



FairWork
Commission

Guidance Note - Social Media Policy

This guidance note provides various examples of behaviours/actions by staff of the Fair Work Commission which may be considered in breach of the Commission's *Social Media Policy*.

This guidance note does not purport to cover every possible situation of when Commission employees are potentially in breach of the policy due to their conduct in the use of social media.

The social media policy states that personal and professional use of social media by Commission staff must not:

Personal and professional use of social media by Commission staff must not:	Examples
Bring the Commission into disrepute	A Commission employee posts information on a social media site which is inaccurate, vexatious and/or damages the Commission's reputation as the national workplace relations tribunal.
Compromise their or others effectiveness at work	Don't forget your day job. You should make sure that your online activities do not interfere with performing your job responsibilities or the activities of the Commission and its employees. Use your best judgment. Remember to always use good judgment and common sense in deciding what you publish. If you're about to publish something that makes you even the slightest bit uncomfortable, review the suggestions above and think about why that is. If you're still unsure, and it is related to Commission business, feel free to discuss it with your manager. Ultimately, however, you have sole responsibility for what you post to your blog or publish in any form of online social media. Remember - Commission employees are personally responsible for the content they publish on-line, whether in a blog, social computing site or any other form of user-generated media. Be mindful that what you publish will be public for a long time - protect your privacy and take care to not to compromise your effectiveness or the effectiveness of your colleagues at work through your posts – comments made in the heat of the moment will be out there for all to see for a long time and have the potential to harm your reputation as a trustworthy, respectful and ethical public servant.
Suggest or imply endorsement by the Commission of their personal	Identification as a Commission employee implies authorisation to speak as a representative of the Commission and gives the impression that the views expressed are those of the Commission. A Commission employee comments or posts material in relation to

views:	their views regarding a decision brought down by a Member of the Commission. The comments are worded in ways that have the potential to cause damage to the Commission's reputation or bring it into disrepute.
Post material that is offensive, defamatory, threatening, harassing, bullying, discriminatory or otherwise unlawful	A Commission employee makes belittling or humiliating comments regarding an unnamed work colleague on their Facebook account. A Commission employee circulates a sexually explicit joke to other team members using Lync software.
Use the Fair Work Commission's email address or logo without permission	A Commission employee writes a letter 'to the Editor' of a metropolitan newspaper in which they express their views regarding a local council decision using paper which has the Fair Work Commission's logo on it.
Disclose confidential information	A Commission employee uses or discloses confidential information to their Facebook friends which they obtained via a search of matters in CMS+ in relation to the financial outcome of an unfair dismissal application.
Publicise workplace disputes	A Commission employee uses social media to discuss their views in relation to sanctions imposed on a colleague following an investigation into an alleged breach of the APS Code of Conduct.
Contravene the APS Code of Conduct, APS or Fair Work Commission Values	<p>As APS and Fair Work Commission employees we assume that role 24/7 and therefore posting material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order, or is otherwise unlawful could be found to be in contravention of the APS Code of Conduct, the APS or Fair Work Commission values. Generally, a higher standard of conduct is expected of public servants.</p> <p>A Commission employee posts threatening comments on Facebook directed toward another employee of the Commission. The employee against whom the threatening comments have been made provides a copy of the comments to their Manager claiming their work colleague has breached the APS Code of Conduct, amongst other things.</p> <p>A Commission employee sends disparaging remarks regarding their Manager to other team members via Lync software.</p> <p>A Commission employee uses or discloses confidential information to their Facebook friends which they obtained via a search of matters in CMS+ regarding an unfair dismissal application</p>
Staff must ensure that all personal comments or views expressed on social media sites are easily identifiable as their own and not those	<p>Disclaimers should be attached to every comment or view expressed on social media in which an employee acknowledges their employment with or makes comments in regard to the Fair Work Commission.</p> <ul style="list-style-type: none"> - If an employee of the Commission publishes content on a social media site, in their personal capacity, which is relevant to the business of the Commission a disclaimer such as this should be added to every post: "The postings on this site are my own and don't

of the Commission	necessarily represent the Fair Work Commission's position, strategies or opinions."
Staff is responsible for the content they post, or allow others to post, on their personal social media	Facebook accounts, including access and passwords etc are the responsibility of the owner of the account. However, the onus of proving the comments were made by the employee and not someone else would be tested in any investigation of a possible breach of the Social Media Policy.

Further information:

The Australian Public Service Commissioner (APSC) has provided further guidance in regard to APS Values and Code of Conduct in practice and sets out general principles when making public comment in an unofficial capacity.

<http://www.apsc.gov.au/publications-and-media/current-publications/aps-values-and-code-of-conduct-in-practice/managing-official-information>

The Code of Conduct requires APS employees to behave at all times 'in a way that upholds the APS Values and the integrity and good reputation of the APS'—section 13(11) of the Public Service Act 1999 (the PS Act). When APS employees are making public comment in an unofficial capacity, it is not appropriate for them to make comment that is, or could be perceived to be:

- being made on behalf of their agency or the Government, rather than an expression of a personal view
- compromising the APS employee's capacity to fulfil their duties in an unbiased manner. This applies particularly where comment is made about policies and programmes of the employee's agency
- so harsh or extreme in its criticism of the Government, a member of parliament from another political party, or their respective policies, that it raises questions about the APS employee's capacity to work professionally, efficiently or impartially. Such comment does not have to relate to the employee's area of work
- so strong in its criticism of an agency's administration that it could seriously disrupt the workplace. APS employees are encouraged instead to resolve concerns by informal discussion with a manager or by using internal dispute resolution mechanisms, including the APS whistleblowing scheme if appropriate
- a gratuitous personal attack that might reasonably be perceived to be connected with their employment
- unreasonable criticism of an agency's clients and other stakeholders
- compromising public confidence in the agency or the APS.