

Firing Employees For Private Facebook Posts: Employers Should Proceed With Caution

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The recent filing of a lawsuit by a former television anchor against her former employer has magnified the need for employers to have a sound and meaningful social media policy. Former Pittsburgh, Pennsylvania news anchor, Wendy Bell, was fired after she made a post on her personal Facebook page about the murder of six people in a backyard shooting in Wilkinsburg, PA.

In her Facebook post, Bell wrote that “[y]ou needn’t be a criminal profiler to draw a mental sketch of the killers who broke so many hearts. . . They are young black men, likely in their teens or in their early 20’s. They have multiple siblings from multiple fathers and their mothers work multiple jobs. These boys have been in the system before. They’ve grown up there. They know the police. They’ve been arrested.”

Bell attempted to end her post on a positive note by writing that she was given hope by the African American busboy she saw at a restaurant who “moved like a dancer with a satisfied smile on his face. . . I wonder how long it has been since someone told him he was special. He’s going to make it.”

Bell’s Facebook post drew strong criticism from many who found it to be racially offensive and reckless. The Pittsburgh Black Media Federation issued a statement critical of Bell’s post: “The irresponsible statements demonstrate a persistent problem with how African-Americans are negatively stereotyped by too many journalists and news organizations.” Others, however, found her post to be honest and caring. Bell later apologized for the post, saying that she now understands that some of the words she chose were “insensitive and could be viewed as racist. I regret offending anyone. I’m truly sorry.”

Bell’s employer, WTAE-TV, fired her on the same day after WTAE met with members of the Pittsburgh Black Media Federation to discuss the post and racial sensitivity. WTAE concluded that Bell’s post was “inconsistent with the company’s ethics and journalistic standards.”

The story continued to gain national attention as Bell filed a lawsuit against her former employer, claiming she is the victim of racial discrimination because she is white. Bell alleges in her lawsuit that had she written the same comments about white criminal suspects or had she not been white, her employer would not have fired her, much less disciplined her. Bell’s lawyer contends that what she said was benign at best, and that President Obama has said similar things. Bell further alleges that her “posting of concern for the African American community stung by mass shooting was clearly and obviously not intended to be racially offensive.” Additionally, Bell alleges that WTAE encouraged her to use social media to communicate with her target

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audience, and recognized that her personal Facebook page had proven to be a great platform to engage her audience.

Bell's firing, and the resulting race discrimination lawsuit, illustrate the need for employers to have sound social media policies. Social media policies should have clear guidelines about the proper use of social media, particularly when the policy permits the use of social media to enhance the company's business profile or reputation. Employers should consult counsel and proceed with caution when terminating or disciplining an employee for violation of the employer's social media policy. Please contact us for assistance in drafting a social media policy for your company.

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