



Workplace Blogging: The Good, The Bad and the Ugly

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“Getting to surf the web for 3 hours while being paid: Priceless.

Getting to blog for 3 hours while being paid: Priceless.

Sitting around doing nothing for 3 hours while being paid: Priceless. Installing Windows 2000 Server on a P2 300: Bloody Freaking Priceless.”

- Blog entry that resulted in the termination of Manitoba Health system administrator Jeremy Wright

“Blog”: A regularly updated online journal of information and opinions.

“Dooiced”: The act of having been terminated for *blogging* about the workplace.

The “Blog”

In the beginning - *circa* 1994 - the phenomenon now called *blogging* was little more than the sometimes nutty, sometimes inspired writing of online diaries. These days there are blogs about just about any subject - tech blogs, sex blogs, drug blogs and teenage angst blogs. There are also news blogs and commentary blogs, sites packed with

links and quips and ideas and arguments that only months ago were the near-monopoly of established news outlets. In Canada alone, almost 250,000 Canadians have blogs on the world-wide web.

Regardless of topic, all blogs share two fundamental characteristics: First, blogs are personal. Almost all of them are imbued with the temper of their writer. Second, blogs invoke Marx because they seize the means of production. For as long as journalism has existed, writers of whatever kind have had one route to readers - an editor and a publisher. Even in the most benign scenario, this process subtly distorts journalism. Blogging bypasses this ancient ritual. As such, it may well be journalism at its purest and free-speech at its best.

Attack Of The Blog

Although blog use has grown considerably within the past year (to roughly 5% of internet users), currently blogs are used by only a small number of online users. Yet blogs have garnered a great deal of corporate attention because their readers and writers are highly influential. Unlike ordinary advertising or communiqués that are not designed for frequent updates, blogs make it easy

to create new material on a daily or hourly basis.

Consumers who use blogs have become an attractive target group for marketers and recruiters because statistics show that young adults read blogs three times more frequently than older adults, and blog users consider themselves to be opinion leaders. In short, blogging is the business world's new golden child with no foreseeable end in sight.

Workplace Blogging

It's inevitable – your employees will blog, with or without your permission. Although you could clamp down and forbid personal blogs outright, you probably cannot stop them – employees will likely start and post the same comments in an anonymous blog.

As such, “workplace blogging” is in 2005 what email was in the early 1990s; an unbridled form of workplace communication that, while potentially very useful, can also create considerable risk to the employer. Statistics Canada reports that 36% of Canadians access the Internet while at work for non-work related purposes. In fact, the number is likely much higher.

The Good

At its best, workplace blogging can be a most effective and the most inexpensive means of direct advertising. “Good quality” blogging raises a company's visibility and profile and has the potential to reach millions and millions of readers. From the standpoint of a prospective employee, a good blog can also provide a unique perspective on what it's like to work for the company about which the blog was created. Sun Microsystems knows this well and has

dedicated an entire portion of its website to blogs written by its employees.

Indeed, functional areas such as employee recruitment are a good non-controversial place to workplace blog. For example, a recruiter at Microsoft maintains a blog where she discusses topics like what the company looks for when hiring for certain positions.

The Bad

What, then, is all the hysteria about the blog?

In a word, blogs can be very **dangerous**. Left unregulated and unmonitored blogs are devoid of any form of external check or balance. As a result, blogs often claim as fact that which is little more than opinion, or the frustrated and unformed ramblings of a well-meaning, or perhaps not so well-meaning, blogger. In the majority of circumstances, readers have no means, and no reason, to question the authenticity of the blogger's statements. As such, much like newspapers but, ironically in the current climate of media distrust, with an air of greater credibility and reliability, blogs can cause enormous damage in a relatively short period of time. They can also disintegrate into the worst example of the children's game “broken telephone”.

This is particularly true when the blog is a workplace blog. Disgruntled, disenfranchised, angry employees have much to say about their employers. Sometimes the information is factually accurate. However, often it is not. Usually it is misinformed or misconstrued, and occasionally it contains confidential information. **Always**, blogged information carries with it enormous potential to harm the employer.

The Ugly

The termination of an employee and the negative publicity that can follow – particularly when the issue of free-speech is tossed into the mix – can be ugly. In Canada, incidents of *doocing* – termination resulting from workplace blogging – are less common than in the United States. Still, the tide is turning.

What An Employer Can Do?

There are a range of options that may apply depending on the nature of the workplace environment.

Some employers – often those with highly classified workplace information – have chosen to enact a hard “no blogging” rule. Anyone caught participating in “workplace blogging” regardless whether the blogging takes place on company time and with company property, will be terminated.

At the other end of the spectrum, there are employers that have chosen to turn a blind eye – pretending they know nothing.

Given the inevitability of workplace blogging, the most prudent approach may be to make the best of this new and rapidly growing technology, and encourage and regulate “good workplace blogging” in the interest of the employee’s right to speak and the employer’s right to protect its assets.

What flows from this is the necessity of a workplace blogging guideline for employees, similar to policies that outline the proper use of other corporate assets with disciplinary action or dismissal as the ultimate sanction.

Workplace Blogging - Guidelines

In writing, a workplace blogging policy should include at least three crucial elements:

1. **Establish which rules are inviolable**: Respecting existing confidentiality agreements and company secrets is a no-brainer – and not doing so should be grounds for dismissal. Sun Microsystems’s blogging system states simply “don’t tell secrets” and asks employees to use common sense and to check with managers when they are unsure.
2. **Set expectations on when the employer will intervene**: There are certain times when the employer may feel that it needs to reinforce what can and cannot be discussed in workplace blogs – for example for regulatory purposes. The employer may also limit workplace blogging activity during certain hours, either for legal or productivity reasons. As well, the employer may not allow or condone blogs in which employees express views that unduly or harshly criticize, demean or undermine management.
3. **Monitor blogs religiously**: Because good blogs and bad blogs travel quickly in the blogosphere, at a minimum employers should track what is being said about them on blogs. Using blog search engines employers can find blogs that discuss their company and topics related to their company, and if requested, deliver those postings

directly to management's desktops.

Within this context, managers should also be encouraged to blog in a way that is transparent and builds trust with readers. Managers should also be trained to respond to and manage all news quickly and truthfully – good and bad.

A Sample Workplace Blogging Policy

Microsoft's blogging guideline contains two words: "Be smart". And while this terse phrase may work for some workplaces, for others it will not. For those employers who need a more descriptive workplace policy it is important to be clear, direct and unambiguous so employers know exactly what type of workplace blogging will be acceptable and what will not. It is also fundamental that employees understand that unacceptable or bad workplace blogging comes with a price up to and including dismissal.

It is advisable that a workplace blogging policy include the following general components.

First, a **Code of Ethics** :

I will tell the truth.

I will write deliberately and with accuracy.

I will acknowledge and correct mistakes promptly.

I will preserve the original post, using notations to show where I have made changes so as to maintain the integrity of my publishing.

I will not delete comments unless they are spam, off-topic or illegal.

I will reply to emails and comments when appropriate and will do so promptly.

I will strive for high quality with every post – including basic spell-checking.

I will disagree with other opinions respectfully.

I will disclose conflicts of interest.

I will link to online references and original source materials directly.

I will keep private issues and topics private because discussing private issues would jeopardize my personal and work relationships.

Next, against the back-drop of the Code of Ethics, a **Workplace Blogging Policy**:

1. Bloggers must identify themselves on the blog and not post under a pseudonym.
2. Bloggers must make it clear that the views expressed in the blog are theirs alone and do not necessarily represent the views of the employer.
3. Bloggers are encouraged to express themselves. Consistent, interesting blogs will promote the company, the blogger and their literary skills.
4. Bloggers must respect the employer's confidentiality and propriety information. This includes financial data,

corporate announcements, trade secrets or other information that is not available to the public.

5. Bloggers must be respectful to the employer, fellow employees, customers, partners and competitors.
6. Bloggers must ensure that blogging activity does not interfere with work commitments.
7. Bloggers must respect and abide by copyrights and laws that regulate what can be written must be followed (i.e. avoid any statement that could be defamatory, profane, libelous, harassing or abusive).
8. Blogging activities may be suspended for a period of time if the employer is concerned about compliance with securities regulations or other laws (for example, blogging may be restricted during a

takeover bid or immediately before a corporate announcement, etc.).

9. If in doubt, bloggers should ask management whether the proposed content of a blog will run afoul of the employer's blogging policy.
10. A breach of the blogging policy could result in discipline up to and including termination.

If you or your organization would like to discuss the effect of blogging on your workplace and/or a workplace blogging policy that will meet your specific needs, please contact any member of the legal team at:

Sherrard Kuzz LLP: 416.603.0700 (Main); 416.420.0738 (24-Hour Assistance); www.sherrardkuzz.com

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