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## Use of Social Media by Union Officers and Employees

The use of social media is becoming ever more common. From Facebook and Linked-In to YouTube, Twitter, and blogging, more and more people are engaging in social media activities on a regular basis. This includes proactive posting of their own thoughts, articles or photos (e.g. posting a picture or sharing one's "status" on one's own Facebook page) as well as responding to the posts of others (e.g., commenting on another person's blog post).

Importantly, the social media activities that a Union officer or employee engages in on-line can have a direct impact on the Union. This is so even where the officer or employee engages in such activities solely on his or her own personal time. With the use of social media growing, therefore, it has become all the more important to review and update your electronic communication/social media policies to ensure that the Union is not negatively affected by the social media activities of its officers and employees. In doing that, you may want to keep the following tips in mind.

### 1. The Disclaimer Can Be Your Friend

A key potential danger for a Union is the possibility that it will be held responsible for what an officer or employee posts on-line. Many social media sites encourage users to identify their employers in their on-line descriptions of themselves. If an officer or employee who has identified the Union as his employer then comments on something that could be viewed as relevant to the Union, the officer's or employee's comment potentially could be imputed to the Union. For example, if the officer expresses views about the railroad industry – either on his own page or in response to another's web post – those comments could be viewed as the Union's. Similarly, if he expresses a political opinion – e.g., "Joe Smith, who is running for Senate, is out to hurt working people. Don't vote for him" – that could be viewed as political activity by the Union itself.

The best way to ensure this doesn't happen is to require that officers and employees post a clear disclaimer on their social media pages stating: "All statements, comments, opinions and positions taken by the poster are the poster's alone. They do not reflect and should not be viewed as reflecting the views, opinions, or positions of the poster's employer."

### 2. Don't Hide Who You Are

This second tip is the flip side of the first one. Even though the Union officer or employee posting as a private individual does not speak for nor bind the Union, he should still be up-front about his role in the Union if the matter being posted about has direct relevance to the Union. Thus, a Union officer or employee who responds to an online posting about the Union should identify himself as an officer or employee of that Union. He must not post comments about the Union anonymously. Indeed, officers and employees must be made aware that *nothing* they post on-line is ever truly anonymous. Even where an individual poster does not identify himself, it is often quite easy to trace the source of the post and determine the poster's actual identity.

### 3. Forbid Use of Union Email Addresses for Any Social Media Activities

The Union is considered to control its email system. Therefore, the Union can be held responsible if an officer or employee uses its email to take improper actions in the social media

context. For example, if an officer or employee were to stalk or harass someone on Facebook (or some other social media site) from his Union email address, the Union could be found liable along with the officer/employee for violating anti-stalking or harassment laws. Or the Union could be found liable for defamatory statements posted to a website via the officer or employee's Union email address. The best way to avoid these possibilities is to ban the use of the Union email system and email addresses for social media activities (other than any social media activities specifically approved by the Union President) and require that officers and employees use only their own personal email addresses for such activities.

#### 4. Limit Use of Union Insignia

Since the individual officer or employee is posting/commenting on social media sites solely in an individual and personal capacity, he should not place the Union's insignia on his website or alongside any posts/comments he makes online. Having such insignia on his page or connected to his name/online identity would contradict the disclaimer discussed in Tip 1, thereby undercutting the disclaimer's strength in protecting the Union.

#### 5. Decide Whether (and How) You Want to Control the Use of Links

There is no cut and dried rule as to whether individual officers and employees should be permitted to link to the Union's web pages from their individual social media pages. But if such links are permitted, a disclaimer should again be used, stating that, by activating the link, the viewer will leave the officer/employee's personal site and be transferred to the official Union site.

#### 6. Beware of "TMI" (Too Much Information)

The ease with which thoughts can be shared immediately through social media – particularly Facebook and Twitter – can lead people to over-share. This can pose a problem for Unions, especially in the context of negotiations and other meetings. For example, an officer (or Union member) involved in negotiations might "tweet" during a break that negotiations are (or are not) going well, thinking that the only people who will see this are the fellow-Union members who officially follow him on Twitter. He may think that the tweet is no different than sharing the information in a meeting with fellow-Union members or by a group email. But the reality is that, while only Union members can access a Union meeting, *anyone* can access the officer's tweets. Indeed, there are now programs available that sweep the web for mention of certain words or phrases. Thus, the employer with which the Union is negotiating could easily be checking for any posts, tweets, blogs, etc. that mention the negotiations. To avoid this, the Union should clearly notify everyone involved in negotiations or other sensitive meetings that nothing about those meetings should be shared in a social media context.

#### 7. Remember That Nothing In the World of Social Media Ever Really Disappears

There is no statute of limitations on the web; once something is posted on a social media site, it is available and can be accessed pretty much forever. Therefore, just as Union officers and employees should be advised not to disclose too much information in their posts and comments, it is also useful to include in the Union's electronic communication/social media policy a reminder that officers and employees should think about the shelf-life of their posts and comments before making them.

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