

Social Media Risks



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TODAY'S PRESENTER DON PHIN, ESQ.




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SOCIAL MEDIA FACTS


- ⦿ The biggies are Facebook, MySpace, LinkedIn, Twitter, You Tube and Blogs.
- ⦿ More than 1/2 of all adults use SM.
- ⦿ Many executives still don't have a clue.

4  **BLOGS**

- ◎ **Wide use started 2002.**
- ◎ **100+ Million Blogs.**
- ◎ **Wordpress, Google, Joomla.**
- ◎ www.hrthatworksblog.com

5  **MYSPACE**
a place for friends

- ◎ **Started in 2003.**
- ◎ **More than 100 million active users.**
- ◎ **31% decrease in usage. Going, going, gone?**

6  **FACEBOOK**

- ◎ **Started in 2004.**
- ◎ **More than 350 million active users.**
- ◎ **50% of active users log on to Facebook in any given day.**
- ◎ **700% increase overtaking MySpace.**
- ◎ **The fastest growing demographic is those 35 years old and older.**

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 **LINKEDIN**


- Started 2004.
- 50 Million Users.
- They're rich!

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 **YOU TUBE**


- Started in 2005.
- 100+M Unique Viewers.
- 5+ Billion Videos.
- Approx 50% of the market.

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 **TWITTER**

- Started 2006.
- 15 Million Users and 1 Billion Tweets.
- High growth ratebut
- 60% quit in first month.

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YELP

- ⦿ Started 2004.
- ⦿ Restaurant reviews, etc.
- ⦿ 25 Million Monthly Users.

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DON'T FORGET THE INTERNET

- ⦿ WWW invented 1989 by Al Gore ☺
- ⦿ Used by 72% of the US population, half between 18 and 44.
- ⦿ Shopping, games, fantasy teams, porno, and so much more.
- ⦿ Mobile internet (.mobi)

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ROBERT HALF STUDY

- ⦿ 54 % ban social media at work.
- ⦿ 19% only for business purposes.
- ⦿ 16% limited personal use.

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RISK #1- NOT WORKING

According to all statistics viewed, employees who use SM spend anywhere from 1-5% of their WORK day on it!

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RISK #2- PRIVACY VIOLATIONS

- ⊙ "Cyber-stalking."
- ⊙ Hiring violations.
- ⊙ Client and Customer information.

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RISK #3- SEXUAL HARASSMENT AND DISCRIMINATION

- ⊙ Stupid stuff *all the time!*
- ⊙ Often out of context.
- ⊙ Never disappears.

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RISK #4- WRONGFUL TERMINATION

- ⊙ Was their conversation protected?
- ⊙ Were the rules explained?
- ⊙ Similar treatment for all.

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RISK #5- LOSS OF PROPRIETARY PROPERTY

- ⊙ Confidential info.
- ⊙ Copyright infringement.
- ⊙ Loss of trade secrets.

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RISK #6- THIRD PARTY CLAIMS

- ⊙ Slander and defamation.
- ⊙ Publicity and privacy.
- ⊙ Uncompetitive practices.
- ⊙ Interference with biz relations.

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RISK #7- UNETHICAL, ILLEGAL AND CRIMINAL EMPLOYEES, COMPETITORS AND OTHERS

- ⊙ You've been hacked!
- ⊙ Social media attacks.
- ⊙ Flogs, sock puppets and others.

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RISK #8 NATIONAL LABOR RELATIONS ACT

- ⊙ Discussion of work conditions.
- ⊙ Concerted activities.
- ⊙ Email and conduct policies.

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RISK #9 FEDERAL TRADE COMMISSION

- ⊙ Comply with Fair Disclosure Rules.
- ⊙ Keep it fresh.
- ⊙ Watch those testimonials.

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RISK #10 SOCIAL MEDIA WATCHDOGS

- ⊙ Keeping it real.
- ⊙ Delete or manipulate content.
- ⊙ You will be found out.

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RISK #11 YOUR EMPLOYEES

- ⊙ "It's creepy."
- ⊙ "It's just a waste of time anyway."
- ⊙ "I need the break."
- ⊙ "It's how we communicate."

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WHAT'S A COMPANY TO DO?

- ⊙ Grab all the sites you can!
- ⊙ Begin monitoring those sites.
- ⊙ Consider employee monitoring.
- ⊙ Create a Social Media Policy.
- ⊙ Have a plan to deal with problems.
- ⊙ Check your insurance policy.

25 **DRAFTING A SOCIAL MEDIA POLICY**

- ⊙ To use or not to use.
- ⊙ Definitions.
- ⊙ Use of Company Equipment.
- ⊙ Monitoring of employee activity (including Google alerts, etc.).
- ⊙ Accuracy of information.

26 **DRAFTING A SOCIAL MEDIA POLICY, CONT.**

- ⊙ Personal use parameters.
- ⊙ Training requirements.
- ⊙ Managing passwords and access.
- ⊙ Create a FAQ.
- ⊙ Identify the “go to” team.

27 **BLOG ASSESSMENT**

Blog Assessment

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Blog Response Considerations

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MANAGING PROBLEMS

- ⊙ Get professional help!
- ⊙ Disciplining employees.
- ⊙ Managing comments on blogs, etc.
- ⊙ Hard to “bury” anything!

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CONCLUSION

- ⊙ Social Media is rapidly changing business.
- ⊙ Demands transparency.
- ⊙ Have a policy and a plan.
- ⊙ Educate and monitor.
- ⊙ Identify the “go to” team.

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USE A GREAT HR PROGRAM!



HR that WorksSM

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CONTACT INFORMATION

We are here to help...

- ⊙ DEEM HR
- ⊙ (304) 926-6600
- ⊙ www.deemHR.net
- ⊙ bernie.deem@deemhr.net

SAMPLE SOCIAL MEDIA POLICY

The purpose of this policy to ensure that the Company and its associates adhere to their ethical and legal obligations. All employees are required to comply with the Company's Social Media Policy. Our company strives for a balanced online dialogue. When we moderate postings to the company blog, or run across any postings put on public access social media, we expect our employees to act in a professional manner. This Policy is not intended to restrict the flow of useful and appropriate information, but to minimize the risk to the Company and its associates of inappropriate social media use. The purpose is not to chill or otherwise limit protected employee speech or activity but rather to improve and protect our employee, customer, vendor and other stakeholder relationships.

1. **Prohibited Conduct** - The Company absolutely prohibits use of its name on social media or other internet sites, which include pornographic, violent, or illegal content, explicit sexual references, reference to illegal drugs, obscenity or profanity. The Company also prohibits the disparagement of any race, religion, gender, sexual orientation, disability or national origin or the disparagement of the company's or competitors' products, services, executive leadership, employees, strategy, and business prospects. Even if you are upset with your job, our customers or management, and you have the right to complain about the terms and conditions of your employment; there is no protection for engaging in opprobrious conduct or the posting malicious statements. For example, while you may not like one of our customers or competitors, disparaging online or publically discussing a disability they have can tarnish our brand, cause us to lose business or generate a lawsuit.

[I would also add some specific examples that are risks in your industry. Like an inappropriate statement about a customer's disability.]

2. **Protecting Confidential Information** - The Company understands it is important to allow employees the ability to discuss the terms, conditions and experience of their employment on social media sites. It is also important to maintain the confidentiality of company, client, and customer information. Just like you can destroy the value of a company trade secret by sharing too much information at a trade show, you can do the same thing posting it on a social media site. Likewise, while you can be excited about a client project, inappropriate disclosure of that project, or information shared about that client, without client consent can cause upset, loss of business and breach of confidentiality, privacy and other claims.

Confidential information can include:

- Embargoed information such as launch dates, release dates, and pending reorganizations.
- Company intellectual property such as drawings, designs, software, trade secrets, ideas and innovation. Sales and marketing strategies, pricing and profitability strategies and the like.
- Client information such as social security numbers, financial information, legal information, business transactions and other private, sensitive or confidential information.
- Now you have the opportunity to be as specific as possible! Here's a fine example of definitional overkill:

During the course of employment, you may receive and have access to trade secrets, private information, proprietary property and/or proprietary documents and information of the Company (collectively "Confidential Information"). Employee agrees not to disclose or communicate, in any manner, at any time during or after their employment, information about

the Company, its operations, clientele, or any other confidential information, that relate to the business of including, but not limited to, the names of its customers, its marketing strategies, operations, or any other information of any kind which would be deemed confidential, a trade secret, a customer list, or other form of proprietary information of including but not limited to: A) Information relating to other employees and independent contractors of the Company, B) Supplier, client and customer lists and all information regarding customers and clients who patronize the or whose business is being solicited by the Company, including their names, preferences and other information, C) Information and manuals related to the policies and procedures of the Company, D) Financial, business, tax, economic, sales, pricing, and investment information, E) Strategic and business plans, business opportunities, projections, proposals, methods, processes, and procedures, F) Marketing, advertising, and pricing strategies, G) Any media used to store, communicate, transmit, record, embody, or otherwise memorialize such Confidential Information, H) Software, computer programs, and algorithms, I) Scientific, technical or engineering information, research, experiments, formulas, findings, recipes, and evaluations, J) Information encompassed in any inventions, K) Records, reports, evaluations, forms, designs, drawings, and specifications, and L) Any information marked or treated by the Company as Confidential Information or otherwise identified as Confidential Information. Confidential Information is the above-described information that is not generally available to the public at large with the knowledge and consent of the Company, regardless of whether such information would be enforceable as a trade secret or the copying of which would violate copyright or patent laws or be enjoined or restrained by a court as constituting unfair competition. Confidential Information may be stored, compiled or memorialized physically, electronically, photographically, in writing, or in any other form.

[I would also add some specific examples that are risks in your industry. Like the inappropriate disclosure of a patient condition if you are a medical office or a claims manager.]

3. **Protect the Brand** - We spend a great deal of time, effort and money to build the company brand. Please keep this in mind when using logos, copyrights, trademarks, vehicles, commercials, buildings and other aspects of the company brand on social media sites. For example, it would not be appropriate to place our logo in a comment posted on a competitor's blog site. Unless you have been authorized in advance to use these properties we request you seek confirmation as to the appropriateness of your use. This policy is not intended to limit your ability to use these items if otherwise permitted by law.
4. **Transparency** - Always identify yourself; especially if you're saying anything related to our business, including our company, the competition, or any products on the marketplace. Indicate you are a company employee where appropriate.
5. **Have Integrity and Be Honest** - Stick to your area of expertise. Don't pretend to be a know-it-all. Half-truths and outright lies will be quickly ferreted out by today's social media watchdogs, competitors, regulators and others. Whether it's a comment you make on a Facebook page or in an update to a Wiki page, chances are, somebody may be monitoring your activities; if not the company, the government, the corporate media, or some other watchdog is likely to be paying close attention.
6. **Your Opinion vs. Company Opinion** - Unless you have *specific permission* to speak on behalf of the company, clearly indicate that all postings represent *your opinion*. When posting

to any site outside of the company, please use the following disclaimer: “The postings on this site are my own and don’t represent the company’s positions, strategies, or opinions.”

7. **Company Policies and Procedures Apply** - Your social media activities are subject to the same policies and procedures as your other workplace activities. So, for example, if it is inappropriate to engage in sexual harassment while at work, then it is equally inappropriate to do so through the context of social media. This policy is also meant to support and integrate with our internet and emailing policies. [Remember, double check the language in those.]
8. **Take Advantage of Social Media Privacy Settings** - Protect your personal information. It will help avoid identity theft, scams, and other risks.
9. **“Friending”** - No employee should ever be pressured to ‘friend’ or otherwise connect with a coworker via social media”. If you are in management, think twice about friending an employee.
10. **Be Professional** - Watch for typos and misspellings. All the protocols surrounding proper e-mailing also apply to the use of social media (i.e., no “shouting,” defamatory language, or incendiary words).
11. **Media Policy** - The purpose of the policy is to ensure that only one person speaks to the media as an official representative of the company. Do not respond to a media request without express permission, unless you are doing so in your individual capacity. The company will respond to the news media in a timely and professional manner *only* through its designated spokespersons.
12. **Don’t Waste Company Time** - Personal social media use should be restricted to personal time *only*. This is no different than it is for phone calls or e-mails. Make sure that you have permission to access personal social media sites on company equipment. Otherwise, you should not use the company’s time and equipment to participate in personal use of social media.
13. **Be a Watchdog** - If you find a negative, disparaging, or otherwise concerning posts about the company, its products, services, or clients, let us know! Please contact your manager, HR or the IT department ASAP. Please do not respond to it without first receiving instruction unless you have specific permission to do so.
14. **Employee Rights** - As noted throughout this policy, nothing in this policy is meant to chill any desire to collectively discuss the terms and conditions of your employment.

I have read, understand, and agree to this policy as a condition of my employment.

Name (print): _____

Signature: _____

Date: _____



Blog Assessment

ASSESSMENT

BLOG POSTING
Has someone discovered a blog post about your organization? Is it a positive posting?

YES

NO

EVALUATE

CONCURRENCE

A factual and well-cited response which may agree or disagree with the post, yet is not negative.

You can concur with the post, let stand, or provide a positive review.

Do you want to respond?

NO

YES

LET STAND
Let the blog post stand - no response.

"TROLLS"
Is this a site dedicated to bashing and degrading others?

NO

YES

MONITOR ONLY
Avoid responding to specific posts, monitor the site for relevant information and comments.

"RAGER"
Is the posting a rant, rage, joke, ridicule, or satirical in nature?

NO

"MISGUIDED"
Are there erroneous facts in the posting?

YES

FIX THE FACTS
Respond with factual information directly on comment board.

NO

UNHAPPY CUSTOMER
Is the posting a result of a negative experience from one of our stakeholders?

YES

RESTORATION
Rectify the situation, respond, and act upon a reasonable solution.

NO

RESPOND

SHARE SUCCESS
Proactively share your story and your mission with the blog.

YES

FINAL EVALUATION
Base response on present circumstances, site influence, and stakeholders prominence. Will you respond?

YES

YES

Blog Response Considerations

TRANSPARENCY

Disclose your company connection

SOURCING

Cite your sources by including hyperlinks, video, images, or other references.

TIMELINESS

Take time to create good responses, from a few hours to a day

TONE

Respond in a tone that reflects highly on the rich history of the company.

INFLUENCE

Focus on the most influential blogs related to the company.