

Social media and the law

by Paul Scholey and
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ISBN
978-1-906703-45-5
January 2020

published by the
Institute of
Employment Rights
4th Floor, Jack Jones
House, 1 Islington,
Liverpool, L3 8EG

e-mail
office@ier.org.uk
www.ier.org.uk

Design and layout by
Upstream (TU)
www.upstream.coop

Printed by Rap
Spiderweb (www.
rapspiderweb.com)

£8 for trade unions and
students
£30 others

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CHAPTER ONE

introduction

It is impossible to overstate the impact that new forms of social media have had on the way that we communicate.

E-mail, the web, Facebook, Instagram, Snapchat, YouTube and a host of other methods of electronic communication are now ubiquitous. Questions are beginning to be asked about how those media are affecting the dissemination of news on an international and more local basis and, in particular, the new phenomenon of ‘fake news’ is the subject of investigation and discussion in the new and traditional media across the world.

It is increasingly plain that since the mid-2010s – at least – social media have been used to influence or at least seek to influence the outcome of governmental elections.

But nowhere has the effect of social media perhaps had the same direct impact on individuals as we have seen where it comes into play in the workplace or in the context of the employer/employee relationship.

In this publication, we examine the effect of the interplay between social media and workplace rights including, in particular, the right not to be unfairly dismissed and rights in relation to discrimination and harassment.

In recent years, the courts and tribunals have been tackling issues arising out of the use of social media with increasing regularity.

This publication does not suggest that the law has been turned on its head by the new media. Indeed, our introductory chapters restate that the ordinary employment laws of the UK continue to apply, whether the source of disciplinary proceedings is traditional or digital.

Our changing methods of communication, without doubt, have changed the way in which communications can affect workplace

relationships. In particular, what used to be an ephemeral 'word after work in the pub' has become a remark now set in stone and capable of being copied, pasted and transmitted to hundreds or thousands of others with a short series of key presses or mouse clicks.

It is perhaps, above all, this new set of opportunities for employees to find themselves in difficulty because of their interaction with social media, that causes these authors to think that the subject is worthy of another publication in its own right.

The new law may very much be the same as the old law, but the ways in which employees can find themselves falling foul of it and the risks to them are multiplying and becoming more complex and serious with each passing year.

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It is impossible to overstate the impact that new forms of social media have had on the way that we communicate. Whether it is e-mail, the Web, Facebook, Instagram, Snapchat or YouTube, questions are increasingly being asked about how social media is affecting the dissemination of news – or fake news – across the world.

But nowhere has the effect of social media had the same direct impact on individuals as we have seen in the workplace. What used to be a “word after work in the pub” has become a remark now set in stone and capable of being copied, pasted and transmitted to hundreds or thousands of others.

In this publication the authors examine the interplay between social media and workplace rights including the right not to be unfairly dismissed and rights in relation to discrimination and harassment. They conclude by using their examination of case law to offer handy tips for those facing charges relating to posting inappropriate materials on social media.

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