



# CASSOWARY COAST REGIONAL COUNCIL

## Policy

### Use of Social Media

**Administrative Authority Number: MDG-009**

#### **1. Authority**

- MDG-010 - Code of Conduct for Council Employees
- MDG-017 – Anti-Discrimination
- MDG-035 – Prevention of Sexual Harassment
- MDG-018 – Workplace Bullying
- MDG-005 – Use of Information Communications Technology
- MDG-014 – Performance and Misconduct
- *Criminal Code Act 1899 (Qld)*
- *Criminal Code Act 1995 (Cth)*
- *Telecommunications Act 1997 (Cth)*
- *Information Privacy Act 2009 (Qld)*

#### **2. Policy Statement**

Council acknowledges the growing popularity of Social Media both as a communication and educational tool and supports its appropriate use. Employees are responsible for the content they publish on Social Media so it is important they understand what is expected of them while using Social Media in a Personal Capacity.

#### **3. Principles**

The purpose of this policy is to:

1. Define what constitutes Social Media;
2. Provide direction on the responsibilities and expectation for the personal use of Social Media by Council Employees; and
3. Outline the procedure for disciplinary action when an Employee's personal use of Social Media reflects seriously and adversely on Council and/or contravenes the Employee's obligations under relevant legislation, the Code of Conduct and/or Council policies and directives.

#### **4. Scope**

This policy applies to all Council Employees.

#### **5. Definitions**

**Council** – means Cassowary Coast Regional Council

**Employee** – includes contractors, consultants, labour hire employees, students doing unpaid work experience or unpaid placements, apprentices and trainees, volunteers and any person engaged by a contractor or consultant or labour hire company to perform work under a contract between Council and the contractor, consultant or labour hire company and any person employed by Council in a permanent, fixed-term, contract or casual capacity.

**Personal Capacity** – is any conduct or communications made by a Council Employee outside the scope of their role i.e. not in an official capacity. This may be including but not limited to:

- conduct in work hours, on departmental or personal devices on personal Social Media platforms;
- conduct outside work hours on personal devices.

**Social Media** – is an umbrella term covering websites, technology, applications or tools that enable active and participatory publishing and interaction between individuals over the internet. Social Media can be characterised by:

- relationships
- user participation
- user-generated content
- collaboration
- multi-directional conversations
- highly accessible and scalable publishing
- 24/7 operation and availability.

Social Media includes, but is not limited to, Facebook, Instagram, Twitter, Youtube, Snapchat, Yammer, MySpace, LinkedIn, WhatsApp, Viber and similar sites.

## **6. Administrative Guidelines**

Council Employees must not make public comment that may lead a reasonable person to conclude that they cannot serve the Council impartially and professionally.

Deciding whether to make a particular comment or post certain material online is a matter of careful judgement and common sense. It is not a simple formula. This policy sets out factors to consider when deciding if and what to post.

### **6.1 Personal Use of Social Media**

It is important that Employees do not risk Council's reputation with comments they make online. Employees can generally make public comment in a personal or private capacity if the comment is lawful and a reasonable person couldn't or wouldn't perceive it to be any of the following:

**i. Made on behalf of the Council.**

Employees should take reasonable steps to ensure that your online conduct and communications will be understood as representing your own personal view and not those of the Council. Do not falsely imply (whether intentionally or not) that you are authorised to speak on behalf of the Council, or that any views you express are those of the Council;

**ii. Affecting the Employee's ability to fulfil their duties in an impartial manner.**

Employees should understand the impacts and recognise the public visibility of your conduct and communications online, including what you 'like', share, comment on, 'follow' or 'join' on a Social Media platform.

**iii. So harsh or extreme in its criticism or endorsement of Council that they are no longer able to work professionally, efficiently or impartially.**

Employees must ensure their communication and conduct do not interfere with their work performance, compromise them professionally or cause damage to the relationship between themselves and Council;

**iv. Damaging to the integrity or reputation of Council and/or its Employees or client groups.**

Employees must not post material that is, or might be interpreted as, inappropriate or improper conduct in a personal capacity that reflects seriously and adversely on the public service.

**6.2 Legal Considerations**

**6.2.1 Privacy, confidentiality and information security**

Employees must not use or disclose on Social Media any confidential information or personal information obtained in their capacity as an Employee of Council unless it is in a manner consistent with the Code of Conduct for Council Employees and the *Information Privacy Act*. This includes personal information or images of Employees or clients, without written consent from the individual (or, if under 18 years of age their parent/guardian).

Employees must not publish or report on conversations or information that is deemed confidential or classified or deals with matters that are internal in nature i.e. information that is not available to the public.

**6.2.2 Copyright**

Respect intellectual property and copyright laws and attribute work to the original author/source wherever possible.

**6.2.3 Harassment, bullying and discrimination.**

Online activity, including Social Media posts and comments, are subject to conditions of any other Council policy and directive.

Abusive, harassing, threatening or defamatory postings are in breach of Council's Code of Conduct for Council Employees, *Workplace Bullying Directive*, *Anti-Discrimination Directive and Prevention of Sexual Harassment Directive*, and may result in disciplinary action being taken.

Workplace bullying and harassment includes any bullying or harassing comments Employees make on Social Media, including on their own private social networks and when out of office hours.

The *Criminal Code Act 1995* (Cth) provides offences for conduct amounting to harassment that occurs via a communications service (which includes the internet). Relevant offences include using a carriage service to menace, harass or cause offence and using a carriage service to make a threat.

**6.2.4 Defamation**

Employees must refrain from posting material that may cause damage to another person, organisation, association or company's reputation.

**6.3 What to consider when using Social Media**

Before deciding to post something, Employees should keep the following in mind:

- Have you checked your privacy settings? A site's security settings may not protect or keep material private;

- Comments posted online are available immediately to a wide audience;
- Have you kept personal information in your post to a minimum? Personal information can also be used for criminal purposes such as identity theft, fraud and harassment;
- Material posted online effectively lasts forever and may be copied without limit;
- Do you know all the people in your social media group or network? If you don't fully know or trust the people in your social media group, you should exercise the same caution online as you would in person;
- Others may view material posted online out of context or use it for an unintended purpose; and
- Anything that is posted may be traced back and the source identified – don't rely on anonymity or a pseudonym.

Employees should refer to the questions in the Employee Checklist (Appendix A) prior to posting content on social media. If any of an Employee's answers fall within the 'do not post' column, then the employee should not post the material.

An overview of the Australian Public Service Commission's '*Making public comment on Social Media: A guide for employees*' is also included to help you in situations not covered in this policy.

## **7. Breach of this policy**

If Employees require any guidance or clarification of this policy they should direct that enquiry to their Supervisor or Manager or People and Culture team.

Employees are required to inform their manager or supervisor, or the People and Culture team, of any conduct or communications that may not meet the requirements of this policy.

Disciplinary action will be taken by the Council against any Employee found to have breached this policy which may include termination of employment. Refer to Council's MDG-014 – Performance and Misconduct Directive.

For contractors and consultants and any person engaged by a contractor or consultant to perform work under a contract between Council and the contractor or consultant, the Council will raise its concerns with the contractor or consultant and will take appropriate action which may include cancellation of the contract.

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Date approved by the Chief Executive Officer: 8 August 2019

Council Resolution No: GE0059

Administrative Policy Review: 4 years or as determined by Chief Executive Officer

## Appendix A – Employee Checklist

The following checklist may be used as part of policies and procedures as a guide for employees when they are posting material on a social media website via Council or personally owned ICT services, facilities and devices.

Employees should ask themselves these questions prior to posting content on social media. If any of an employee's answers fall within the do not post column, then the employee should not post the material.

Question	Do not post	Post
Will the reputation of the Cassowary Coast Regional Council be harmed?	Y	N
Will your personal or professional reputation be harmed?	Y	N
Will the personal or professional reputation of a colleague be harmed?	Y	N
If the posting contains the personal information of another person, do you have their consent to post that information?	N	Y
In posting the material, are you behaving with integrity, honesty, respect and accountability?	N	Y
Is it clear to others that you are making the posting as a private individual and not as an authorised representative of the Cassowary Coast Regional Council	N	Y
Does the posting contain inappropriate or offensive material?	Y	N
Does the posting contain confidential information that is not already in the public domain?	Y	N
Does the posting contain information about your official role and duties, or work related activities or events, that are not already in the public domain?	Y	N
Does the posting give the impression that you are the authorised representative of the Cassowary Coast Regional Council or that your personal opinion is the opinion or position of the Cassowary Coast Regional Council.	Y	N
Are you willing to accept the posting as a permanent and public record of your personal opinion?	N	Y
Would you be willing for the content of your posting to be viewed by a stranger on the street or your supervisor.	N	Y
Does the posting otherwise constitute an unauthorised use of Council ICT services, facilities and devices?	Y	N

## **Appendix B - Making public comment on Social Media: A guide for employees**

*Originally published on the Australian Public Service Commission website*

### **Risk Factors**

#### ***Does it criticise the work of your current agency?***

Criticising the work, or the administration, of your agency is almost always going to be seen as a breach of the Code. The closer your criticism is to your area of work, the more likely this will be. As an employee of your agency, your comments have a strong capacity to affect your agency's reputation. If you have serious concerns about the way in which your agency is being run there are proper ways to report these. Posting on Social Media is not the answer.

#### ***Your seniority***

As a general guide, the more senior you are in the public service the more likely it is that people will believe you are privy to the real workings of government. Your opinions will carry more weight and have a greater capacity to affect the reputation of an agency. Senior public service employees, or employees with a particularly high-profile or specialist role, need to be especially careful in considering the impact of any comments they might make.

#### ***Language and tone***

Think about the language you use when making public comments about sensitive issues. Is it nuanced and thoughtful, or blunt and inflammatory? Does it recognise that there may be alternative points of view? Be moderate in your language and focus on the facts. Picking fights on the internet is not behaviour consistent with the Code of Conduct.

#### ***Personal criticism, or policy debate?***

A right to participate in policy debate is not the same as a right to insult people. People who read those insulting comments will form views about whether you can in fact act impartially in your work. They may also ask themselves whether it is appropriate for a person who makes comments like that to be working for the Government, lowering the reputation of your agency.

### **Frequently Asked Questions**

#### ***Can I post anything I like if I make it clear that I am posting only in a private capacity?***

It's a good idea to include a statement on your Social Media platforms, or in individual posts if necessary, to the effect that your views don't represent those of your employer. However, this won't always protect you from a finding that you have breached the Code. For example, if you choose to publish material that is vehemently anti-government, a disclaimer of this kind will not make you immune to a Code investigation. People who read that material will, rightly, wonder whether someone with opinions like these can genuinely serve the public and the government as an impartial and professional public servant.

#### ***Why can't I say what I want if I post anonymously?***

Are you sure you're anonymous? You may not have identified yourself as a public servant but many of us now have a digital footprint that makes it easy to find out who we are and, often, where we work. Posting material anonymously or using a pseudonym doesn't guarantee your identity will stay hidden. Even if you don't identify yourself you can still be identified by someone else. It is simply common sense to assume that anything you write or post can be linked to you and your employer—whether you intend it or not.

***What if I've posted after hours?***

Your capacity to affect the reputation of your agency and the public service does not stop when you leave the office. The comments you make after hours can make people question your ability to be impartial, respectful and professional when you are at work.

***But what if I posted material from my private computer/tablet/phone?***

Posting material from your private equipment means that you don't have to worry about whether you've used Council ICT resources properly. However, it doesn't affect whether what you've said is OK or not. In the same way that posting material after hours won't always protect you, neither will using your own equipment.

***If my Social Media pages are locked to friends only but one of my friends reposts one of my posts, could this be a breach?***

Yes. The breach of the Code occurs at the time you made your post. The fact that one of your friends chose to repost it doesn't create the breach—it just makes it easier to identify and investigate.

***Am I responsible for nasty comments made by someone else on my Social Media pages?***

Doing nothing about objectionable material that someone else has posted on your page can reasonably be seen in some circumstances as your endorsement of that material. If someone does post material of this kind, it may be sensible to delete it or make it plain that you don't agree with it or support it. Any breach of the Code would not come from the person making the post. It would come from how you reacted to it.