

Is employee advocacy legally safe, for your company and your people?

A plain-language guide to the questions worth asking before your team starts building a public voice. Written so a busy executive, not a lawyer, can follow it.

PLEASE READ THIS FIRST

This is general guidance to help you ask the right questions, not legal advice. Every company and every country is different, and the law changes. Have your own legal or compliance team review anything in here before you act on it. We wrote this to show we understand the terrain and to help you have a better conversation with your advisers, not to stand in for them.

Handled openly, none of this is a reason to hold back.

Programme

A joint programme by LadyBugz Marketing and Unlimited People Consulting

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Why this guide exists

Almost every serious buyer asks the same quiet question before they say yes: what if this goes wrong?

Employee advocacy asks real people to speak in public on subjects connected to your business. That is exactly why it works, and it is also why a careful leader pauses. What can a person say and not say? Whose account is it? What happens to it when they leave? Are we allowed to use their name and photo like that? These are fair questions, and dodging them is how programmes get into trouble.

So we have set out the four areas that come up most often, in plain terms, with the general principles behind each one and a short list of questions you can take straight to your own legal team. Handled openly, none of this is a reason to hold back. It is simply the homework that makes a programme safe to run.

A FEW TERMS, DEFINED ONCE



Employee advocacy is the practice of a company encouraging its own staff to share content on their personal social accounts, because a person is trusted more than a logo.



Personal data is any information that identifies a living person, from a name and photo to a job history.



Intellectual property, or IP, is creative and commercial work the law treats as owned, such as writing, designs, logos and trade secrets.

We define these here so the rest of the guide reads plainly for anyone.



The four areas to get right

Each card below covers one area of risk in plain language: the general principle, what tends to go wrong, and a question to put to your own advisers. Treat the principles as a map, not as the final word for your business.



AREA ONE

Disclosure and honesty

The principle: if there is a real connection between the person and the brand, say so.

When an employee posts about the company that pays them, readers deserve to know that connection exists. This is the heart of advertising rules in most markets. In the United States, the Federal Trade Commission (the FTC, the country's consumer protection regulator) has long held that a material connection between an endorser and a brand, such as employment, must be disclosed clearly and unmistakably (FTC endorsement guidance, general principle). South Africa's advertising standards, overseen by the Advertising Regulatory Board, and the wider global expectation of honest advertising point the same way: do not present a paid or employed voice as if it were a neutral stranger.

In practice this is easy and it is good for trust. A simple, visible note that the person works for the company, or a clear hashtag your legal team is happy with, usually does the job. The mistake is silence, or burying the connection where no one will see it.

- ✓ Employees say plainly, in profile or post, that they work for the company when they post about it.
- ✓ Disclosure is clear and hard to miss, not hidden in a wall of tags.
- ✓ Any claim about a product or result is truthful and can be backed up.

Ask your legal team: what disclosure wording and format do our advertising and consumer rules require in every market where our people post?



AREA TWO

Data and privacy

The principle: personal information belongs to the person, so handle it with consent and care.

Advocacy touches personal data at every turn: the employee's own details, and sometimes customers, colleagues and clients who appear in a post or photo. Two laws shape how most of our clients think about this. **POPIA** is South Africa's Protection of Personal Information Act, the national law governing how personal information may be collected and used. **GDPR** is the General Data Protection Regulation, the European Union's data protection regime, which reaches any organisation handling the data of people in Europe. Both rest on the same plain ideas: collect personal data with a lawful reason, be clear about why, use it only for that reason, and respect a person's right to be left alone.

For an advocacy programme that means a few practical habits. Ask permission before you use someone's name, face or story in your material. Do not push staff to reveal more of their private life than they choose to. And never let a post leak a customer's confidential details for the sake of a good story.

- ✓ Employees give clear, freely chosen consent before the company features them or their content.
- ✓ Posts do not reveal a customer, client or colleague's personal information without that person's permission.
- ✓ People can step back and ask for their material to be taken down without being punished for it.

Ask your legal team: under POPIA, GDPR and any local privacy law that applies to us, what consent do we need, and how do we record it?



AREA THREE

Employment and labour

The principle: taking part is a choice, and everyone should know the ground rules up front.

An advocacy programme works best when people join because they want to, not because they feel they must. Pressuring staff to post, or treating those who opt out unfavourably, is where good intentions turn into an employment problem. South African labour law, shaped by statutes such as the Labour Relations Act and the Basic Conditions of Employment Act, protects employees from unfair treatment, and similar protections exist in most countries. The safe path is simple: make participation genuinely voluntary and put the arrangement in writing.

Two questions are worth settling early. First, whose account is it? A personal LinkedIn profile belongs to the individual, even when the company helps them grow it, so be clear about what the company can expect and what stays the person's own. Second, what happens when someone leaves? Agree in advance what they take with them, what they keep quiet about, and that they will update where they work. Sorting this out at the start prevents an awkward argument later.

- ✓ Joining the programme is voluntary, and opting out carries no penalty.
- ✓ A written understanding covers account ownership, expectations and content while the person is employed.
- ✓ An offboarding step sets out what happens to the profile and any company material when they leave.

Ask your legal team: does our participation, ownership and offboarding approach hold up under the labour law that governs our employees?



AREA FOUR

Intellectual property and confidentiality

The principle: know what is safe to share, and protect what is not.

Personal content built on real expertise is the engine of advocacy, so it helps to be clear about what belongs to whom and what must stay behind closed doors. As a general rule, work an employee produces as part of their job tends to belong to the employer, while their personal insight and voice are their own. Confidential information, meaning anything from unreleased plans and pricing to a client's private data and trade secrets, should never surface in a public post, however tempting the story.

Client confidentiality deserves special care. Many companies operate under non-disclosure agreements (an NDA is a contract that legally binds people to keep certain information secret), and a well-meaning post can breach one without the author realising. A short, clear list of what is always fine to share and what is off limits, agreed with your legal team, protects everyone and lets people post with confidence rather than fear.

- ✓ Employees know the difference between their own insight, which they may share, and company or client confidential information, which they may not.
- ✓ Posts respect copyright and use only images, data and quotes the company has the right to use.
- ✓ Any relevant non-disclosure or confidentiality agreement is understood before someone posts about that work.

Ask your legal team: what is our clear list of shareable versus confidential topics, and do our IP and NDA terms cover employee posting?



YOUR CHECKLIST

Questions to take to your legal team

Print this page, or paste it into an email, and put these to whoever handles your legal and compliance work. If you can answer all seven with confidence, your programme is on solid ground. If you cannot, you have found exactly where to focus first.

- 01 Disclosure.** What wording and format do our advertising and consumer rules require when an employee posts about us, in every market we operate in?
- 02 Truthfulness.** How do we make sure any claim an employee makes about our products or results is accurate and supportable?
- 03 Privacy and consent.** Under POPIA, GDPR and any local law, what consent do we need to feature staff, customers or their content, and how do we record it?
- 04 Voluntary participation.** Is taking part genuinely optional, and are we sure no one is disadvantaged for opting out?
- 05 Account ownership.** Whose account is it, what can the company expect while someone is employed, and what happens when they leave?
- 06 Confidentiality.** What is our clear list of topics that are safe to share versus off limits, and does it cover client confidentiality and NDAs?
- 07 Governance.** Who signs off content when there is doubt, and how do we update this as the law and our business change?



HOW WE HELP

How we help, and where we stop

- ✓ We build your people into confident, credible voices, and we build good habits into the programme from day one: disclose openly, ask before you feature someone, keep confidential things confidential, and make taking part a real choice. What we do not do is give legal advice or approve your policies. That sign-off belongs with your own legal and compliance team, working from the questions above. We are glad to sit alongside them and translate between the marketing and the legal side of the table.

✉ [Talk to us about a safe programme](#)

A joint programme by LadyBugz Marketing and Unlimited People Consulting.
Based in South Africa, delivering globally.

A REMINDER

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B2B Ambassadors legal and compliance guide, 12 September 2026. A joint programme by LadyBugz Marketing and Unlimited People Consulting.

Legal principles are described in general terms and credited where a specific rule or regulator is named. This document reflects our understanding as at 2026 and is not a substitute for professional legal advice.