

# Social Media and the Workplace

Social media—encompassing web-based and mobile interactive technologies, including blogs, photo sharing, forums, and social networking, using platforms such as Facebook, X (formerly Twitter), LinkedIn, and YouTube—is easily available, constantly evolving, and increasingly pervasive. It is a tool for business and a means of personal social interaction.

Epstein Becker Green's attorneys offer a full range of legal services to help clients minimize the risks presented by a digital workplace while maximizing its advantages and opportunities.

## These services include:

- Counseling clients on workplace concerns and best practices relating to:
  - Social media harassment and discrimination
  - Facebook "friending" and online relationships between management and subordinates
  - Advertising claims made online about company products and services, as well as liability under the Federal Trade Commission's Endorsement Guidelines
  - The protection of trade secrets and other proprietary and confidential data online
  - Employee privacy rights concerning, among other things, communications and information sent or stored in the company's electronic information systems
  - Online union organizing and protected concerted activity
  - Wage and hour issues, such as non-exempt employees' participation in company blogs or social media sites on and off the clock

## Focus Areas

### Services

Employment, Labor & Workforce Management

### Industries

Financial Services

Health Care Industry

Hospitality

Life Sciences Industry

Retail

Technology

## Contacts



Adam S. Forman

Member of the Firm

Employment, Labor & Workforce Management

248-351-6287

aforman@ebglaw.com

- Facebook "fishing" of applicants for recruitment purposes
- Restrictions on social media at work
- The use in litigation of evidence secured from social media sites
- Assisting clients in drafting effective social media policies that define employee rights and obligations, provide guidance to management, and establish a record of compliance efforts
- Reviewing company policies, agreements, and systems (e.g., non-compete agreements; anti-bullying policies; non-disclosure, confidentiality agreements; electronic systems; non-discrimination, non-harassment policies, etc.) to ensure that they are consistent with, and further, the company's social media policy
- Advising clients on how to train management to fairly and consistently enforce their company's social media policy
- Helping clients successfully navigate the maze of international, federal, state, and local statutes and regulations that impact social media, including laws protecting activity outside the workplace, lifestyle discrimination laws, and whistleblower laws, as well as industry regulations and guidelines



Shawndra G. Jones  
Member of the Firm  
Social Media and the Workplace  
212-351-4663  
sjones@ebglaw.com

### Team

David J. Clark  
James (Jim) P. Flynn  
Jeffrey (Jeff) M. Landes  
Michael F. McGahan  
Frank C. Morris, Jr.  
John Houston Pope  
Lauri F. Rasnick  
Susan Gross Sholinsky  
Peter (Pete) A. Steinmeyer

## Media

Employees' Off-Duty Conduct, Violence at Work Rises, the Election and the Gig Economy

Employment Law This Week®: Social Media and Solicitation, Washington State's New Leave Law, Joint-Employer Legislation, Underwriters Entitled to Overtime

Employment Law This Week®: Facebook Rant Is Protected Activity, DC Metro Bias Case, Salary History Law on Hold, Overtime Rule Delayed

Employment Law This Week®: Class Action Waiver Split, Discriminatory Practices Suit, EEOC's Claims Data, Highly Skilled Worker Rule

Employment Law This Week®: Executive Incentive Pay Rule, Race Discrimination, Pokémon Go, Commercial Non-Competes

Employment Law This Week: Equal Pay, Union Fees, Negative Publicity by Employees, "Commissions" Under FLSA, F-1 STEM OPT Program

Employment Law This Week: EEOC Enforcement Data, Definition of "Religion," ACA Class Action, Justice Scalia's Death

Employment Law This Week: Equal Pay Data, HIV-Positive Employees, DOL's Fiduciary Rule, NJ Harassment Defense

## Insights

Epstein Becker Green's Employment, Labor & Workforce Management Practice Honored as a *Law360* 2024 "Employment Practice Group of the Year" in Landmark Recognition  
Firm Announcements | January 23, 2025

Lawdragon Again Names Adam S. Forman as a "Leading Corporate Employment Lawyer"  
Firm Announcements | September 23, 2024

Adam S. Forman Named to the 2024 *Michigan Super Lawyers* List  
Firm Announcements | August 15, 2024

Shawndra Jones Quoted in "How Associates Can Navigate Risks of Social Media"  
Media Coverage | *Law360 Pulse* | July 31, 2024

Epstein Becker Green's Pete Steinmeyer Honored in *Crain's* 2023 Notable Leaders in Employment & Labor Law  
Firm Announcements | *Crain's Chicago Business* | November 20, 2023

Adam S. Forman Named to the 2022 *Michigan Super Lawyers* List  
Firm Announcements | August 12, 2022

Lawdragon Names Adam S. Forman as a "Leading Corporate Employment Lawyer"  
Firm Announcements | August 12, 2022

Epstein Becker Green's Managing Director James P. Flynn Named a "Leader in Law"  
Firm Announcements | April 25, 2022

Epstein Becker Green's Adam S. Forman Named a *DBusiness Magazine* "Top Lawyer" for Labor and Employment Law

Firm Announcements | November 15, 2021

Adam S. Forman Again Named as One of Lawdragon's Leading Corporate Employment Lawyers of America

Firm Announcements | November 11, 2021