

SOCIAL MEDIA MISCONDUCT AND MISCONDUCT OUTSIDE THE WORKPLACE

Duration: ½ day

Objective

To equip the delegate with an in-depth knowledge of the legal principles underlying misconduct outside of the workplace, also on social media misconduct. To understand that “external” misconduct does not necessarily preclude discipline. To acquire the skills to deal with the typical obstacles one may be confronted with when dealing with these forms of misconduct.

Design

- The meaning of “dismissal”
- The Code of Good Practice: Dismissal
- Misconduct as a valid ground for dismissal
- Substantive fairness of misconduct
- Procedural fairness of misconduct
- Misconduct outside the workplace
- The test: sufficient nexus
- Determining the connection between the misconduct and the business
- Determining whether dismissal would be justifiable
- Social media misconduct
- The law historically
- How the law has developed
- Recent cases in the context of social media
- Factors to take into account in assessing whether social media related misconduct is unfair
- Off-duty social misconduct
- SA and UK cases
- Sanction
- Assessment of each case
- How to protect your company
- How to protect your employees
- What does the future hold?

Target group

HR/IR practitioners and management.

