

Twitter Wars and Internet Trolls: Are Employers Responsible for Protecting Employees on Social Media?

The recent labour arbitration decision in Toronto Transit Commission vs. Amalgamated Transit Union, Local 113, found that the Toronto Transit Commission (the “Commission”) failed to take the appropriate measures to protect its employees from harassment on the social media platform, Twitter.

The Amalgamated Transit Union, Local 113 (the “Union”) filed a grievance against the Commission with respect to the Commission created Twitter account. The purpose behind the account was to facilitate the Commission’s response to customers’ requests for information regarding service. Some customers used the Twitter account to send messages that could be described as offensive, abusive, sexist, homophobic and/or threatening. The Union alleged that years of complaints about the tweets went unaddressed by the Commission.

The Commission argued that it was impossible to regulate the dialogue taking place on social media and there were no reasonable steps that the Commission could have taken to address the offensive tweets.

In upholding the Union’s grievance, the Arbitrator determined that the Commission’s Twitter account could be considered a “workplace” and as such, the Commission had failed to take all reasonable and practical measures to protect the employees from harassment in relation to the Twitter account. The Arbitrator highlighted the human rights legislation, and emphasized that employees are entitled to a workplace free from harassment from fellow employees, as well as non-employees, such as guests and/or customers.

The Arbitrator found that the employer had a duty to respond with an assertive response that verbal abuse and offensive comments would not be tolerated under any circumstances, and to request that any offensive posts be removed immediately.

Employers, who are active on Twitter or other social media platforms, ought to monitor postings from the general public to address derogatory or discriminatory comments directed at employees. It is important for employers to develop and review their social media policies, and to ensure that those employees, whose job it



is to respond to social media comments, are adequately trained to identify and respond to such situations.

If you have any questions regarding this or would like Social Media in the Workplace training, please do not hesitate to contact us at ce@e2rsolutions.com or 416-867-1546.

