

## BLOGS

Archives;Discrimination;Social Media & Technology

# Should You Friend Your Employees?

Last week in The Modern Workplace Week in Review, we posted a [link](#) to an article discussing the results of a survey that found that most people believe you should never friend your boss (81% of those surveyed).

From an employment law standpoint, I think the more interesting question is: should a boss friend an employee? I decided to conduct an informal survey of my peers here at The Modern Workplace. I asked my colleagues if it was okay for a boss to friend an employee, and the resounding answer was NO. Why not? There are both legal and personal reasons why friending an employee, even if you do not directly supervise him or her, can lead to trouble. Here are some of the concerns:

- From a personal perspective: What happens when you learn that the employee is violating company policy by posting on her work time? This is your friend. You may have to confront the friend about the inappropriate use of time, or report your friend to another manager.
- From a discrimination perspective: What happens if the employee is terminated and tries to claim that the termination was discriminatory for example, because of a disability? The employee may argue that management knew about the disability because of information contained in social media posts. Do you really want access to all that information? This can come up in other contexts as well. The employee might claim that the termination was based on the fact that he was dating someone of another race, or that he joined a specific church, and that you, his boss, found out about it through social media.
- From a labor law perspective: There have been several articles here at The Modern Workplace about the dangers of disciplining employees who post complaints about managers, other employees, or other aspects of work on social media. An employee can easily claim that an adverse employment action is based on a protected right under the National Labor Relations Act, which allows employees to discuss the terms and conditions of employment and prohibits employer retaliation for such discussion. If you have access to your friends posts, you may have access to his or her protected discussions, too, and your friend may claim that your access led to discipline or discharge.

As you can imagine, I agree with my colleagues that its not a good idea for a boss to friend an employee. I think the risks outweigh any advantages. If, however, you have a close friendship outside work, and really think that you need to friend the employee, I would offer the following guidelines (with help from some of my blogging peers) to mitigate the risks:

- The boss should never initiate the request. As a boss you are in a power position over the employee. If you make the request, the employee may feel obligated to accept.

- If your friend makes the request, you should talk candidly about the possible implications of accepting. Make sure the employee knows that you have obligations to the company, and that if certain kinds of information is posted you might have to pass it on to others in the company.
- Make sure that appropriate boundaries are maintained. As a boss, comments you make based on a protected class status could violate harassment policies even if those comments are made during non-work hours. Likewise, you need to be careful that what you say is not interpreted to be company policy, or to be a statement about the company's plans for the future.

There has always been discussion about the appropriate boundaries for relationships between supervisors and those they supervise. What's new is the way that social media has changed and defined our social interactions, and the fact that social interaction that takes place through social media is never completely private, and is written in indelible electronic ink.