

Should you ban bosses from 'friending' staff?

With more than 500 million Facebook users in the world—and each one having an average of 130 “friends”—workplaces are confronting the issue of online linking between supervisors and subordinates.

No law forbids supervisors from “friending” subordinates. But online relationships fostered by Facebook and other social networking sites can create a variety of risks for employers.

For example, because Facebook is loaded with personal information, supervisors may learn things about their employees’ “protected characteristics,” such as disability status (covered under the ADA) or sexual orientation (protected in certain states and cities).

Even if the manager never acts on that information, the employee may later argue that a firing or other adverse action was based on this personal information. The risk of liability goes up when the supervisor initiates the friend request or other online relationship.

Example: A Staten Island judge was recently disciplined for attempting to “friend” lawyers who were scheduled to argue cases before him in court.

Given the risks, many employers have chosen to adopt social media policies that set clear guidelines for employees and managers—including prohibitions or limitations on “friending” between bosses and their employees.

Best bet: A complete ban on “friending” between co-workers and bosses isn’t practical—and probably not necessary. But that doesn’t mean the issue should be ignored.

Some employer policies say supervisors may not make friend requests to their direct reports. But direct reports can make friend requests to supervisors, which supervisors can choose to accept or not.

“Although an explicit prohibition may not be appropriate and, depending on your state, may not be legal, at the very least, the risks of such conduct should be explained to supervisors and they should be warned against it,” says attorney Molly DiBianca of Young Conaway Stargatt & Taylor in Delaware.

DiBianca notes that employee Facebook “friending” could be covered under certain state laws that protect, to varying degrees, employees who engage in “lawful activities” during nonworking time away from the workplace. California, Colorado, New York and North Dakota have some of the broadest off-duty lawful activity laws.

For more advice on drafting a social media policy, including some sample policy wording, see our white paper on the topic at www.theHRSpecialist.com/socialpolicy.

Friend or foe?

Executives were asked “How comfortable would you feel about being ‘friended’ on Facebook by people you manage?” Their responses:

Very comfortable 12%

Somewhat comfortable 32%

Not very comfortable 15%

Not comfortable at all 33%

Don't know 8%

Source: OfficeTeam survey