



A Message from Member Services

Avoiding On-Line Misconduct: Facebook Dos and Don'ts

This past spring, a labour arbitrator upheld the discharge of a pilot who had posted racially offensive comments about his airline's clientele on his Facebook account. The comments were only accessible by his Facebook "friends." However, his "friends" included a co-worker, a pilot at another airline and an employee of Health Canada, which was described as one of the airline's biggest customers. The arbitrator wrote that although it was unclear how many individuals had viewed the comments, and what privacy settings there were, if any, in relation to the comments, "the medium chosen by the grievor to express his statements lies within the public domain." (*Wasaya Airways LP v. A.L.P.A. (Wyndels)* (2010), 101 C.L.A.S. 389 (Marcotte))



An arbitrator in an earlier case wrote that "[w]hile the grievor has a right to create personal blogs and is entitled to her opinions about people with whom she works, publicly displaying those opinions may have consequences within an employment relationship." (*Wasaya Airways LP v. A.L.P.A. (Wyndels)* (2010), 101 C.L.A.S. 389 (Marcotte))

Here are some tips about using Facebook that will help you avoid making mistakes that could have serious consequences for you at work.

DO:

- **Ensure your privacy settings are at the highest level for all content.**

WHY: *Whoever has access to your information—photos, images, profile, wall, messages—also has the ability to copy and disseminate that information, which means the information is not private and, depending on the content, could put you at risk of discipline.*

- **Ensure your posts and photos/images are professional and respectful.**

WHY: *See above. You can be disciplined, in certain circumstances, for off-duty conduct.*

DON'T:

- **Have students as Facebook "friends" or otherwise communicate with students via Facebook.**

WHY: *You are not your students' friends. You are their teacher. Allowing personal relationships to develop with students creates the risk that your communications will be misinterpreted that you will become too familiar with that student. The worst case scenario might involve severe discipline or discharge, suspension or revocation of your teaching certificate, and possibly criminal charges.*

- **Criticize your employer or your colleagues.**

WHY: *You could be disciplined for such conduct. And as we suggested above, your information is only private until one of your "friends" decides to disseminate it.*

- **Vent about your students or their parents.**

WHY: *You have a duty to keep information about your students confidential, and can be disciplined for breaching that confidentiality.*

- **Access or post on your account during class time.**

WHY: *You can be disciplined for performing personal tasks while you should be working.*

No matter what your privacy settings are, the information on your account is ultimately in the public domain. A good rule of thumb is not to put anything on your account that you wouldn't want your employer to see.

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