

## **Certain Facebook posts can be grounds for termination of employment**

**In a recent decision, the Supreme Court of the Republic of Hungary ruled that if a public employee indicates his/her employer on his/her Facebook profile, the employee may be directly associated with his/her employer, and the content of the employee's posts may even cause damage to the employer's reputation, and this behaviour may justify the termination of the employment.**

In the recent case, a university professor who had been employed for 15 years and was a member of the senate, committee and faculty council, posted a statement on a politician's Facebook profile questioning the fundamental requirement of equality between women and men and human dignity for women. The employee's comment provoked disapproval and protest from many of those who read the comment. A few days later, the plaintiff posted a similar post on his/her own Facebook page, in which the offended woman has been identified even by her name.

The rector of the university initiated proceedings against the professor who published the post on the grounds of lack of merit, as a result of which the professor was removed from the post as a public employee. In the appeal, the employee asked the court to reconstitute the employment, and if this was not possible, to pay his/her lost earnings, severance pay and damages, because as the professor claimed the mere presence of the name of the University as the employer on the Facebook profile did not directly link the employee's comments to the employer, and the comments themselves did not mention the University, so there was no damage to its reputation.

All the courts in the case found that, although the original post did not contain a direct reference to the employer, it was easy to identify the employer from the professor's profile. The court emphasized that users must be aware of the characteristics of the platform when expressing their opinions online, as users are increasingly providing more and more data about themselves when using the internet, which - to a greater extent than offline - may create the possibility to link individual statements and information to each other. The Court also pointed out that employees' freedom of expression in the sphere of employment may be subject to more stringent restrictions in view of the duty of loyalty and confidentiality, which may even apply to opinions not directly related to the workplace.

The court added that the professor held a prominent position at the University and was also involved in the management of the University, which led to higher expectations of the employee, and that the special position of the organization employing the plaintiff required exemplary conduct. Against the employee's claim for freedom of expression, the court found that although the employer had not explicitly informed the professor of the restrictions, the employee's conduct did not comply with the requirements. The Supreme Court held that although the communication was not specifically aimed at damaging the employer's reputation, the potential impact of the content of the communication meant that the plaintiff's conduct was capable of damaging the employer's image, and the expression of opinions contrary to the employer's principles and beliefs justified the dismissal of the professor.