“The importance of a Social Media Policy for YOUR businesses”

It is no secret that Social Media is the choice most of us use to communicate and stay informed. More than 3.8 billion people use social media worldwide, and trends suggest that number will continue to increase. My kids use social media platforms that I have never even heard of, new platforms continuously emerge, and the means that many adults once used for information are quickly going by the wayside. Social Media user's posts generally fall within the context of free speech and social media users, thereby exercise their free speech rights, as protected under the First Amendment. While it is true that individuals have broad freedom's to post on their social media accounts, the content posted by an employee can affect the business or entity that the related employee works for, the civic groups they are a member of, or even their family and friends. Posts by individuals are often construed or perhaps misconstrued as associated with the broader stakeholders that the posting individual is connected to, often the person's employer. No matter what size a business is, business owners small and large, especially amid stress-inducing pandemic's need to outline plans to reign in inappropriate social media.

Online posts can be public, and as we all know, they can become viral. As such, social media has the potential to become an essential challenge for all businesses if not carefully monitored. Customer-facing companies especially must take their reputations and corporate images very seriously as their investments in their image is crucial for success in today's online world. However, business owners cannot seek to control or control their employees' opinions or even their personal statements, and businesses need to implement policies and procedures to protect their reputations, corporate image, and their stakeholders.

Companies must work diligently to differentiate what individual employees do or post online from the business entities that the individuals work for. By determining a clear social media plan and making the plan known, business owners can at least mitigate the likelihood that individuals' opinions, posts, or views are not arbitrarily imposed on the companies those employees work for.

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In many instances, individuals' actions or posts that are in no way shape or form representative of the companies they work for, but they still become significant problems for the companies of the employees that made the posts.

For example, a recent post by an individual wearing a shirt with the logo of a large automotive dealership group resulted in likely millions of viewers attributing the sentiments of the video posted by the individual (which went viral) onto the dealer group. These associations can be detrimental on the one hand and likely devastating on another, potentially leading to a business going out of business.

To make matters worse, most businesses are utilizing the tools offered by Instagram, Facebook, Twitter (among others), to advertise their products, build relationships with prospective customers, and maintain relationships with existing customers. Although this is prudent when your business presents itself in a manner befitting to the business's views on social media, you need to have a plan to offset negative publicity when it arises as you attract viewers based on your business's advertising on social media. The determination of what is proper and what is provoking is often subjective, and that thin line of subjectivity can result in offensive content. Since it's so easy to post to social media often, these provoking comments, videos, or views occur by accident when posts are made with little thought for how they will be perceived, almost like when some speak without filtering their opinions through the lens of another. The onus is on the business to outline clear policies regarding what the entity allows and what is expected of its employees to protect the public image of the entity. The acts of individual employees can make a significant impact on customer and community opinion of the business since the world is watching all of the time, and now with the onslaught of social media, there is nowhere to hide.

Social media law is continuously evolving. If you have concerns about social media privacy, you should get clear and concise information from a skilled attorney who understands the law and how to protect your company while conforming to the regulations and maintaining a stellar workplace. Recent events have confirmed how necessary it is to have a clear Company Policy so that employees know what behavior is acceptable and what is not acceptable.

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The question is, are you prepared for this? Is your company protected or at least mitigating the risks? Does your company have a social media policy? A little forethought can go a long way to protect your company, your employees, customers, and how you and your stakeholders are perceived. Don't wait until you have an issue to work on a social media policy take action now.

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