

## DON'T GET BOGGED DOWN WITH WORKPLACE BLOGS

### What is a Blog?

Added to the Oxford English Dictionary in 2003, "blog" is "a frequently updated Web site consisting of personal observations, excerpts from other sources, etc., typically run by a single person and usually with hyperlinks to other sites; an online journal or diary."

A blog is similar to a website, and in some cases blog visitors do not even realize they are visiting a blog rather than a website. A blog usually contains web links to other blogs and websites, news stories, and items that also appear on websites. The key difference between a blog and a website is that a blog allows the owner to post "diaries" through which visitors can read and interact. Thus, in practice, a blog can be similar to a chat room or message board, but focused on specific topics of the blog owner's choosing.

### Who Blogs?

In 2004, 32 million Americans visited at least one of the 8 million American-owned blogs. These numbers are expected to significantly increase in 2005. Blogs are quickly becoming as commonplace as e-mail as a means of electronic communication. As compared to e-mail, blogs can more easily accommodate multimedia functions such as video, audio, and pictures.

Applied to the workplace, some employees use and others abuse blogs while working. Some employers allow and encourage their employees to create and use blogs to communicate with clients and potential clients. For example, on May 16 of this year, IBM published internal guidelines that encourage employees to engage in online discussions using blogs.

On the other hand, employees sometimes misuse blogs by disclosing their employers' proprietary information, discussing inappropriate topics, or defaming co-workers and customers. A blog created and accessed solely with an employee's home computer can pose as much of a threat as blogs created and used at work.

### When Blogs Go Awry

Recent news stories highlight the risks associated with blogs. In 2004, a mail clerk working in the U.S. Senate building created a blog on which she posted details of her romantic relationships with a White House official, a Senate staffer, and others. Eventually, the blog's contents were copied and posted on a Washington-based gossip website. The mail clerk was terminated; however, the embarrassment her blog caused was significant.

In November 2004, Delta Airlines fired a flight attendant who posted provocative pictures of herself, attired in her Delta uniform, on her personal blog. After being terminated, she filed a sex discrimination charge with the Equal Employment Opportunity Commission claiming that Delta did not fire male employees for similar offenses.

These stories and others demonstrate that blogs can impact a company's reputation and the lives of individuals identified in a blog. In addition, improper use of blogs can result in the worldwide dissemination of proprietary information, including trade secrets, confidential employment-related information, confidential financial statements, and confidential health care-related information.

Blogs can also be used as a forum for disgruntled employees to vent about their supervisors, question company business practices, or defame co-workers, supervisors, customers, or the company. Furthermore, improper use of blogs can be the source of harassment and discrimination charges.

### **Managing the Electronic Workforce**

As electronic forms of communication, including blogs, have proliferated, some employers have taken a strict approach and prohibited all personal use of company-owned computers and electronic equipment. Others have taken a more tolerant approach, allowing employees to use company-owned computers and electronics for personal use so long as such use does not violate the company's general policies.

For smaller employers, a simple written electronic usage policy may be sufficient to address the issues that arise in the electronic workforce. Larger employers may need policies and personnel to supervise the application of the policies. For example, Microsoft and American Express have established a Chief Privacy Officer position to oversee, among other things, the use of electronic equipment throughout their respective companies.

### **Developing an Electronic Communications Policy**

If your company does not have a policy dealing with blogs, other forms of electronic communications, and Internet usage, it should seriously consider adopting one. Such a policy should address the types of electronic communications that may result in discipline, and inform employees that they have no expectation of privacy with respect to electronic communications and content viewed or saved while using company-owned computers, PDAs, camera phones, or other electronic devices. Each employer should develop and implement a policy that best suits its needs and protects against the risks associated with managing the electronic workforce.

*This Employment Law Update is published as a service to our clients and friends. It is intended to be informational and does not constitute legal advice regarding any specific situation.*

**N|P** Employment and Labor Law Group

**CHARLESTON**

843.577.9440

George Finnan  
Molly Hughes

**CHARLOTTE**

704.339.0304

Alex Barrett  
Beth Langley

**COLUMBIA**

803.771.8900

Mike Brittingham  
David Dubberly  
Susan Edwards  
John Emerson  
Vickie Eslinger  
William Floyd  
Joan Hartley  
Jamie Hedgepath  
James Leventis  
Regina Lewis  
Angus Macaulay  
Susi McWilliams  
Nikole Mergo  
Sue Odom  
Sam Painter

**GREENSBORO**

336.373.1600

Alex Barrett  
Brian Clarke  
Beth Langley  
Peter Pappas  
Bill Wilcox

**GREENVILLE**

864.370.2211

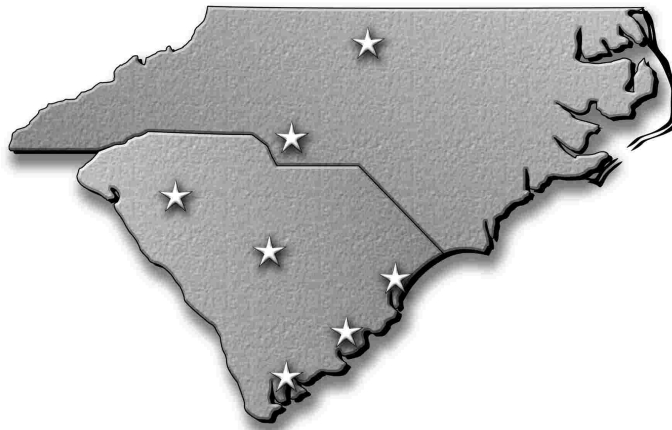
Grant Burns  
Leon Harmon  
Rusty Infinger  
Will Mckibbin  
Michael Pitts  
Tom Stephenson

**HILTON HEAD**

843.689.6277

Melissa Azallion

**NEXSEN | PRUET**  
ADAMS KLEEMEIER



The Carolinas Law Firm