the highest possible level to minimise opportunities for potential employers to access your profiles.

Be aware of the impression created by your posts.

Employers and recruitment agencies may not be impressed by material such as photos or comments involving risky behaviour, alcohol or drugs, posts which are sexual or discriminatory in nature, swearing, spelling and grammatical mistakes and also of course negative comments about your workplace.

Disclaimer

This Fact Sheet contains information of a general nature only and is not a substitute for professional legal advice. You should obtain legal advice from a lawyer about your particular situation before acting on any of the following information. This Fact Sheet is designed for employees and prospective employees in Victoria, Tasmania and Queensland only. If you are not from these states, you should obtain advice about your specific case as soon as possible.

Be aware of what information others can access about you online.

To check what information others can access about you online, you can always Google yourself and check the results. Also, check how much information your social media profiles reveal to an unknown visitor.

Clean up your online profiles.

If you believe that there is content on social media which may hurt your chances of getting a job, you should remove it and disassociate yourself from that content.

Create a positive presence on social media.

If a potential employer does decide to check your social media presence, you want your online profile to help rather than damage your chances of getting a job. You want to show that you have the relevant experience, skills and qualifications to do the job. One suggestion is to create a profile on LinkedIn which positively shows off your professional identity.

Play to your audience.

Research what your potential employers look for in their employees and control the information you share on social media accordingly. While many employers look for employees who maintain a strong professional image online, others may want someone who shows that they can be fun and outgoing.

While employed

There are many ways in which the use of social media can affect your current employment. Here are some things to consider.

Be wary of following or friending your employer and/or colleagues on social media.

You might become friends with your employer/colleagues for genuine social reasons, however be aware that the risk of this is that they can keep a closer eye on your private life online. You can always consider setting up tailored friends lists – e.g. 'Close friends' on Instagram.

Read and understand the policies governing social media use if your workplace has one.

You should check whether your employer has a social media policy. Many employers nowadays have policies which outline their expectations of social media use by employees. These policies can cover the use of social media both during work and in private time (if it relates to work).

Social media policies may also address the impact of social media on bullying and harassment in the workplace, and also confidentiality. Some policies might also place obligations on employees to report colleagues who are breaching the policies. Failure to comply with social media policies may result in disciplinary action, including potentially dismissal, so it is a good idea to read and understand any social media policies which exist at your workplace.

Do not post derogatory comments about your job, managers or colleagues, whether at work or in your personal time.

You may be upset at your employer, or about something that happened at work, but sharing an angry post or update is not the best thing to do. Try to find another way to deal with the situation. Stop, breathe and calm down.

Do not post derogatory comments about your job, managers or colleagues, whether at work or in your personal time. (cont.)

There have been cases where courts and tribunals have found that posting derogatory comments about work or colleagues is a valid reason for dismissal. Derogatory postings may also expose you to legal liability for defamation. Social media posts are admissible as evidence in legal proceedings so it is important to be careful about what you say.

Do not spend too much time on social media.

Unless you are required to spend time on social media for work purposes it is not a good idea to spend a lot of time using social media at work. In fact, some employers prohibit its use at work altogether.

Employers are allowed to monitor internet usage in the workplace to ensure employees are performing their duties and often do so. Spending time on social media rather than doing your work is generally unacceptable to employers and can lead to disciplinary action or dismissal.

Do not disclose confidential information obtained from your employment on social media.

Disclosing confidential information obtained from your employment can be a valid ground for dismissal and may also expose you to legal liability for breach of contract or breach of fiduciary duty. In some circumstances, you may also have a responsibility not to disclose confidential information even after your employment has finished.

Bullying and harassment on social media

Any bullying, harassment (including sexual harassment) or discrimination which occurs on social media can be the subject of a legal claim the same way as if it happened in person.

Workplace bullying has been characterised as 'persistent and repeated negative behaviour directed at an employee that creates a risk to health and safety'.

Under the *Fair Work Act 2009*, workplace bullying occurs when 'an individual or group of individuals repeatedly behaves unreasonably towards a worker or group of workers and the behaviour creates a risk to health and safety'.

If you feel you have been bullied or harassed on social media by your employer and/or colleagues your options may include making an application to the Fair Work Commission for a stop bullying order, making a complaint to your state's WorkSafe authority about the bullying and lodging a worker's injury compensation claim.

Social media and dismissal

If you feel that you have been unfairly or unlawfully dismissed due to your activity on social media you may be eligible to make an unfair dismissal or General Protections Dispute – Termination claim to the Fair Work Commission. It is important to note that you have only **21 days** from the date your dismissal takes effect to file your claim.

Note: Please refer to JobWatch's 'Workplace Bullying' and 'Sexual Harassment' Fact Sheets for further details.

Note: Please refer to JobWatch's 'Unfair Dismissal' and 'General Protections Dispute - Termination claim' Fact Sheets for further details.

Discrimination on social media

State and federal laws exist to prohibit discrimination based on certain protected attributes which include race, colour, sex, sexual preference, gender identity, intersex, age, religion, physical or mental disability, physical features, marital status, family or carer's responsibilities, pregnancy, political opinion, national extraction and social origin etc.

If you believe you have been discriminated against because of something your employer or a prospective employer discovered about you on social media, you may be eligible to make a General Protections Dispute claim or a discrimination claim under state or federal anti-discrimination law.

Note: Please refer to JobWatch's discrimination Fact Sheets for further details.

Where to get help

JobWatch's free and confidential Telephone Information Service

P: (03) 9662 1933 (Melb Metro), 1800 331 617 (Regional Vic, Qld, Tas)

W: jobwatch.org.au

Fair Work Infoline (Office of the Fair Work Ombudsman)	13 13 94
Fair Work Commission	1300 799 675
Victorian Equal Opportunity and Human Rights Commission (VEOHRC)	1300 292 153
Victorian Civil and Administrative Tribunal (VCAT)	1300 018 228
Queensland Human Rights Commission (QHRC)	1300 130 670
Equal Opportunity Tasmania	1300 305 062
Australian Human Rights Commission (AHRC)	1300 656 419
WorkSafe Victoria	1800 136 089
WorkSafe Queensland	1300 362 128
WorkSafe Tasmania	1300 366 322
Community Legal Centres Australia	02 9264 9595
ACTU Worker Information line (for referral to a union)	1300 362 223
Law Institute of Victoria's Legal Referral Service	03 9607 9311
Queensland Law Society (for referral to a lawyer)	1300 367 757
Law Society of Tasmania (for referral to a lawyer)	03 6234 4133

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JobWatch acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which we are located and where we conduct our business. We pay our respects to ancestors, and Elders, past, present and emerging.