

USE OF SOCIAL NETWORKS IN THE WORKPLACE AND THE IMPORTANCE OF REGULATING THEM

In Mexico and around the world, the use of social networks is a means of interaction and a communication tool given its easy access, rapid spread, and high impact that shared information can generate in society.

Over time, the use of these networks, beyond being a tool, has also become a problem-generating mechanism, since the immediacy of communication and its easy access generates risks like fake news shared that can generate controversies to psychological, physical, material and economic damage to third parties.

Working relationships are no unrelated to the effects of using social networks and there is a need to establish clear rules for employees, with the intention of limiting the risks that may arise. Every employee has access to the company's confidential information, which is protected in terms of Mexican law.

The fact that an employee shares photographs or videos on their social networks showing the company's facilities, their computer screens, their participation in conferences or calls, among others, may be a fact that reveals confidential information or displays private personal data.

The Federal Labor Law allows the employer to establish disciplinary provisions, guidelines, as well as the procedures for the application of sanctions necessary to regulate the behavior and correct performance of the activities related to the employment relationship, therefore, in order to regulate and protect the use of employees' social networks regarding confidential information, personal data and business interests, the company must generate and establish the necessary guidelines for the due compliance and care of this information. This can be done through policies and/or codes of conduct that include special chapters for the proper use of social networks, and it is even possible to include these provisions in the Internal Labor Regulations as well as in the employment agreement executed with employees.

The internal regulation established by the company must guarantee the freedom of expression of the employee, who may continue to express his/her ideas, feelings and comments on social networks, but these must be made in a personal capacity, without linking the company and without containing confidential or private information, hence is the need for policies to be drafted properly. Therefore, this code of conduct for social networks and/or Social Networks use Policy, must have the following:

- Purpose;
- Applicability;

- Definitions (broad and clear description of all information that the company may consider as confidential, sensitive and that includes personal data, broad and clear description of what a conflict of interest is, etc.);
- Responsibilities;
- Prohibitions/limitations regarding the publication of content on their personal social networks on behalf of the company, define the appropriate behavior, the type of company information that may not be shared;
- Investigation process for possible breaches; and
- Sanction application process.

Having the necessary and sufficient guidelines to regulate the use of social networks and confidential information of the workplace, will allow to protect the interests of the company (information, commercial reputation, image, among others), as well as the rights of its employees, under which they will have knowledge of the rules that are applicable to them, the obligations they must fulfill and the consequences of their non-compliance.

Farell & Yañez, S.C. can develop the necessary documents and strategies according to the specific needs of each company, to help with the drafting of appropriate internal regulatory structures and, above all, useful. Additionally, being a Firm aware of the evolution of the provision of legal services, **Farell & Yañez, S.C.** has as its mission and vision the creation of long lasting business relationships through the generation of value in the products and services that are developed.

In case of requiring additional information on the documents and requirements described above about the creation and implementation of policies and/or conduct codes for the use of social networks within the workplace or about any other legal services in labor, social security and immigration matters, please contact Arsenio Farell Martínez and/or Mario Alberto Yañez Cariño at the email contacto@fyabogados.mx

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