

HRPA Practice Guideline:

Social Media Use

Purpose of Guideline

Social media is a popular form of communication and expression that has both benefits and risks – including potential professional, civil, or criminal consequences. This guideline is intended to outline for HRPAs members, firms and students some of the risks to avoid and manage when engaging in online activities. Additionally, it outlines how as a registered professional with HRPAs members, firms and students should conduct themselves online- to protect both the public (including employers, employees, and their social network) and HRPAs members, firms and students themselves. While this guideline is primarily focused on personal social media use, the same principles apply when utilizing social media in a professional capacity or on behalf of an employer.

HRPA regulates its registered HR professionals in the public interest (meaning for the welfare and wellbeing of the general public and society) and holds our members, firms and students to the province's highest standards. Like any regulatory body, professional guidance is critical in helping to supplement the **Code of Ethics and Rules of Professional Conduct** and to provide HRPAs members, firms and students with the tools to protect the public interest by reducing/preventing risks of harm stemming from the practice of the Human Resources HR profession.

This guideline is to be read in conjunction with HRPAs Code of Ethics and Rules of Professional Conduct, which identifies the expectations of all HRPAs members, firms, and students who perform in the human resources sector. Members of the public should expect HRPAs members, firms, and students to uphold its Code of Ethics and Rules of Professional Conduct.

DISCLAIMER: The information provided in this Practice Guideline is in respect of the law of the Province of Ontario and is intended for general information only. This Practice Guideline is not provided for the purpose of providing legal advice or a complete statement of the law on the particular topics. Every situation is unique and may involve specific legal issues. Further, this Practice Guideline is to be read in conjunction with the applicable employment standards, occupational health and safety, and human rights legislation and does not supersede or replace the legal requirements set out in the legislation.

Target user:	HRPA members, firms and students.
Risk of harm to public (e.g. workers, workplaces, employers):	<p>Improper social media use can cause harm to the public, including:</p> <ul style="list-style-type: none"> ○ Online release of confidential information. ○ Crossing of professional boundaries. ○ Making/sharing inappropriate, harassing, malicious, misleading, inflammatory, obscene, or discriminatory remarks or images. ○ Exposure to, and liability for, claims for monetary and other damages under human rights, occupational health and safety and criminal laws.
Risk of harm to profession:	Inappropriate social media use can have an impact on the public’s trust and view of the profession.
Critical connection to Code of Ethics and Rules of Professional Conduct:	<p>The following provisions of HRPA’s Code of Ethics and Rules of Professional Conduct, which all members and students must comply with, apply:</p> <ul style="list-style-type: none"> • Section I. Professionalism: Rule #4 • Section II. Trustworthiness: Rule #11 <p><i>Note: This is not an exhaustive list of critical connections this guidance may have to the Code of Ethics and Rules of Professional Conduct. Please ensure you review the Code of Ethics and Rules of Professional Conduct in its entirety.</i></p>
Desired impact of guidance:	<p>Readers of this practice guideline should gain knowledge and feel more equipped to:</p> <ul style="list-style-type: none"> ○ Recognize the risks of social media use (and misuse) and what to avoid. ○ Be aware of ways to maintain professionalism and professional boundaries when online. ○ Recognize the importance of maintaining confidentiality and privacy when using social media. ○ Know the legal and regulatory obligations of online activities social media use. ○ Refer to a list of questions before making, sharing, commenting on, or “liking” social media posts to prevent risk of harm to the public and to the profession.

Defining Social Media

Social media is a wide-ranging term involving any sort of electronic communication or use of online tools for the purpose of social interaction and the creation and/or sharing of content. This can include commenting on forums, blogging, using social networking websites (ex. Instagram, LinkedIn, TikTok, Facebook), using an online chat room or personal websites. There are many benefits to social media, such as staying connected with others, sharing information, learning from diverse people, and more. However, social media also carries risks to be cautious of.

Guidelines

When partaking in any form of social media/electronic communication, **HRPA members, firms and students should follow the below guidelines to protect the public, the profession and themselves from harm:**

1) Professionalism and Professional Boundaries

Anything HR professionals do on social media can have an impact to public protection as well as the public's trust and view of the profession. With respect to maintaining professionalism and professional boundaries, HRPAs members, firms and students:

Should	Should Not
✓ Exercise good judgement and caution before posting or re-posting on social media and consider their legal, professional and regulatory obligations.	✗ Post or share information/content that they would not be comfortable having a colleague, general member of the public, client, a court or tribunal, or the HRPAs seeing.
✓ Remember that anything posted on social media, including from private accounts or groups, has the risk of being shared or distributed publicly, and may remain accessible online forever.	✗ Make, post, or share inappropriate, harassing, malicious, misleading, inflammatory, violent, obscene and/or discriminatory remarks, threats or images. Always consider how content and remarks posted on social media might impact others and how it could impact a colleague,

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	client, personal professional reputation, or the profession as a whole.
✓ When/if providing or sharing HR-related advice/information, make sure it is accurate, factual and evidence-based.	✗ Criticize colleagues, employers, clients, employees, job-seekers, employers or other HR professionals in their community online with malicious intent.
✓ Maintain professional boundaries and consider having separate personal and professional social media accounts. Include a statement to distinguish personal content from professional content. Also consider if becoming a “friend”, “follower” or connected online by any other means with a client or colleague could blur professional boundaries.	✗ Guarantee results for things that cannot be guaranteed.
✓ Be aware of and avoid any situations that could pose conflicts of interest.	✗ Engage in criminal or illegal conduct including, but not limited to, threatening or inciting hatred, discrimination, or any form of violence.
✓ Always consider how their online presence reflects on their professionalism and on the HR profession.	✗ Have inappropriate conversations online with clients, colleagues, employers, family members of colleagues, etc.
✓ Consider that “liking” a post or image can be seen as condoning or even endorsing what is posted.	✗ Use social media to discuss, report and/or resolve confidential workplace issues.
✓ Consider whether they would say/do what they are posting online if they were in-person.	✗ Speak on behalf of a client, their employer, the HRP A or other organizations without any permission to do so.

2) Other Considerations for HRPAs Members, Firms & Students:

Confidentiality and Privacy	Legal & Regulatory Obligations
<ul style="list-style-type: none"> ✓ Never disclose confidential or private information of a colleague, client, or employer. 	<ul style="list-style-type: none"> ✓ Always comply with HRPAs Code of Ethics and Rules of Professional Conduct (including advertising provisions), as well as any other professional standards and guidelines.
<ul style="list-style-type: none"> ✓ Have written consent from your employer, clients or colleagues before posting photographs, videos, or identifiable information about them online. 	<ul style="list-style-type: none"> ✓ Refrain from discussing or sharing information of an HRPAs complaint and/or discipline matter.
<ul style="list-style-type: none"> ✓ Respect the privacy of clients and colleagues by refraining from making online searches for information about them that is not relevant to work. 	<ul style="list-style-type: none"> ✓ Follow and abide by all legislation relevant to social media, including privacy legislation and regulations, occupational health and safety legislation, human rights legislation and laws related to cyber-bullying, criminal social media use, defamation, copyright, and plagiarism.
<ul style="list-style-type: none"> ✓ Work under the assumption that any content posted, shared, or “liked” is public and accessible by anyone. 	<ul style="list-style-type: none"> ✓ Follow own employer’s social media policies and codes of conduct– if there isn’t one, still always exercise good judgment and follow these guidelines.
<ul style="list-style-type: none"> ✓ Immediately report any online confidentiality or privacy breaches that do or could impact an employer, colleague(s) and/or client(s) to the affected parties. 	<ul style="list-style-type: none"> ✓ Follow user agreements, confidentiality and privacy policies, settings, and rules for the social media services used– recognizing that they can change frequently.

✓ Consider setting privacy settings to limit personal information from being publicly available.	
✓ Be knowledgeable of privacy legislation and obligations and do not breach them.	

Key Questions

Before Posting, Commenting, “Liking”, etc. on social media, HRPAs members, firms and students should ask themselves:

1. Would I be comfortable with any colleague, client, member of the public, court, tribunal or the HRPAs seeing this?
2. How does this reflect on my professionalism and on the HR profession as a whole?
3. Would I say or condone this in-person?
4. If I saw another HR professional posting this, how would I feel or think others would feel?
5. Do I have consent from the employer, colleague(s), client(s), and/or member of the public I am making a post or sharing an image of or about?
6. Is what I’m sharing something that is confidential or private?
7. Am I breaching any laws or regulations (ex. privacy, copyright, criminal)?
8. Is this in compliance with HRPAs Code of Ethics and Rules of Professional Conduct?

Scenarios

Below please find some examples on how the policy may apply to HR practice. **Please note that these scenarios are not exhaustive or determinative and are meant for illustrative purposes only.**

Scenario 1

<p>Background</p>	<p>L. is the HR Director at a major hospital. Recently, L. has started to develop doubts about the efficacy and safety of the Covid-19 vaccines. On Instagram, L. starts liking and reposting information advising people to boycott the vaccines.</p>
<p>Issues</p>	<ul style="list-style-type: none"> ○ L. is liking and reposting information that could be considered misleading ○ L. works at a hospital and individuals aware of L.'s professional background may assume L. therefore has special knowledge or expertise regarding the Covid-19 vaccines ○ L. works at a hospital and individuals aware of L.'s professional relationship may assume they are posting and commenting on behalf of her employer ○ L.'s post and likes may be contrary to the public position of the hospital regarding the Covid-19 vaccines
<p>Analysis</p>	<ul style="list-style-type: none"> ○ Based on L.'s professional standing and place of employment, reposting and liking information advising people to boycott the Covid-19 vaccines is problematic. This could escalate if L. actively used their employment at a hospital to legitimize and spread misinformation, or if the information that was liked or reposted was inflammatory or illegal (i.e. calling for attacks on vaccination clinics). ○ Professionalism and Professional Boundaries should have been drawn more clearly in this case. A simple "liking" of a post or image can be seen as condoning or even endorsing what is posted. This creates misleading signals and images regarding company policies.
<p>Bottom Line</p>	<p>Context matters and the lines between "personal" and "professional" social media posts and activity are actively blurred. When you consider whether to like or repost information on social media, you should not only consider the actual content of the information, but also your own professional standing and employment history and whether your post or comment may have an impact on members of the public – including your employer, fellow employees, friends and the public at large.</p>

Scenario 2

Background	Y. is an HR Assistant at a recruitment firm. On Y.'s personal social media, Y. regularly posts and likes anti-immigration posts using racist stereotypes and offensive and discriminatory language.
Issues	<ul style="list-style-type: none"> ○ Y.'s posting history is discriminatory and contrary to human rights laws ○ Based on Y.'s posting history, there would be concerns whether Y. can be fair and objective throughout the recruitment process ○ If Y. identifies themselves as an HR professional on social media, Y.'s posting history may have a negative impact on public perception of Y.'s employer and the HR profession ○ If Y. identifies themselves as a recruiter, there would be concerns whether Y.'s conduct will negatively impact their client's efforts to recruit qualified and experienced candidates ○ Y.'s posts may also expose their clients to claims of unfair or wrongful hiring practices or decisions
Analysis	Posting or liking posts that use racist stereotypes, offensive and discriminatory language on social media breaches the HRPA's Code of Ethics and Rules of Professional Conduct, which require HRPA members, firms and students to respect principles of equity, diversity, inclusion and belonging by fostering an environment that offers safety, belonging and inclusion for all, valuing differences between each unique individual and understanding, accepting, treating everyone fairly. Depending on the frequency and the content of the discriminatory posts and/or likes, the HRPA may either enter into a remediation agreement with Y. or file a professional complaint.
Bottom Line	Even on your personal social media accounts, if you post or like discriminatory, offensive, or racist posts, a complaint for professional misconduct may be filed against you for conduct unbecoming of an HRPA member, firm or student.

Scenario 3

<p>Background</p>	<p>B. is an HR Manager at a tech start up and a big fan of a comedian who was recently charged with sexual assault. On Facebook, B. posts several comments stating that even if the allegations against the comedian are true, his conduct can be excused. According to B., it was a different era and the comedian’s conduct wouldn’t have been considered problematic at the time.</p>
<p>Issues</p>	<ul style="list-style-type: none"> ○ B.’s comments show a disregard for serious allegations of sexual misconduct ○ B. uses historical tropes to excuse sexual misconduct ○ B.’s comments are potentially harmful to survivors of sexual harassment and assault ○ This raises concerns on whether B. would be able to appropriately handle a workplace complaint or investigation into alleged sexual harassment or assault
<p>Analysis</p>	<p>While B.’s liking of the comedian by itself is not an issue, B.’s comments raise concerns regarding their professional judgment and objectivity if B. was ever required to handle a workplace complaint or investigation regarding sexual harassment or assault allegations. Anything posted on social media, regardless of its origin, private accounts or groups, has the risk of being shared or distributed publicly, and may remain accessible online forever. This would cause damage to a company’s overall image and stakeholder impression regarding its culture. Furthermore, if a complaint for professional misconduct was ever filed against B. for allegedly mishandling a sexual misconduct complaint or investigation, those comments may be used as supporting evidence.</p>
<p>Bottom Line</p>	<p>Even if comments you post online by themselves may not be grounds for a complaint of professional misconduct, they may raise concerns regarding your professional judgment and objectivity and could be used as supporting evidence in another proceeding.</p>

Scenario 4

Background	J. is an HR Manager for a small company and a vocal advocate of pay equity. On Twitter, J. publishes a series of tweets on their public account about how well their company is doing on the pay equity front, noting the top three salaries paid to employees at their company are all women, with their exact positions listed.
Issues	<ul style="list-style-type: none"> ○ J.'s comments show a disregard for confidentiality. ○ J.'s comments are a breach of privacy laws and obligations in the event the private information regarding their colleagues was shared without their knowledge and/or consent, regardless of whether the colleagues are named. ○ J.'s comments are potentially harmful to employees of their company, especially the three women. Members of the public could easily identify the women in the company making the highest salaries as a result. ○ This raises concerns on whether J. is able to appropriately handle confidential and private information they come across in the workplace. ○ J. may also have acted inappropriately in posting comments regarding their employer if they did not have authorization to do so.
Analysis	<p>J. being an advocate for pay equity is not an issue, however, the tweets raise concerns around J.'s ability to appropriately handle confidential and private information. Providing information on salaries of employees publicly could lead to a complaint to the Privacy Commissioner and/or their employer for the breach, as well as to the HRP A and/or be used as supporting evidence for future complaints related to mishandling confidential and private information.</p> <p>Confidential or private information of a colleague should be protected and not to be disclosed without the knowledge and consent of the individual.</p>
Bottom Line	<p>Never divulge confidential information about employees, such as their salary, publicly, even if you feel you have good intentions in doing so. Divulging confidential information may be grounds for a complaint of professional misconduct and can also raise concerns regarding professional judgment and ability to handle confidential and private information. The company should have its social media policy to create</p>

guidelines for staff to follow, including when and how posts can be made on behalf of or about the company.

Evaluation Measures

For any professional guidance issued by HRP, it is important to continuously assess the degree to which the guidance is having an impact on actual professional practice among HRP members and students. From time-to-time, HRP will assess the degree of this for this particular guidance using the following evaluation measures:

- **Reviewing HRP complaints data and discipline hearings to determine whether there has been a decrease or increase in the number of complaints or discipline hearings related to this topic,**
- **Anonymous surveying of HRP members and students to determine whether and how this professional guidance has had an impact on how you practice HR, and**
- **Anonymous polls and/or surveys of members of the public to assess whether there are any notable changes in this specific area that they are noticing among registered HR professionals.**

This is not an exhaustive list of evaluation measures that may be used and the evaluation measures may be updated at any time. When evaluations are complete, the HRP will transparently share the results.

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