

Susan Gross Sholinsky Quoted in Article, "LinkedIn Row Shows Employers Need Social Media Policies"

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Susan Gross Sholinsky, a Member of the Firm in the Labor and Employment practice, in the New York office, was quoted in an article titled "LinkedIn Row Shows Employers Need Social Media Policies." (*Read the full version — subscription required.*)

Following is an excerpt:

A banking education company that took over a former employee's LinkedIn account after firing her has defeated claims that it violated anti-hacking and trademark laws, but the litigation underscores the need for employers to put written policies in place to avoid disputes over social media account ownership, attorneys said Tuesday.

However, the situation does get more complicated when an employee is posting to his or her own social media account, attorneys say.

"In this situation, the employer may be best served by a confidentiality agreement prohibiting employees from disclosing trade secrets and proprietary information, which, in some businesses, could include the identity of customers and could form the basis for prohibiting employees from, for example, 'friending' or 'Linking In' with company clients," Susan Gross Sholinsky said.

And whatever kind of agreement the employer has established to protect its social media accounts, it should remind employees upon their termination of the terms of the agreement and how

People



Susan Gross Sholinsky
Board of Directors / Member of
the Firm
Employment Compliance
Counseling
New York
212-351-4789
sgross@ebglaw.com

those terms will play out in practice, Sholinsky said.