

## **FOREWARNING: BLOGGING CAN BE DANGER FOR EMPLOYERS**

In pondering what to write about this month, it came to my attention both at a recent continuing education seminar relevant to my duties as a Guardian ad Litem protecting those children in need of protection and services, as well as in the most recent *Wisconsin Lawyer*, how prevalent blogging is and how many issues it can raise. The dangers that blogging and the internet can pose for children has been recently covered in the media because the dangers are real. However, employers also need to be aware of the complications that such blogs can pose for them.

Most, if not all of us experienced HR professionals, have crafted and implemented statements in our personnel handbooks that our employees have no right to privacy in the use of their corporate computers and that they cannot use them to violate the law. However, when crafting those policies most of us are not within the age/generation of those who construct their own web pages and blogs to chat with others about their life experience. Most of us were concerned that our Mothers could read our diaries; this new generation puts many private issues for all to see. Just when we thought we had it covered, there is something new in our ever changing professional environment with this very different communication perspective and the technology that makes it possible.

What are we to do if an employee decides to defame their employer on a blog out of their home? What if mass quantities of disgruntled employees start communicating via a blog at home and/or work? Where does the line of privacy invade an employer's rights to protect its sensitive information and business information? Right now the law is still catching up to the technological revolution and the legal complications it creates. Thus, we are going to be applying laws relevant to libel and slander that historically deal with printed publications, to the tech world that is contradictory with other legislation protecting internet users, i.e. The Communications Decency Act. One would think that a bill denoting communications decency in its title would protect the employer, but there is actually language to the contrary, that could very well protect the rights of bloggers to free speech.

Narrowing this issue down a bit, let's focus on what an employer may proactively want to do. At this point, you may want to assess whether or not this is a problem. There are tools available where you can conduct "Google" searches to determine if blogs are being used to discuss your company and information that might lead you to who is using them. Hopefully, we all have communications personnel policies that are clear that defamatory statements of any kind in writing, on the internet or otherwise, will be grounds for disciplinary action, up to and including employers. The forum for disgruntled employees has gone well beyond the water cooler and email, and is now available to be posted widespread on the internet with infinite access to such communication. We all need to stay up to speed on what is out there technologically or we will not adequately protect our employees and/or employers. Remember, employees can be abused through the internet just as an employer can be abused. We must remain aware and

technologically educated with a revolution that seems to grow by exponential bounds. Hopefully there will be some better guidance coming down the pike, but in the meantime we all need to keep our eyes open.