

Social media policy in the workplace



**ASSIGN
BUSTER**

1. Find at least one case or article online regarding this topic, and briefly explain the facts of the case, and the determination of the NLRB as to whether the employee was properly or improperly disciplined or terminated as a result of their use of Social Media to complain about, or publicly bash their company or boss. Provide the citation to the article you discover. (Use the term “concerted activity” in your query or search to help you find one of these cases. With an ever-changing workforce and advancements in technology employees are being wrongfully discharged [more so, illegally fired] from work just for posting or commenting or sharing concerted activity on websites such as Facebook. Just recently in this month of May of the current year, a New York tour bus driver was illegally fired from work for participating in such activity which his employer considered as something wrong.

Fred Pflantzer was the bus driver who invited coworkers to join his cause through email and latter got fired from his job after posting on Facebook information that his employer considered to damage the company’s reputation. (Neil, 2013) However, the thing is that the National Labor Relations Act has legal criteria regarding such practice which is referred to as “[protected] concerted activity”, which the National Labor Relations Board enforces. What Pflanzter did was complain that his employer didn’t have health insurance, that his paychecks were even bounced and that he had no vacation benefits. Kolker, 2013) [Personally, I wouldn’t want to work for an employer that causes these types of problems.] Reinforcing the NLRA, the NLRB went against the employer of Pflantzer, New York Party Shuttle for unlawfully firing Pflantzer who had also invited coworkers to do the same.

The NLRB was able to regain Pflanzter's job back, but he stated that things were still the same and that the practices persisted. Therefore, he decided to make his own tour guide company and be his own boss.

As for New York Party Shuttle, the NLRB ordered it to give Pflanzter his back pay (besides giving him back his job), and to notify employees about the right to unionize and participate in concerted activity. (Kolker, 2013) In conclusion, New York Party Shuttle should have been aware of the NLRA (Section 7 and Section 8) and should have taken Pflanzter's complaints as a suggestion to change what is going wrong in the company to better aid their employees instead of firing them.

2. Do you agree with the decision of the NLRB or court in the case you described in Question #1 above? Why or why not? (1-3 Paragraphs) I do agree with the decision that the NLRB took in defense of Fred Pflanzter. The NLRB was doing its job in reinforcing concerted activity. By definition concerted is anything that is performed with cooperation of someone else. So, concerted activity refers to any activity performed by two or more parties, in this [particular] case, to expressively talk about the employer on social media. However, in Pflanzter's attempt to rally his coworkers through email and Facebook, he ended up being fired.

This called for intervention from the NLRB because according to Section 7 of NLRA, " employees shall have the right to self-organize, to form, join... and engage in concerted activities for the purpose of collective bargaining or other mutual aid for protection". National Labor Relations Act (1935) However, from the employers side, having fired Pflanzter was an act of revenge, per-say. This firing brings many questions to the table and

concerns, such as: Why did the employer fire Pflanzter? How did the employer know about Pflanzter's emails and Facebook postings?

Was Pflanzter being monitored? If so, was there a policy about monitoring employees? Why were Pflanzter's paychecks bounced? Were they being bounced for a reason that was related to his activities on social media? Well according to the company, the firing was mainly due to the "libelous" emails and postings on social media. (Kolker, 2013) Unfortunately some employers like NYPS may have thought that the NLRA only supported unionized workers but they were wrong, the NLRA supports nonunionized workers as well.

And under Section 8 of the same, the NLRA forbids employers from interfering with this right in any possible way. National Labor Relations Act (1935) This was the case of New York Party Shuttle-interfering with the rights enlisted in NLRA's Section 7. Let it be understood that the NLRB will defend any protected concerted activity, whether it's through social media or in person, or in any other way that employees participate in it. (Zoller, 2013)

3. Assume this case happened at a place you have worked in the past or where you work now (or want to work.) Give an example of how the decision in the case above could lead to better or worse employee relations in your company. If I was working for an employer where the same case occurred, I would only expect some bad things to happen due to the legal problem the employer got into. Things would change; the status quo would change, possibly the company's culture would change as well. Everyone would have to be careful and watch their backs.

Keeping social media postings private instead of public will be a must and being careful to whom you communicate problems or complaints so they

won't be gossiping what one told them. I would feel that this would create a hostile environment in the workplace and I will no longer have the same thoughts about management as I did prior to the issue. The least thing I'd want is for the employer trying to exert some sentiment of assertiveness (anger or hatred) on employees that were going to or would have joined the employee that caused everything.

But after being reprimanded by the NLRB I believe the employer would want to be more aware of the federal laws that govern and protect the exercises and practices employees can do. On the positive side, my employer was ordered to notify all employees of our rights and it would have to comply with federal orders otherwise. In doing so, the employer will know that if it dares cross the line they will be 'asking for it' and employees will most likely end up libeling and/or defaming the organization, supervisor or any uppermanagement position in a collective manner.

Had I been the person that would be the victim of discharge, I would rally up the employees (after getting my job back) and make a union or go on strike against the employer so they can give us vacation time, health insurance and that the paychecks be sufficiently funded so they won't 'bounce' when they are being cashed. Situations like this one can have both positive and negative side-effects; usually the negativity is credited to the organization however. 4.

Explain how you would communicate this decision to your employees or to your supervisors (depending on the decision you have selected) to ensure that future situations like this do not occur again. In your answer, determine whether you feel a social media policy is a good route to go or not. If so, list

at least 3 things you would include in your policy and why you would include them. If you do not feel a social media policy is a good route to go, explain why you would not implement one (give at least 2 valid reasons.)

In order to avoid problems like these from occurring in the workplace I will not only tell my supervisor, but also my manager that a social policy is necessary for many several reasons, and that it must be stated clear and why. Having a social policy in the workplace can save the company from getting involved in legal [problems] issues with the National Labor Relations Board. The employer and any management position must be well informed that employees nowadays will post anything on social media and through the means of electronic communication (or in person).

Therefore management should most likely expect anything that may come from the employees' behalf, especially negativity, and must know how to handle such situations appropriately in compliance with the law and disciplinary procedures. Furthermore, employees should be fully aware of their rights and responsibilities when it comes down to concerted activity (both protected and unprotected concerted activity) that they may be held liable for any violation or compliance of this policy; Social Media and Technology Policy.

The Social Media and Technology Policy should be known and practiced by employees of any range or position and everyone who violates the policy will be put under disciplinary action, warning and/or termination of employment. Social Media and Technology Policy will govern the workplace regarding monitoring, usage and social media; discussed further. Employees must know that the employer has the right to monitor (its) technology and

equipment that employees have access to at any time while in the workplace or in any employee function or activity.

Employees may or may not be notified of when monitoring will take place [and is not limited to do so in the attempt] to take preventive and safety measures. Such as would result if an intruder or employee were using equipment for malicious purposes, such as theft, ID theft, or any other malicious and/or non-business related purpose. Monitoring is not limited to computers, laptops, printers, scanners, fax machines, telephone, copiers or any [personal] device that is connected to the company's network.

This is important to have in the policy, hence, many other NLRB cases arise due to violation of this and the company must be prepared and have taken measures that will help and protect the business' interest in the event of an NLRB lawsuit or claim. This is due to employees then questioning how the employer knew what they were doing if they never knew there was a policy on monitoring. This could lead to lawsuits against the company in violation of rights to privacy if such policy on monitoring doesn't exist.

Secondly, there is usage on the technology and related equipment that employees use within the workplace or any employee function or activity. During an employee's working hours the employee is expected and must do their job and not use technology or equipment for personal use, but for business related purposes. During lunch, employees may only use technology and equipment for personal use with supervisor permission; supervisor may then during lunch monitor as well such usage during lunch hour. After lunch, employees are expected to use technology and equipment only for business related purposes.

Not following above rules may result in warnings for that employee, up to a total of three warnings before disciplinary action takes place or possible termination. This privilege may be revoked at employer discretion. Using technology and equipment for non-business related tasks and/or functions during working hours or lunch hours, employees will be warned of such violation up to three times before disciplinary action takes place, but is not limited to immediate termination; unless an employee has permission from supervisor to use business technology and equipment for personal good reasons.

The company allows employees to use the technology and equipment it has to keep the business running, but there should be zero tolerance for abusing and/or misusing of this privilege/permission. It's important that employees understand the rules in using technology and equipment while at work; hence they are using business property. And in the event that something were to go wrong, employees must know what can happen to them and management should also know what to do in these situations as well, since they are enforcing the policy.

Lastly, when using social media or any form of electronic or cellular communication to disclose in private or in public wrong, pervasive, misleading, related information and/or unprotected concerted activity or any libelous information using employer or personal technological property that is business related that falls under unprotected concerted activity the employee(s) will be revoked privilege of using technology and equipment (had such activity been made using business property), and be given

warnings, infractions and is not limited to immediate discharge from employment, depending on severity of violation.

In the event that an employee(s) would want to participate in unprotected and/or protected concerted activity (in compliance or violation with Section 7 of NLRA) using the means stated above they are encouraged to talk to management to come to a solution before doing so, otherwise action will be taken according to the activity. Letting employees clearly know their rights and responsibility of social media is important. It is important for the policy to not prohibit employees from such activity; hence, this could result in NLRB interference as well.

Instead, through this policy the employer should make employees fully aware that they are liable for complying or violating the policy and that violation will incur immediate action from the employer. This is my suggestion for a social media policy for management to implement. Take my word for it as I'm a business student and I know what I'm telling you or you may either research this and you'll be surprised that a social media policy like this one is much needed.