



CPEhr Management Training Series

presents

Social Media in the Workplace

Mayberry.com

Where everyone knows your name...your children's school, your pet peeves, your score on Farm Animals, where you last vacationed, how drunk you were last night and when you are going out of town next!

Goals

- u Define “Social Media”
- u Benefits of Social Media for employers
- u Hazards and pitfalls
- u How to implement a policy

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Social Media

- u Platform or format to encourage communication, exchange information
- u 650 social networks world-wide
- u Averaging 3 new websites per day
- u Chatting, tweeting, blogging, video-sharing

Social Networks (non-dating)

- u Facebook- 640,000,000
- u Habbo- 200,000,000 (teens)
- u Twitter- 175,000,000
- u MySpace- 100,000,000
- u LinkedIn- 100,000,000

http://en.wikipedia.org/wiki/List_of_social_networking_websites

Benefits

- u **79% of Global Fortune 500 companies use at least 1 social media platform:**
 - 65% use Twitter (4.2 accounts)
 - 54% Facebook fan page
 - 50% at least 1 YouTube channel
 - 33% have at least 1 corporate blog

WHY?

www.slideshare.net/BMGlobalNews/global-social-media-checkup

(Burson-Marsteller)

Why

- u Allows consumer to feel business is more "modern", better access to information
- u Efficient way to promote sales, coupons, launch new promotions
- u Monitor competition
- u Learn about marketplace/trends

Education & Social Media

- u CBT: eLearning, webinars
- u 80% of professors have at least one account (Facebook, Twitter, LinkedIn, etc.)
- u 52% state they use at least one of them as a teaching tool
 - Homework: post a video or blog/contribute to a blog

New Vocabulary/New Dangers

- u Cyberbullying
- u Textual Harassment
- u Sexting
- u "Driving while Intoxicated"
 - Georgia Law, 7/1/2010
- u 30 states and D.C.
- u <http://www.iihs.org/laws/maptextingbans.aspx>

Texting Statistics

- u 2006 = 780 annual
- u 2008 = 4284
- u 2009 = 1.5 Trillion
- u 2010 = 6.1 Trillion
- u 2011 = 7 Trillion (estimated)

The Legal Aspect

- u Privacy Laws
- u Stored Communications Act
- u NLRA
- u Civil Rights/Title VII
- u State Laws

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Invasion of Privacy

- u Users can restrict information with privacy settings
- u With actual permission to view information, privacy claim likely unsuccessful
- u Signed company policies provide “implied” as well as direct consent
- u Always prove a legitimate business reason

Stored Communications Act

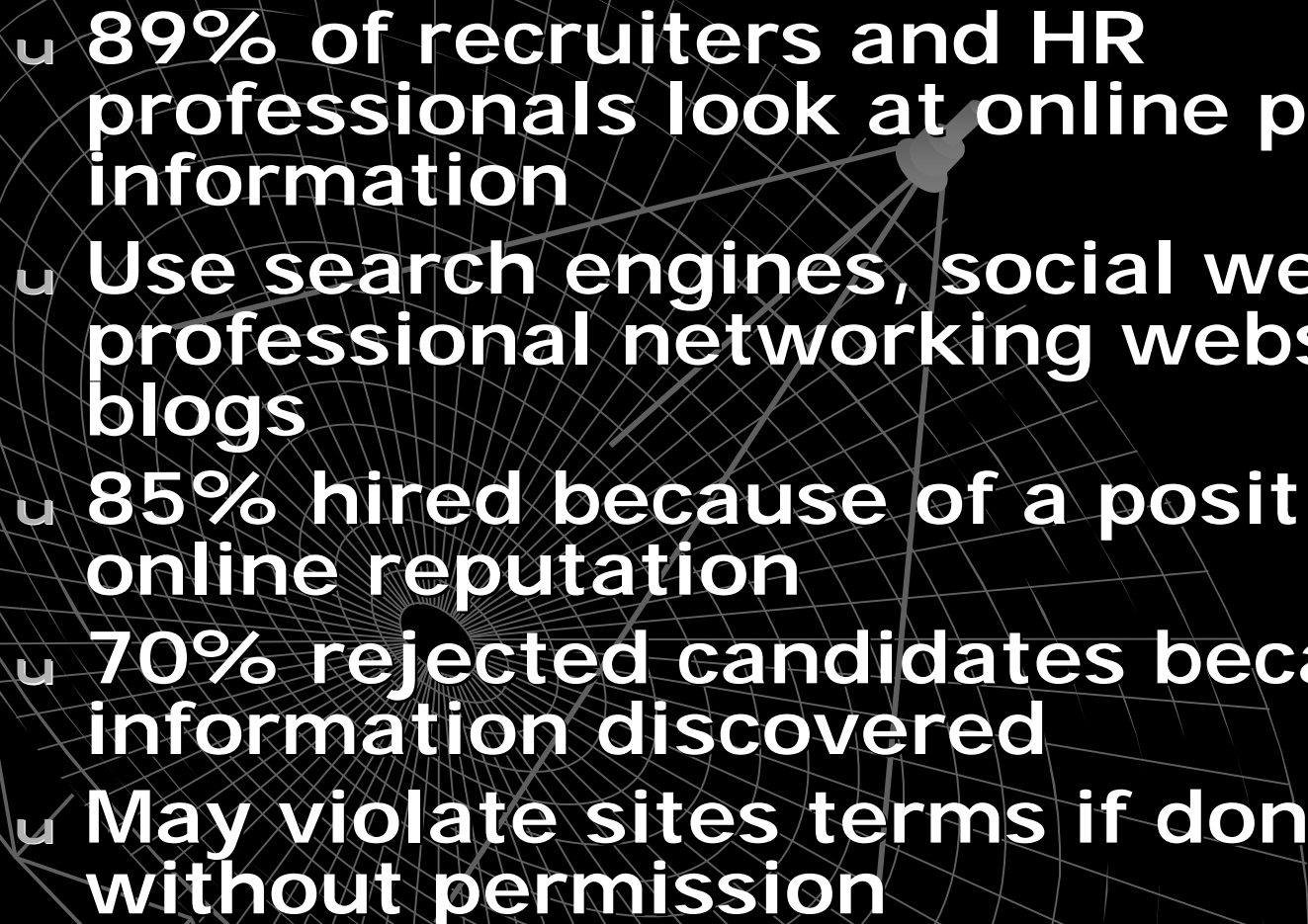
- u Employees set up a password-protected blog on MySpace to vent about management. It contained confidential information
 - u Employer convinced employee with access to give up her password
 - u Two group members fired
 - u Jury found for the employees
- Pietrylo v. Hillstone's Restaurant Group
d/b/a/Houston's**

NLRA

- u Employees may be protected when engaged in a protected “concerted activity” (i.e. related to the terms and conditions of employment)
 - When discussing wages, hours and working conditions
 - Existing union is not required
 - Discipline may be inappropriate if protected activity involved

Screening Applicants on the Internet

- u **View more personal information than an application would reveal**
- u **Protected categories are revealed:**
 - **Color, race, national origin, sexual orientation, marital status, disability, religion, age, ethnicity, family medical information,**
 - **Personal opinions, politics, family issues and personal photos, financial issues, off-work legal activities**
- u **Very vulnerable to "fail to hire" claim based on protected category bias**

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- u **89% of recruiters and HR professionals look at online personal information**
 - u **Use search engines, social websites, professional networking websites and blogs**
 - u **85% hired because of a positive online reputation**
 - u **70% rejected candidates because of information discovered**
 - u **May violate sites terms if done without permission**

Don't Believe All You Read

- ┌ Misrepresentation of self
 - Education, social behaviors
- ┌ Websites
 - Background and credit check agencies
 - ┌ FCRA (Fair Credit Reporting Act)
 - www.fakeresumes.com
- ┌ Always be consistent: check one then check all

Before You Discipline

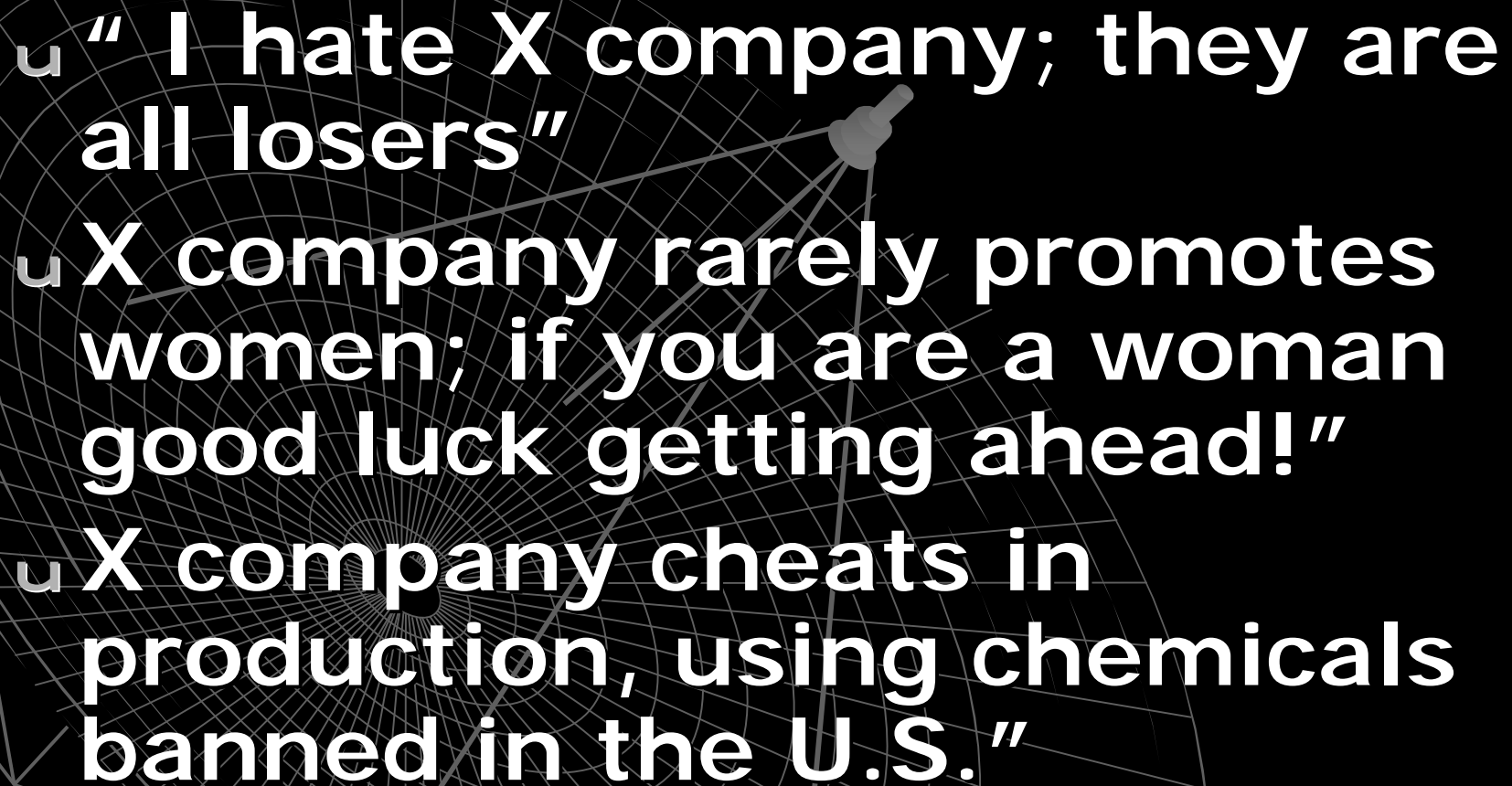
- u Protected by NLRA?
- u Protected by Whistleblower laws?
- u Related to political activities or affiliations?
- u "Legal off-duty activity"?
- u Potential discrimination claim?

Possible Reasons for Discipline

- u Illegal web-based activity while at work
- u Excessive time at work on-duty surfing the web
- u Calls in sick and then posts contrary information

Possible Reasons for Discipline

- u **Revelation of confidential company information**
 - **Competitors are watching the internet too!**
- u **Negative comments regarding products, services or methods of operation that are NOT protected activities**

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- u " I hate X company; they are all losers"
 - u X company rarely promotes women; if you are a woman good luck getting ahead!"
 - u X company cheats in production, using chemicals banned in the U.S."

Former Employees

- u Demand removal of posts that violate the site's terms of use
- u Start an internal PR approach
- u Contact counsel
 - Use counsel guidance to determine if a lawsuit should be threatened or implemented

The Airwaves Are Alive!

- Only 29% of employers have a formal policy regarding employee use of social networking sites
- Only 20% of employers world wide

Policies

- u **Social Media Guidelines: company page**
- u **Blogging: on-duty**
- u **Social Networking: off-duty use**
- u **Electronic Media & Monitoring: use and privacy expectations**

In All Cases

- u Use legal counsel to draft the policy
- u Make social media activities subject to all existing company policies
- u Be specific about areas that are off-limits

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- u **Be clear about expectations of professional behavior**
 - u **Prohibit references to customers**
 - u **Ban use of protected logos or trademarks**
 - u **Compliance monitoring**
 - u **Always include disclaimer requirements**

A “Family Emergency”

Kelvin Colvin called in and said that he would have to miss work due to a “family emergency”. A few days later, he posted pictures from a Halloween party that occurred during the same time as the “family emergency.”

<http://www.switched.com/2007/11/13/lying-male-intern-busted-in-a-dress-on-facebook/>

No More New Job!

u Job applicant tweets:

- "Cisco just offered me a job! Now I have to weigh the utility of a fatty paycheck against the daily commute to San Jose and hating the work."

u In response:

- "Who is the hiring manager. I'm sure they would love to know that you will hate the work. We here at Cisco are versed in the web"

<http://bhc3.wordpress.com/2009/03/17/how-to-tweet-your-way-out-of-a-job/>

As a User, Remember

- u No expectation of privacy---from any part of the world!
- u Do not throw your doors open to strangers
- u Use good judgment and common sense
- u Don't break the law or violate the policy of your company-there will be consequences

Smart Guidelines

- u **NEVER “friend” an employee-no retaliation for declining**
- u **Limit searches to “professional sites” such as LinkedIn**
- u **Publish the policies**
- u **Train managers, educate employees**
- u **Be consistent in policy application**

Guidelines

- u Do not engage in fraud (fake friend requests)
- u Use IT and privacy controls to monitor internet activity
- u Stay informed of changes in laws
- u Make "legitimate business need" your focus
- u Be aware-expect employees to use these sites



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