



TECHNOLOGY

Five Questions With: Brian J. Lamoureux

"EMPLOYERS ARE starting to see a migration of sexual harassment from the hallways to social media, particularly Facebook," said Brian Lamoureux, partner with Pannone Lopes Devereaux & West LLC. COURTESY PLDW

By Emily Greenhalgh
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Brian J. Lamoureux is a partner with Pannone Lopes Devereaux & West LLC and a member of the Litigation, Employment Law and Corporate & Business Counseling teams.

His expertise includes complex commercial litigation, employment law, social media law and creditors' rights.

Lamoureux was named one of Providence Business News' 40 Under Forty in 2011.

PBN: What's the biggest problem employers are having regarding social media in the workplace?

Lamoureux: Employers who don't have a social media policy in place are running the largest risks. Employees are therefore left to wonder and guess what online behavior is appropriate and not appropriate. That is not good for anyone. Also, employers are struggling with employees avoiding technical restrictions on social media (e.g. blocking Facebook) by simply using their mobile devices. Finally, employers are starting to see a migration of sexual harassment from the hallways to social media, particularly Facebook. This is very hard for employers to monitor and control.

PBN: One of the newer trends is for employers to have potential hires sign into social media sites to inspect it as part of the interview process. What are the pros, cons and legalities of this?

Lamoureux: Employers who do this are playing with fire. I expect that many states and possibly the federal government will soon enact legislation prohibiting this practice. It's a bad idea for a host of reasons. First, it gets the entire relationship off on the wrong foot because this practice is premised upon distrust. Second, not everything found online is reliable. Finally, employers run a serious risk of unwittingly discriminating against people they don't hire if they see something relating to a candidate's health, race, religion, etc. that could give rise to a discrimination claim.

PBN: How do you think social media is going to affect the younger generation as they graduate from college and enter the workplace, specifically regarding recruiting?

Lamoureux: Others have aptly described an online presence as a "digital tattoo." Young people – particularly high-school and college students – don't seem to understand that what they do and say online is out there forever, with very few exceptions. For example, Facebook allows you to email yourself a file containing virtually everything you've ever posted to Facebook – pictures, sent/received messages, login times, friend requests, etc. Also, evidence is starting to emerge that what college students say and post on Facebook can give a glimpse into how productive they will be as employees. That's an intriguing concept and certainly going to be a huge discussion going forward.

PBN: Why is social media becoming an increasingly popular place for recruiters and what does that mean for people looking to get hired?

Lamoureux: Social media is popular for recruiters because it puts an enormous amount of information about people onto a handful of platforms such as Twitter, Facebook, and LinkedIn. Social media allows information to flow to recruiters' desks with a minimal amount of work. Surprisingly, Twitter has an extremely high influence in the recruiting process, much more so

that Facebook. LinkedIn remains the gold standard for professional development, and anyone who is in the job market or expects to be should certainly have an active LinkedIn account.

PBN: What advice do you have for business owners struggling to come up with social media policies for their workplace?

Lamoureux: Today, business owners would never think of having an employee handbook without a non-discrimination of sexual harassment policy. Soon, social media policies will become almost as important (if they haven't already). So much damage can be done to a company's brand, image, and bottom line by inappropriate social media use by employees. It is not complicated or expensive to have a social media policy drafted by competent legal counsel, and it would be a worthwhile investment to make in ensuring that employees' use of social media doesn't undermine the hard work that's been done to start and grow a business.