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CAN YOU BE FIRED FOR SOCIAL MEDIA POSTS OUTSIDE OF WORK?

Social media has become a part of our daily lives, allowing us to express opinions, share moments, and connect with others worldwide. But what happens when your social media activity intersects with your professional life?

Many employees ask this: can you be fired for social media posts made outside of work hours? Unfortunately, the answer isn’t always straightforward and often depends on the nuances of employment law, workplace policies, and your employer’s perception of your online activity.

Barrett & Farahany will explore the key considerations regarding employment and social media use, including at-will employment, potential reputation risks, social

media policies, and legal protections.



Understanding At-Will Employment Concerning Your Social Media Use

Most employment relationships in the United States are defined as “at-will.” This means that your employer can terminate your employment at any time, for any lawful reason—or no reason at all—without prior notice (unless a contract states otherwise). Social media activity outside of work hours is no exception to this rule.

Employers are legally allowed to take action if your social media posts:

- Conflict with your employer’s values
- Threaten the company’s reputation
- Suggest behavior that could harm workplace productivity
- Employer action can take the form of terminating your employment.

However, there are important legal exclusions. Dismissals based on protected characteristics, such as race, gender, or religion, are unlawful. But beyond these protections, your activity on platforms like Facebook, Instagram, or Twitter could very well lead to consequences.

Social Media Posts and Reputation Risks

Employers place significant importance on their company’s image. When an employee’s public social media posts come under public scrutiny, it can reflect directly on the employer — sometimes with damaging effects.

Posts that could tarnish a company’s reputation, harm relationships with clients,

or indicate unprofessional conduct may serve as grounds for disciplinary action, even if these posts are made outside of work hours.

Some examples of social media posts that could lead to termination include:

- **Derogatory Comments:** Criticizing your employer, coworkers, or clients online.
- **Offensive Content:** Sharing discriminatory or inappropriate material.
- **Illegal Activity:** Posting content that promotes illegal behavior.
- **Unprofessional Behavior:** Sharing posts at odds with industry standards or your company's values.

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Meet the Team at Barrett & Farahany

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