

New Federal Social Media Laws

7 Takeaways You Must Know

- Social Media is a “high liability” employee activity that can permanently destroy a person’s reputation. Giving verbal warnings to employees and telling them to read their social media policy is not evidence of compliance with new federal standards.
- Since social media is a “high liability” issue, you must make expert social media liability training mandatory for all employees. Having a social media policy is not enough.
- Most busy in-house attorneys would not qualify in court as social media law experts. You must have an outside social media attorney specialist train all your employees and update your policies.
- Unless your PIO or marketing professional is a court qualified social media attorney expert, he or she cannot write social media policies or train employees. Otherwise, you run the risk of felony unlicensed practice of law claims.
- Most model social media policies, even from reputable sources, use invalid vague policy language. If you use a model policy, you must verify that the person who drafted the policy was a social media attorney specialist, not just a general attorney.
- All employees must receive written notification that they can be sued individually for social media mistakes under 42 U.S.C.1983, Most courts adjudicate harmful posts and tweets as willful, not accidental. This means employees could pay out of pocket for punitive damages.
- Prior to firing or disciplining an employee for social media policy violations, make sure you have documentation that your social media employee training and policies were developed by a social media attorney and comply with the new federal standards.