



Social media and online comment

Purpose of this document

The purpose of this guide is to provide members with an overview of their obligations when using social media or commenting online. Members should also be aware the Department also monitors online auction and sales sites, like eBay and Gumtree.

Where members would like to comment or be active online, are unsure, or require further information, they should contact the Union Office.

What is included in online comment?

All social media, as well as online discussion boards, subreddits, comment threads, and news articles online are online comment. This includes 'liking', 'sharing', and retweeting.

The Fire Brigade Regulation 2014

Under Regulation 22, 'Disclosure of information', firefighters 'must not disclose any information obtained in the firefighter's capacity unless the disclosure is made:

- (a) in the exercise of the firefighter's functions, or
- (b) about factual matters that are generally available to the public, or
- (c) by an approved firefighter to media representatives concerning operations at a fire or other incident, or
- (e) with other lawful excuse'.

Further, Regulation 23 'Public comment on administration', provides a firefighter must not comment publicly on the administration of Fire & Rescue NSW except with the approval of the Commissioner'.

To do either may give rise to disciplinary proceedings up to and including termination.

In addition to this, it is well established that critical public comment by an employee can be grounds for termination. The legal principles for this were

established as long ago as 1998, and cases are publicised regularly. In short, the Industrial Relations Commission accepts social media is both public comment and a valid reason to discipline and terminate employees.

Isn't social media private?

In short, no. No form of social media or online comment is private. Comments made in private groups, direct messages, and subtweets are public comment, as are Facebook posts, tweets, retweets, and photos. This includes posts and photos you are tagged in by others. It is also not relevant in most cases whether or not members are engaging in social media out of hours - if the Department can prove sufficient connection to a member's employment, the Industrial Relations Commission may find it is acceptable to have a member disciplined or terminated. Most sites also keep records of the IP addresses of anonymous commenters and posters, and some have passed this information on to the Department when asked.

What if I'm not criticising FRNSW?

In some cases, this may not matter, depending on what the content is. Regulation 17 provides that firefighter 'must not, while on or off duty, by words or action behave in a manner that is subversive to discipline or calculated to bring discredit on Fire & Rescue NSW'.

When in doubt, contact the Union Office for further advice.

What should I do if something I'm tagged in is a problem?

You should contact the person who made it if possible and ask for it to be removed.

The Union also recommends setting your social media privacy settings to the highest possible setting.