



Human Resource Guide



Web Based Social Networking in the Workplace: Minefield OR Field of Dreams

By Ryan E. Sanada, Esq.

What is Social Networking?

When I presented a seminar on "Modern Technology and the Workplace" for the SHRM Hawaii Annual Conference in December 2008, Facebook had 60 million registered users. One year later, when I gave a presentation on "Social Networking and the Workplace" at the SHRM Hawaii "Ask a Lawyer" Program, Facebook had over 300 million users. Today, just two months later, Facebook has over 400 million users. Facebook is just one of many examples of how social networking has undergone tremendous growth recently.

In light of the recent social networking explosion, employers have needed to accept social networking as part of our everyday lives. Therefore, this article discusses the benefits and pitfalls social networking brings to the workplace, as well as whether employers should implement a policy to address social networking in the workplace. This article also briefly discusses the future of social networking and the workplace, and how employers can prepare for the future.

The Benefits

Through social networking, people are able to stay connected with one another regardless of any boundaries created by geography or even time. Thus, social networking has allowed people and companies to expand their networks beyond what has ever been possible in the past.

From a business standpoint, social networking can be a fantastic marketing tool, because companies can reach out to thousands, or even millions, of individuals at virtually no cost. From a human resources standpoint, social networking can be useful for recruiting prospective employees or staying connected to your present employees. In fact, with today's generation of recruits, some would say that it is essential for companies to use social networking as a way to recruit prospective employees.

The Pitfalls

At the same time, social networking can also create several pitfalls for companies. For example, now that companies can literally reach out to the entire world through the use of social networking, such exposure could be detrimental if the wrong type of information is released. Specifically, a company may inadvertently release confidential information or a trade secret.

In addition, using social networking as a recruiting tool may lead to claims for discrimination if an employer is not careful. Similarly, using social networking to monitor employees could impinge on the employees' rights under laws regarding invasion of privacy, unlawful eavesdropping, and whistleblower protection.

Finally, employers need to be aware of other potential problems, such as decreased employee productivity, or workplace harassment, due to misuse of social networking sites.

The Solution?

Most companies should consider creating a social networking policy that would help them enjoy the benefits of social networking, but avoid the possible pitfalls at the same time.

Unfortunately, there is no one-size-fits-all policy that can be used for all companies; every business is different. Therefore, the type of policy your company should adopt will be largely based on the culture of your company and the company's vulnerability to social networking. Whereas a complete ban on social networking may be suitable for some companies, it could prove to be unrealistic and counter-productive for others.

If your company needs to implement a social networking policy, you should contact an experienced labor and employment attorney to discuss the legal aspects of such a policy.

The Future of Social Networking and the Workplace

Surely, social networking will continue to grow in the future and become a major part of our work culture. Just as the internet and email have changed the way we work, so too will social networking.

Therefore, companies are advised to accept, and even embrace, social networking as a part of modern culture. The companies who accept and learn to use social networking properly will be able to benefit greatly. On the other hand, companies who attempt to reject or ignore social networking may lose out on many opportunities that other companies are enjoying.

Additionally, by implementing a suitable social networking policy, companies can reduce their exposure for the pitfalls of social networking, while still being able to enjoy the benefits of social networking at the same time.

Ryan will be speaking at SHRM's Oahu District monthly meeting on March 16 to give more tips on Social Media. This meeting is open to the public. See left hand side bar for more information.

Ryan E. Sanada, Esq. is a labor and employment attorney at Imanaka Kudo & Fujimoto. He regularly counsels and advises employers on compliance with labor and employment law issues and has recently focused a part of his practice on helping employers adopt and develop policies on social networking in the workplace. He also has his own blog at www.hilaborlaw.com.



"Increasing HR Effectiveness Through Internet-Based Social Media"

Many of your current and potential employees are using social media as a means of communicating about work. This meeting focuses on giving HR professionals and Company Managers a greater understanding of Social Media, the tools, terminology, and resources associated with this form of communication, the legal/risk issues that must be addressed, and recommendations that your organization can take to maximize this resource. Featured speakers will include Ryan E. Sanada, Esq. and Jared Kuroiwa.

Tuesday, March 16, 2010

The Plaza Club, 21st Floor

7:15 a.m. – Registration & Breakfast

7:45 a.m. – Program Begins

9:30 a.m. – Adjournment of Meeting

Cost

\$26.00 SHRM Hawaii Chapter Members

\$36.00 Non-SHRM Hawaii Chapter Members

\$16.00 SHRM Student Chapter Members

For more information or to register for this event, please visit www.shrmhawaii.org

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SHRM Hawaii Member Company Spotlight

IMANAKA KUDO & FUJIMOTO

A Limited Liability Law Company

Imanaka Kudo & Fujimoto is a Honolulu law firm that specializes in labor and employment law, real estate development, real estate law, land use and environmental law, and government affairs.

Wesley M. Fujimoto and Ryan E. Sanada, the attorneys in the firm's Labor and Employment department, have dedicated their careers to representing and counseling employers exclusively in labor and employment law matters. Their approach and basic philosophy as attorneys are to provide employers with timely and high-quality legal services in a cost-effective manner, and assist employers in achieving and maintaining an efficient, productive and successful workplace.

Combined, Mr. Fujimoto and Mr. Sanada have nearly 40 years of experience practicing labor and employment law. They have counseled and represented employers in all areas of labor employment law, including:

- Employment Litigation in State and Federal Court
- EEOC and HCRC Investigations and Hearings
- Labor Arbitrations
- Labor Mediations
- NLRB Representation Proceedings
- NLRB Unfair Labor Practice Proceedings
- HLRB Administrative Hearings
- DLIR Administrative Hearings
- Training for Employees and Supervisors
- Handling Personnel and Disciplinary Actions
- Preparing and Reviewing Employment Policies and Handbooks
- Preparing Non-Compete and Confidentiality Agreements

In light of the recent advent and explosion of social networking, the firm has also developed a focus on advising employers with implementing employment policies dealing with social networking in the workplace. Mr. Sanada will also be presenting a seminar on Social Networking and the Workplace for SHRM Hawaii on March 16, 2010.

The firm has been awarded an AV rating by Martindale-Hubbell, the highest rating possible, and is listed in The Bar Register of Preeminent Lawyers. The firm's clients include local, national, and international companies doing business within the State of Hawaii.



Wesley M. Fujimoto



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