

# Social Media at Work

Reap the Rewards and Avoid the Risks



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## Course Objectives

After you've completed this course, you'll be able to:

- Recognize the benefits of using social media in the workplace.
- Identify the various legal and ethical risks of using social media in the workplace.
- Protect your organization against legal action resulting from intentional or unintentional violations of law or policy.
- Encourage an “ambassador attitude” in employees.
- Provide guidelines that help employees make good decisions when using social media at work.
- Identify the elements of an effective social media policy.



## Introduction (cont.)



While using social media effectively requires caution and good judgment, it can also have significant benefits, such as creating loyal, long-term customers and improving relationships with employees, vendors, and suppliers. This program looks at the actions you should take—and those you should avoid—to use social media successfully in your workplace.

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## Module 1: Social Media in the News

## In the News

Almost every day in the news, you can read about incidents involving the use of social media. Here are some examples:



- **Twitter:** Just before the 2012 London Summer Olympics began, two athletes were denied participation for sending racist tweets.<sup>1</sup>



- **YouTube:** In Tucson, Adam Smith, former CFO of medical supplies manufacturer Vante, was fired after he posted a video of himself berating a Chick-fil-A employee.<sup>2</sup> Smith bullied the employee in protest of anti-gay-marriage statements made by Chick-fil-A's COO, Dan Cathy.



## Social Media Statistics<sup>6</sup>

**53% of employers have a formal social media policy—that means 47% do not.**

- 42% of employers say no to all use of social media.
- 59% of media companies actively encourage employees to use social media.
- 71% of energy companies prohibit all social media use at work.
- 65% of small businesses use social media for recruiting, as do 51% of medium businesses and 44% of large businesses.
- More than 50% of employees who are 55 and older use social media at work every day.
- 40% of Gen Y workers rate access to social media over receiving a higher salary.



## Categories of Risk

The risks associated with the use of social media in the workplace fall into several categories. Some concern activities that form the basis for lawsuits, which may be initiated by the company against an employee (or more likely, a former employee) or vice versa. Other risky activities are not legal issues, but issues of poor judgment and violation of company policy.

We'll look at each of the following categories in detail over the next few slides.

- Defamation
- Cyber-bullying
- Trademark/copyright infringement and revealing trade secrets
- Privacy violations
- Policy violations
- Discrimination against employees or potential employees





## Trademark/Copyright Infringement and Revealing Trade Secrets

The use of trademarked or copyrighted items or information without authorization is against the law. This can be as innocuous as posting a favorite comic strip or as intentional as purposefully revealing trade secrets. A **trade secret** is confidential information that has economic value to an organization and is not generally known or easily discoverable.

- Example: A CFO was fired for tweeting about the company's financial results before they were officially released. Even though his tweet wasn't specific—"Good numbers=Happy Board"—this was considered a breach of confidentiality of a trade secret.<sup>9</sup>
- Example: PhoneDog filed a lawsuit against a former employee claiming that his Twitter account with 17,000 followers (created during his time at PhoneDog) should be afforded trade secret status. The former employee claims that the followers should belong to him because he attracted them.<sup>10</sup>



## Weigh Bad PR Against More Bad PR

Employers should weigh the bad PR resulting from negative comments against the bad PR that could result from overreacting to these comments. Sometimes, a company's reaction to bad PR ends up backfiring, and instead of being suppressed, the incident goes viral and receives extensive publicity.



This is called the “**Streisand effect**” because of a lawsuit that singer Barbra Streisand filed in 2003 to suppress photographs of her home.<sup>12</sup> The photos had been downloaded only six times (twice by her attorneys). After the public became aware of the case, the photos were viewed more than 420,000 times in the following month.

**The lesson:** Make sure the consequence for violating company policy is in line with the infraction.

## The Law

The National Labor Relations Act (NLRA), a law passed in 1935, prohibits employers from interfering with an employee's right to engage in "protected and concerted activity," which includes discussions or actions regarding wages, hours, or other working conditions.<sup>13</sup> This law is enforced by the National Labor Relations Board (NLRB).



Example: American Medical Response of Connecticut terminated an employee for violating its social media policy when the employee referred to her supervisor as a mental patient in a "friends-only" Facebook post. The post was made on her own computer on personal time. The NLRB filed a complaint based on unfair labor practices. The company settled the lawsuit and agreed to not improperly restrict employees from discussing wages, hours, and other working conditions, even when not at work.<sup>14</sup>



## Business Benefits of Using Social Media

Now that we've talked about lawsuits and potential problems with social media, it's worthwhile to review its many benefits. When used effectively, social media can enable your organization to:



- Promote its products or services.
- Increase visibility and goodwill in the community (geographic and online).
- Engage more directly with customers.
- Improve and increase networking relationships.
- Recruit new employees, attract potential clients and customers, and establish new vendor and supplier relationships.

## Why Have a Policy? (cont.)

A social media policy has several key functions. It provides:

- Protection to the organization against liability for the actions of its employees.
- Guidelines to employees about appropriate and inappropriate use of social media.
- Guidelines to employees about what they can and cannot say about the organization.
- Clear consequences for employees who violate the policy.
- Clear information about how employees' use of social media is monitored.



## Social Media at Work Test Your Knowledge

*Read the question, then click on the answer.*

**Which of the following statements is true?**

- a. A social media policy isn't necessary if the organization blocks access on its computers.
- b. A social media policy doesn't need to address what employees do on their own time and on personal computers or smart phones.
- c. In order to keep employees on their toes, a social media policy shouldn't specify the extent or process of monitoring that will occur.
- d. A social media policy should tell employees to use good judgment because it can't spell out every appropriate and inappropriate behavior.



## Case Study

Read the case study and answer the questions that follow in order to put your critical thinking skills into practice.

**Organization:** A county assessor's office in Texas

**People:** Julia, Francesca, and their mutual boss, Lynda

**Situation:** Julia and Francesca have worked in the same department for several years, but it's obvious they don't get along. Each frequently makes sarcastic or spiteful remarks about the other, and each complains to Lynda about the other.



## Case Study (cont.)

Just recently, it came to Lynda's attention that Francesca created a poll on her personal Facebook page asking people to vote on their favorite and least favorite coworkers. The only "contestant" in the least favorite category is Julia.



Julia has not complained to Lynda, so Lynda assumes that she either hasn't seen the post or is planning some retaliation. Lynda decides to ignore it, hoping Julia hasn't seen it and won't.

This strategy doesn't last for long. Later that afternoon, Julia comes storming into Lynda's office.

**Julia:** Francesca is at it again! This time is the worst—she created a “least favorite coworker” contest on her Facebook page and the only choice is me! I can't stand this—you have to do something now!



## Questions to Consider

1. What issues does Lynda need to sort out?
2. How should the recent interpretations of the National Labor Relations Act (NLRA) affect Lynda's thinking about the situation?
3. If Lynda addresses the situation with Francesca, can she do so and remain within the bounds of the NLRA? If so, how?
4. How would having a clear social media policy have changed this situation?



Review the ideas and suggestions provided on the following slides.

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