

New York Joins Parade of States Providing Social Media Protections for Workers

Corporate Counsel
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Corporate Counsel reports that New York has joined a growing list of states that provide social media protections for employees and job applicants. The legislation bars employers from accessing employees' or job applicants' social media accounts, which includes requiring the disclosure of social media passwords, accessing personal accounts in the employer's presence, or requiring employees to produce content from their accounts. However, employers are still allowed to search for employees online and review their publicly available social media activity. Information that is password-protected or set to private is off limits.

Sheppard Mullin Labor & Employment partner Lindsay Stone offered insight into the new statutes. "Laws like this help employees have a private sphere away from work." She explained that lawmakers believe workers should be allowed to express themselves without fear of retaliation, even if they're venting about their employers. "The focus is on creating a boundary between an employee's personal life and free expression, and their ability to associate in the manner they want to," Stone added.

Attorneys expect that this momentum will continue. The future may see similar laws passed in more states, and possibly even at the federal level, thus underscoring the importance for employers, particularly those operating nationally, to stay up to date with these restrictions due to their variation from state to state.

"The pendulum is only swinging toward employee protection in this space. The time is now to begin adjusting and think of other ways to evaluate employees beyond their social media presence," said Stone.

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