Using social media to slam a boss legal, if not tactful

Making fun of the boss has been a human pastime since the world’s first boss was forged by Mesopotamians in the fiery Pit of Incompetence.

In hushed tones in the break room or in full throat at the bar, employees emote about their evil employers. It’s almost reflexive, and thanks to social media outlets like Facebook and Twitter, emotional outbursts can now travel far beyond the confines of coffee klatches and casual conversation.

This should seem perilous, as gripes posted online stand a much better chance of making their way back to the boss being ridiculed. It should also raise questions of general propriety.

But a settlement reached this week in a federal lawsuit may provide some unfortunate cover for the cowardly souls who believe the Web is the place to lambaste their bosses.

An ambulance service in Connecticut fired an employee in 2009 for venting about her boss on Facebook, reportedly calling him, among other things, a “scumbag.” The National Labor Relations Board filed a lawsuit against the company, and the company this week settled the case before it went to a hearing.

The labor board said that under the National Labor Relations Act, employees can discuss conditions of their employment with others, claiming that the employee’s Facebook comments were protected under that act.

As part of the settlement, the ambulance company said it will change its policies so they don’t restrict employees from discussing work and working conditions when they’re not on the job.

This settlement by no means gives people carte blanche to ridicule employers or co-workers online. But according to Michael Zimmer, a law professor at Loyola University Chicago and an expert on employment law, it will cause companies to think twice before taking any action against employees who electronically stick it to the Man.

“I would say that the safest thing is to not have a policy where you would punish people for what they say on social networks not owned by the employer; unless that communication rose to some level of disloyalty,” Zimmer said. “Your company is at risk if it says, in effect, we can zap you for what you put on Facebook. As an employer, you’re digging a hole for yourself if you do that.”

Labor law is still struggling to catch up with the Internet, and with social media sites in particular. It will likely take many cases and many revisions of companies’ policies before any kind of standard can be set on what is or isn’t appropriate behavior for employees who spout off online when not at work.

But after a sincere, albeit brief, national discussion on civility in the wake of the Tucson shooting rampage, it seems the wisdom of slamming a boss or colleague in a public forum should be viewed less as a matter of law and more as a matter of human decency.

Many will argue that rambunctious, opinionated Americans have always had a thing for hurling insults and talking trash. While it seems the rhetoric in today’s politics is at a fevered pitch, some just say, “Relax, our politics are no more pugnacious now than when the country was founded.”

But the difference, I believe, is that barbs and jabs and invective are now routed through gripe-amplification devices like Twitter or Facebook. The reach of those shouting from soap boxes — regardless of their qualifications or the accuracy of their statements — has never been greater.

So it seems that with this free speech should come some responsibility. It may be perfectly legal to take to a blog and decry your boss as a heathen, but is it the right thing to do? Is it taking the place of a face-to-face confrontation that, if handled calmly, might actually effect some change?

Commiserating with friends and co-workers about office annoyances is one thing. There’s certainly nothing wrong with thinking a fellow human being is a lunkhead.

But thoughts and spoken words are ephemeral. Putting those thoughts in writing and broadcasting them, even to the smallest of audiences, gives them permanence and the potential to do harm.

Thomas Jefferson once said: “A nation, as a society, forms a moral person, and every member of it is personally responsible for its society.”

That’s a thought worth considering before composing a tweet that alleges your boss is a dirtbag or has a pronounced proclivity for barbarism.

We may have the legal right to air our grievances in the most public of ways. It may feel cathartic to hit “send” and launch our insults into the ether.

But we are, at the end of the day, pieces that make up a whole, responsible for recognizing that our base instincts are rarely the best ones to follow.

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