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Social Media (The Risk & Rewards)

Escambia County SHRM
August 2012

Melva Tate, PHR

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Let's get connected!!!

(turn them on)

#ecshrm



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Disclosure/ Rules of Engagement :

Not an expert!

Research & Play

(& Repeat)

Discussion Drift

Go back and Get Specific~

No obligation!

Eat what you will!





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Talking Points:

What is social media and the most popular platforms?

The impact and extent of social media in the workplace / organizations.

Social Media policies and more!



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What bucket?



POW List

Find your 3 Nuggets

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What is Social Media? (social networking)

The way we interact and communicate using web-based technology.

Social media is an umbrella term that defines the various activities that integrate technology, social interaction, and the construction of words and pictures.

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What is Social Media?

(social networking)

Online communications in which individuals shift **fluidly** and **flexibly** between the role of audience and author.

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4.8 billion mobile users!!!!

- **Facebook** - 845 million monthly users, 250 million photos are uploaded everyday, 2.7 billion “likes” per day
- **Twitter** - 465 million accounts, 175 million tweets a day, USA has 107 million members

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- **LinkedIn** - 2 new members join every second, USA has 57 million members, LinkedIn is the 36th most visited website in the world
- **YouTube** - 2 billion views per day, over 829,000 videos uploaded each day
- **Pinterest** - 10.4 million registered users, most users are female, drives referral traffic to retailers





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The Life of Ice Cream on Social Media

| | | | |
|--|--------------------------------|--|------------------------------------|
| | I like Ice Cream | | I just ate an Ice Cream Cone |
| | Here is an Ice Cream recipe | | Here is a pic of my Ice Cream Cone |
| | Me dancing eating my Ice Cream | | A 75% off Ice Cream Coupon |
| | I'm an Ice Cream Expert | | My favorite Ice Cream place |



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Social Media Devices?

Desktop

Laptop

IPad

IPhone / Blackberry

Smartphones

Notebooks

“Bond Watch”

Cars



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HR Folk!
(Don't be afraid)

Social media isn't just a cause of angst for HR professionals.

It can be a powerful business tool.

Put Social Media to Work for You
By Jennifer Taylor Arnold

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Recruitment

Recruiters use personal and corporate pages on Facebook and LinkedIn to announce openings and network with prospective clients.

Recruiters at a variety of companies are beginning to use Twitter to announce employment opportunities; job seekers can subscribe to their Twitter feeds to get notification when positions are available.

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Engagement

Some companies use a corporate Facebook page to communicate new programs or policies. Employees can react to the announcement immediately and comment or ask questions.

Example: Calif.-based software giant, uses a corporate blog and video sharing to keep employees around the world engaged in the corporate officers' semiannual meeting.

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Crisis Management

Use a business Facebook page and Twitter account to communicate with employees, clients, suppliers and the media during an emergency.

“Alabama Snow Day”
~April 27th Storms~



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Other Biz Benefits

Sales

Brand management

Competitive intelligence

Knowledge sharing

Customer communication

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What Are the Costs to the Company?

What's the greatest cost to companies?



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Productivity Debate?



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Productivity Debate?

The biggest cost to the company is wasted time, often up to 2 hours per day.

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Employee monitoring!

- 76% of companies monitor web activity
- 65% block connections to certain websites
- 26% track content, keystrokes, time spent
- 55% are storing and monitoring e-mail

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What Are the Costs to the Company?

Increased risk of lawsuits

Disclosure of secrets

Damage to reputation

Venue for disgruntled employees

Venue for union organizing



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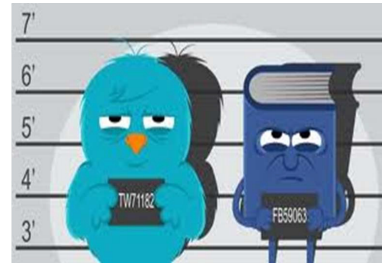
When Work & Social Networking Collide

The New Litigation Arena

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“likes” are not free speech

Bland v. Roberts –



A Virginia federal judge held that Facebook “likes” are not constitutionally protected speech, nixing a lawsuit brought by workers who claimed the sheriff fired them for supporting his opponent.

The termed workers alleged that they had engaged in a constitutionally protected activity by liking the opponent’s Facebook page.

The Judge ruled that clicking on “like” is not protected speech.



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Wage & Hour Concerns

Are employees encouraged to promote the company on Social Media?

- Time spent promoting the employer's product or service through social media sites is most likely compensable "working time" under FLSA and applicable state/local wage and hour laws.
- Employers should require employees who blog or maintain a social networking site as part of their job and who are not exempt to record time spent "working" on the blog or site.



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You Want My Password????????

- Maryland - 1st state to pass legislation banning employers from asking employees and job applicants for their social media passwords
- Password Protection Act – proposed federal legislation
- Facebook has issued a statement condemning this practice.



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You Spying On Me??????

Social Security Administration has told its disability-claims judges not to seek out information from websites because:

- (1) Reviewers cannot trust information posted online and
- (2) the act of typing in queries could compromise protected private information.

Opponents of the new policy argue that the Internet has been used as a valuable anti-fraud weapon.

Social Security's ban covers all Internet sites, including social media like Facebook.



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Delta Airlines Flight Attendant Fired for Provocative Pictures on Personal Website



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- Fast food employee fired
- Video of him taking a bath in the restaurant kitchen sink is posted and goes viral
- Local Health Department sees the video and conducts investigation



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F-you!



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TV Station Learns Twitter, Billboards Don't Mix





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Evolving Technology



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Policy Development

NLRA - At a minimum, a good social media policy should include:

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(1) Prohibition on comments about co-workers or supervisors or the Employer that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the Employer's workplace policies against discrimination or harassment.

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Policy Development

(2) Requirement that the employee use a disclaimer when an employee is expressing his or her views and has identified himself as an employee of the company.



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(3) Prohibition on uses of social media that disclose proprietary or confidential information belonging to the company.



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Policy Development

- Remember your social media policy violates the NLRA when it is so ambiguous that an employee could reasonably construe it as prohibiting activity protected by the NLRA.

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Policy Development

Check the SHRM Website!!



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Approvals

Consider an approval process to get permission for employees to use social media for business purposes.

If the company name is used, require a disclaimer to make it clear that the views expressed are not those of the company unless the business use has been approved.

Require approval to use company logos, trademarks, or other intellectual property.

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Be Careful About Background Checks

- ***Get the applicant's consent on the application form.***
- Establish written process for checks by category of job.
- Consider separating recruiting data from the hiring process.
- Consider prohibiting your hiring manager from doing Internet checks on applicants. Let HR staffers do it—they can filter the information and pass on what the manager needs.

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Be Careful About Background Checks

- ***Consider using social media checks post-offer only.***
- Do not engage in “pretexting” (lying about your identity to obtain information).
- Use a consistent process for searches.
- Identify the criteria used (e.g., criminal behavior, discriminatory animus).
- **Retain a record of pages viewed.**
- ***Discuss your findings with the applicant before revoking an offer.***



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Background Checks

According to surveys, **44 percent** of employers use social networking sites to examine the profiles of job candidates, and 39 percent have looked up the profile of a current employee. Some say they find negative information such as provocative or revealing photos or information, while others find good information regarding a candidate's personality and fit.

Some experts say, 'Don't do these checks,' but in the real world you have to do the best background checks you can.

Example: a company was looking for a new "Head of Ethics." A full background check revealed nothing alarming. However, the company's own Google search revealed a job that the candidate hadn't mentioned on his résumé, a job which he had left under questionable circumstances.



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Confidential and Proprietary Information

Issue a caution about disclosure of confidential and proprietary information.

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Example:

An employee who works in research and development updates his Facebook status, bemoaning the fact that he has to cancel his weekend golf plans due to yet another project delay.

Other Facebook users connect this with a highly anticipated product launch, and the company's stock price **declines**.

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Content Restrictions

Insist on the following:

- Respectful, truthful communications regarding the company, co-workers, and competitors
- No offensive or illegal statements or activities
- No offensive screen names

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Example:

A salesperson posts a derogatory comment on Twitter about a prospective client's headquarters city as he lands there the day before a critical presentation.

Someone forwards the tweet to the CEO, who cancels the meeting.

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Educate, Educate, Educate

Outline the internal and external challenges created by misuse of social media.

Clearly communicate your expectations, and identify sanctions.



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You Can't Unring the Bell

During a social media search, you may discover information that could lead to a claim of **discrimination**.

Example:

You might find out about protected class status, race, age, national origin, veteran status, gender, sexual orientation, legal off-duty activity, political affiliation, or disability, or you might see that the person is a member of the Cancer Survivors Club. (GINA)

Unfortunately once you find out the information, you can't unring the bell and pretend that you never saw it.

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Be Aware of "Use Policies"

If you ignore websites' "use policies," you may further a claim.

For example: the Facebook use policy says "If you collect information from users, you will: obtain their consent, make it clear you (and not Facebook) are the one collecting their information, and post a privacy policy explaining what information you collect and how you will use it."

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Reliability of Information

There are always issues of reliability with Web searches.

For example:

Identity confusion. Is the person you found the same person you are looking for?

Posting confusion. Who posted the information? Was it the person you are looking for or someone else with, perhaps, malicious intent?

Online cleanup. Numerous third-party vendors are available to monitor and “clean up” individuals’ online reputations. They can flood the Internet with positive information that pushes the negative information down to the 20th page of Google results.



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Relationships

Consider restrictions on who can be friended or networked—especially for managers.

Prohibit harassment, discrimination, or retaliation.

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Managers, friends, and connections

Are managers "friending" some employees and not others?

Is pressure applied to "join my group" (Christians, women, etc.)?

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References

Address whether employees can provide recommendations on LinkedIn® and other sites for current and/or former employees, colleagues, and competitors.

Consider reserving the right to require the **retraction** of recommendations.

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Evidence in litigation

Social media provides a potential 'treasure trove' of information—for you, your employees, and your competitors - it can show up in court when you least want to see it.

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Example:

An employee is terminated for cause. A few weeks later, she asks a former colleague to recommend her on LinkedIn.

The former colleague writes a glowing recommendation. The terminated employee later uses this recommendation as evidence in a discrimination suit, claiming she was terminated unfairly.



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Copyright violations

An employee who publishes a misappropriated third-party trade secret or copyrighted material on the Internet may be liable.

If the employer's computer system was used, a potential claim could be made against the employer.



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The Point of It All~

The overriding point is that you want your people educated that accessing social media for business purposes is **not risk-free.**



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Blogs!

A **blog** (a blend of the term *web log*) is a type of website or part of a website.

Blogs are usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video.

Entries are commonly displayed in reverse-chronological order. *Blog* can also be used as a verb, meaning *to maintain or add content to a blog*.

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8 Hours

Ask A Manager

Career Revolution

China Gorman

Compensation Force

Culture to Engage

EffortlessHR

Employer's Lawyer

Evil HR Lady

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HR Observations

HR Thoughts

HR BLOGS

Incentive Intelligence

Industry Radar

John Hollon@Workforce

JPIE

KnowHR

Marcum/Smith

Marketing Headhunter

Rise Smart

SuccessFactors

Suits In the Workplace

TalentBar

TLNT.com



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What's your social media story?





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