



Social Media:
Corporate policy that supports strategic advantage





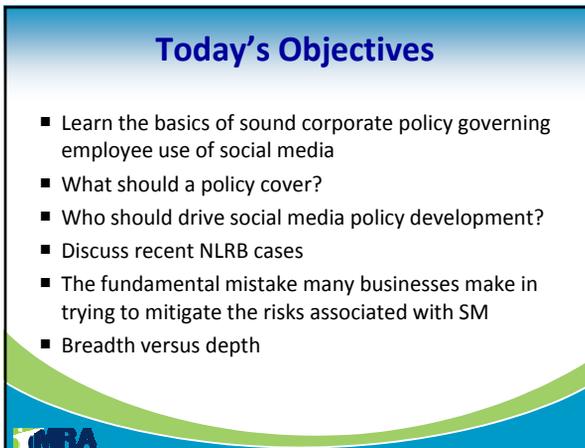
About Your Speaker



George Blomgren
Director of Business Systems
MRA— The Management Association

- 21+ years of experience in marketing, human resources, technology & web
- Advises MRA members on a variety of technology topics
- Spoken to/trained thousands of business people on using LinkedIn & social media policy





Today's Objectives

- Learn the basics of sound corporate policy governing employee use of social media
- What should a policy cover?
- Who should drive social media policy development?
- Discuss recent NLRB cases
- The fundamental mistake many businesses make in trying to mitigate the risks associated with SM
- Breadth versus depth



An Important Note

- Many industries have unique compliance requirements, guidelines and or laws that govern social media.
- Case law is only starting to hit the books. Everything in this presentation is subject to change!
- Please consult your corporate counsel.



SOCIAL MEDIA POLICY

Who Has a Social Media Policy?



Common Roadblocks

- Waiting for case & statutory law
- “We already have an internet usage policy”
- Stuck between a rock & a hard place (the benefits vs. the concerns)
- Want to get a good handle on concerns first

Concerns

- Productivity
- Disclosure of sensitive information
- Disparaging the company or its managers
- Harassment, slander/libel & similar liabilities

Inside Tip



Employee Referral Programs & Social Media

We Need To Proceed Anyway

- “Use common sense” — terrible advice
- Even if you aren’t embracing social media, your employees (and the rest of the world) are
- “The average Joe” employee wants and needs guidance

The Process

- Meet with senior management, get a preliminary feel for the type of policy they want
- Committee: employees who use social media
- Find template documents
- Choose a template document
- Share with senior management, including CEO
- Adapt template
- Distribute, communicate, train
- Monitor

Inside Tip



Related Policies

Lock It Down



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The Problems With Prohibition

- Often goes hand in hand with IT measures to lockdown social media websites
- You can only lockdown social media at work
- It doesn't work. You don't prevent the dialog from going on, you simply eliminate your ability to monitor & respond

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- Identify specific risks, and develop balanced policies that focus on those.
- Be clear about the business reasons, and the consequences of not following the policy
- Be explicit about monitoring & consequences
- Consistent, fair enforcement

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Be aware that restrictive policies can impact staffing, innovation & your employer brand.



Inside Tip



A “balanced” social media policy = Alignment with related policies



What Should Policy Cover?

Legalities, compliance & “hard” standards

- Accuracy & truthfulness — employees are responsible for complying with all relevant laws
- Identity/disclaimer — employees should be honest about their identity. If they identify themselves as employees of your organization, they should include a disclaimer that they do not speak for your organization
- Confidentiality, proprietary & sensitive information
- Harassment & libel
- Recommending vendors/individuals
- When social media may be used
- What to do if contacted by media (including bloggers)
- Any special considerations for your industry, e.g., HIPAA, SEC, OFCCP, etc.



Inside Tip



Honey, Vinegar & LinkedIn Profiles





The Angry CEO
(Who Owns Networks?)





**NLRB, NLRA &
SOCIAL MEDIA**

At Issue

Employer Policy
"Employees are prohibited from making disparaging, discriminatory or defamatory comments when discussing the Company or the employee's superiors, co-workers and/or competitors."

VS

NLRA Section 7's Guidelines Regarding "Protected Concerted Activity"
Section 7 of the NLRA protects the rights of all employees, regardless of union status, to engage in protected "concerted activities," such as discussing wages, work conditions, and other terms of employment.



NLRA (Section 7)

An employer may properly restrict communications such as (non-exhaustive list of examples cited by the NLRB): (1) conversations about the employer's proprietary information, (2) explicit sexual references, (3) criticism of race or religion, (4) obscenity, profanity, or egregiously inappropriate language, (5) references to illegal drugs, and (6) online sharing of confidential intellectual property.



NLRB Update 5/2012

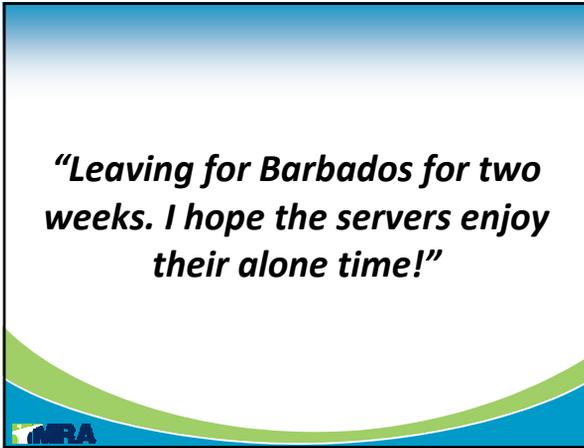
- Policy critiques
- Sample policy















Legal Concerns

- Adverse/disparate impact on protected classes
- (When used for screening) Facebook especially is like a case study in everything you *shouldn't* know about a candidate
- OFCCP "internet applicant" requirements

Final Thoughts

Good

- Defining what your employees should and shouldn't do with social media

Better

- A policy & ongoing training programs that focus on how to use social media effectively, and the benefits to them and the organization

Best

- Creating & supporting a formal structure to encourage employees to utilize social media in a constructive, positive manner.
- Sprint example