

ENGLAND RUGBY TO PLAYERS: TWITTER ARGUMENTS EQUAL "BATTLE YOU WON'T WIN"

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"Football is a gentleman's game played by hooligans and rugby is a hooligan's game played by gentlemen".

As the sporting world prepares for the upcoming Rugby World Cup 2015, the English Rugby Football Union (RFU) has barked out a comprehensive and stern "good behaviour" directive to its players. This move appears to show that employer social media policies know no bounds.

The RFU has issued a 24-point social media guide which provides detailed rules about player social media use. While these rules appear to be well-intentioned, many in the sporting press have speculated that this level of control may well backfire. The RFU's policy appears to be motivated by a strong desire to ensure that the tournament, which is being hosted in England in September and October, goes off without a hitch.

Although England's players are not restricted from using social media during the tournament, the guidelines track what employers in the corporate world or otherwise in the public eye have been contending with in recent years. In particular, the RFU's edicts include warnings that:

1. Players will "only end up looking foolish" if they engage in any inappropriate social media banter or confrontations. *This is not unlike the legitimate concerns of many employers about the potential damage to their public image and reputation which can be caused by inappropriate social media usage.*
2. It is important to be concerned about any posts which constitute inappropriate forms of conduct, including discriminatory comments or posts which are otherwise abusive or indecent. *This is consistent with prevailing law in many jurisdictions, which has held that prohibitions on harassment or inappropriate conduct will extend to social media use, even if done on a personal device outside of working time.*
3. Players should avoid posting pictures of "drinking, smoking, nudity or wild driving" [Ed. note: no word on whether these behaviours are otherwise okay with the RFU if engaged in outside of public view]. *This is another example of what many employers, particularly those who are in the public eye, are focused on prohibiting given the risk of potential damage to reputation.*

4. Messages should be proofread before being posted. *While a bit unclear whether this is a directive being issued solely because these are rugby players, the point which many employers make is that social media posts are permanent, so it is important to "get them right" the first time.*
5. Team selections, injury updates and training schedules should not be posted. *These are, in many respects, the world rugby versions of confidential information that may not be shared with competitors or the outside world.*
6. Critical comments about England's management team and offensive remarks about the opposition, match officials, sponsors or governing bodies are prohibited. *This is a different variation on the point that the best interests of an organization are often divergent from an individual's perspective or interest, and comments critical of your employer can attract discipline.*
The RFU is also encouraging players to send thank you tweets to fans if they enjoy a good win or achieve a personal milestone.

The RFU's detailed social media guidelines match the current "sin bin" offences in the modern workplace, and are very much a sign of the times. In a bygone era, scrummagers and backs were warned about stomping, biting and eye gouging. Today, the managers of a high profile rugby team are no different than many other employers: the wide reach of social media now means that tough and dynamic employees need to be reined in about their smartphone use and off-duty conduct. Members of the highly-fancied New Zealand All Blacks side have so far refrained from publicly rubbishing the RFU's approach or England's on-field offering.

by George Waggott

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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