



UNIVERSITY OF  
**Southampton**

**Web Science**

# Social Media on the Job: An exploration of the potential legal consequences of employees' social media activities during the course of employment

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# Dismissed



## Catherine Sanderson

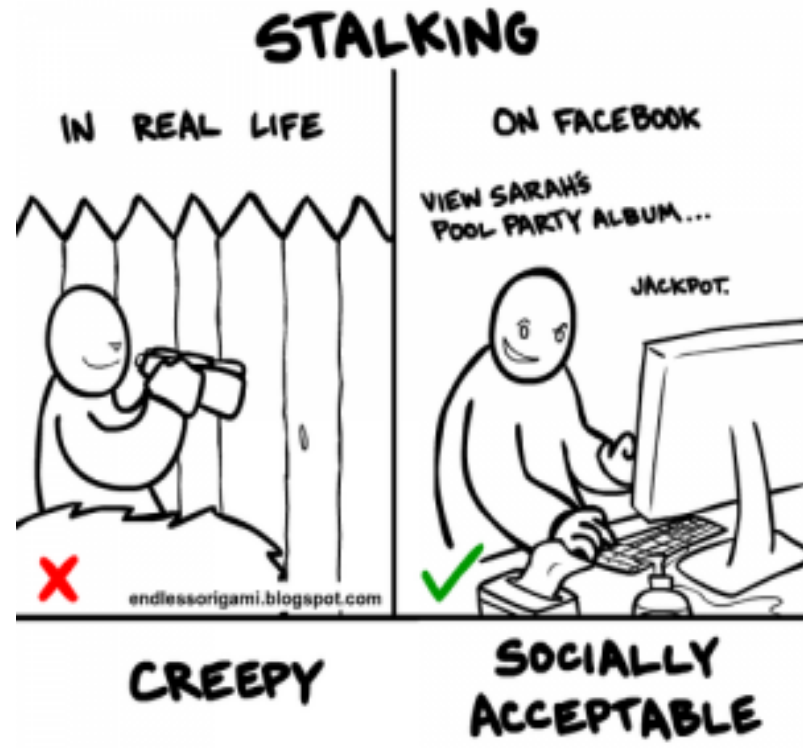
- Maintained a weblog at work.
- Mentioned amongst other things her relationships BUT not her employers.
- Summarily dismissed on its discovery.
- ET – Dismissal unfair.
- Received £30,000 compensation.

# Methodology

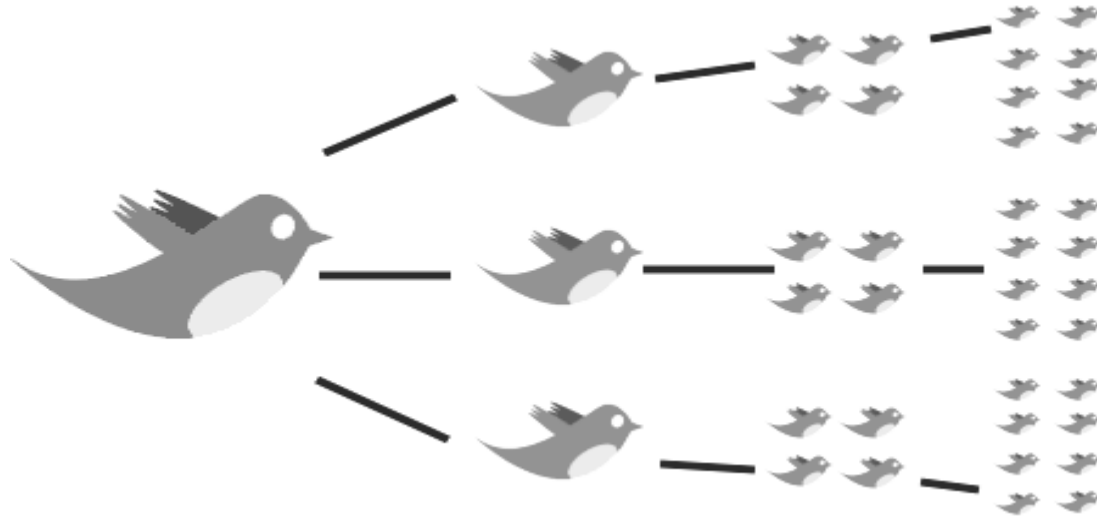
- Focus on Harassment & Defamation
- The key provisions, legislation and case law and see how these interact with the possibilities and nature of social media.
- Aim – Establish the extent to which at the present time the existing provisions, legislation and case law lead to uncertainty.

# Harassment

- Must be a 'course of conduct' (s7 PHA 1997) & the individual 'knew or ought to have known' (s1(1) PHA 1997).
- Hurst (2010) – 'Facebook harassment'.
- BUT what about a course of harassment solely conducted on social media?



# Defamation



Who should be held liable for a defamatory remark retweeted?

- The original statement maker – Unintentional Publication
- The retweeter – Forward the words
- Both - Jointly or one more than the other.

# Conclusion

- Harassment – Judicial attitude.
- Defamation – lack of clarity as to where liability attaches.
- Employers need guidance to appreciate the problems.

# Further Research

- Position of Social Media companies
- New approach to governance

# Thank You



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