

THE INSIDE PERSPECTIVE

LABOR AND EMPLOYMENT LAW SOLUTIONS FOR EXECUTIVES AND HR PROFESSIONALS



SMITH MOORE LLP
ATTORNEYS AT LAW

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Beware the Blogger

No, it's not the latest episode in the Star Wars series, and there is no need to call the exterminator. This is a different creature altogether. The term "blog" is short for "web log." A blog is a type of web journal that provides individuals with a forum to share stories, opinions, and information about almost any subject. Unfortunately, the information, publicly disseminated via the Internet, may be confidential, proprietary or trade secret information, or it may be unflattering opinions posted by disgruntled employees intent on casting their employers in a bad light.

Given the growing number of bloggers and increased Internet use in general, employers should take extra measures to protect confidential information and to maintain and promote a positive Company image. What are the best ways to do this?

- Review and update your Internet and e-mail policies to include language specific to blogging. For instance, employees should be aware that they will be required to:
 - **Respect** the Company's rules regarding confidential and proprietary information;
 - **Refrain** from disparaging the Company or its customers/clients;
 - **Make** clear that the views expressed in the blog are personal and do not necessarily represent those of the Company;
 - **Ensure** that blogging activities do not interfere with work;
 - **Comply** with policies prohibiting use of Company systems for blogging;
 - **Use** common sense and be respectful to the Company, its employees, agents, and customers in all communications.
- Make sure you have appropriate confidentiality agreements in place, and enforce them.
- Remember, if you are monitoring or recording employees' electronic communications or any other communications in the workplace, you must be sure to comply with federal law and any applicable state laws. Compliance may depend on the state(s) in which the communicating parties are located, and it may require the consent of some or all of the parties.

TIP

Develop or modify internet and e-mail policies to address blogging, a form of electronic communication that is gaining popularity.



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The firm restricts its practice in the labor and employment area to the representation of management.



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