



Ontario East Municipal Conference 2016

Social Media in the Municipal Sector
September 15, 2016



IT CAN WAIT

TEXT STOP

5 MILES

IN CASE OF FIRE



EXIT BUILDING
BEFORE TWEETING
ABOUT IT

Social Media



Instagram

WE ALL MAKE MISTAKES. BUT
SOCIAL MEDIA
CAN FRAME THOSE MISTAKES
AND DISPLAY THEM INFINITELY.

Social Media Risks for Municipalities

- Employees use personal account to communicate work related activities
- Employees post on corporate feed rather than personal account by mistake
- Lack of control over Corporate Content
- Unrealistic expectations of customers service at internet speed
- Personal posts that reflect badly on the municipality

Message to Employees

- Internet is permanent
- A Judge may read your post
- Laws apply – copyright, defamation
- Human Resource Departments monitor these sites
- Personal posts can be accessed by the public



A Tweet Gone Bad

HMV – large # of employees laid off

No one disabled their corporate twitter access

Live tweet: [the “mass execution of loyal employees who love the brand”](#).

Senior management didn't lock down the Twitter account.

Source: SEJ March 27, 2014

Litigation as a Result of Social Media



Toronto (City) v. Toronto Professional Fire Fighters' Association, Local 3888, 2014 CanLII 76886 (ONLA)

- This was an arbitration matter between the City and The Toronto Professional Fire Fighters' Association (TPFFA) over the dismissal of a Fire Fighter in September 2013
- The TPFFA filed a grievance on behalf of this employee
- The grievor was a 27 year old firefighter with 2 ½ years experience
- He was using his personal Twitter account to send “tweets” to his followers that he described as friends and family

Toronto (City) v. Toronto Professional Fire Fighters' Association, Local 3888, 2014 CanLII 76886 (ONLA)

- The grievor testified that he did not realize that his tweets could be accessed by the public
- Many of his tweets were sexist, misogynist and racist and some were offensive in their references to homeless people and people with disabilities
- In his profile he identifies himself as a Toronto firefighter and even included a photo of himself in his work gear
- The National Post published an article on this situation and included 3 of his tweets, all of them were offensive

Toronto (City) v. Toronto Professional Fire Fighters' Association, Local 3888, 2014 CanLII 76886 (ONLA)

- The City terminated this employee because his comments were “contrary to the City of Toronto and Fire Services policies and guidelines, including the policies concerning discrimination and dignity in the treatment of other persons..”
- The employee had acknowledged that he was familiar with their human rights , conflict of interest and the Human Rights Code and did write a letter of apology to the City
- The grievor argued that he “had no specific training in respect of the Employer’s Policy on the Personal Use of Social Media”
- The arbitrator had to decide whether the discharge was based on “justifiable reasons arising out of conduct away from the place of work..” They include whether the grievor harmed the City’s “reputation or product” or that he was “unable to perform his duties satisfactorily”

Toronto (City) v. Toronto Professional Fire Fighters' Association, Local 3888, 2014 CanLII 76886 (ONLA)

- The Arbitrator believed that with the disregard shown by the firefighter to the Employer's policies, he failed to appreciate the entire job because it involves more than attending a fire scene or attending as a first responder
- Therefore the Arbitrator concluded that “..the conduct of the grievor has harmed the reputation of the Employer. His conduct has impaired his ability to fulfill the complete range of responsibilities of a firefighter. His serious violation of the Employer's Human Rights and Anti-Harassment policy has rendered his conduct injurious to the general reputation of the Toronto Fire Service.”
- The grievance was dismissed

Pritchard v. Van Nes 2016 BCSC 686

- Mr. Pritchard is a school music teacher and had been neighbours with the defendant for 6 years
- Tensions had risen between the neighbours due to issues such the defendant's loud air conditioner and waterfall structure and their dog that often entered the plaintiffs' property
- In 2014, the tensions had risen when Ms. Pritchard had used her camera to take pictures of the neighbours' dog and video of the waterfall structure
- The Pritchards' had also hung up a decorative mirror in their backyard facing the neighbours property
- On June 9, 2014, Ms. Van Nes then went onto Facebook to "vent" about the situation

Pritchard v. Van Nes 2016 BCSC 686

- Ms. Van Nes posted 2 photos of her neighbours' backyard and the mirror with a message containing: "My neighbour has mirrors hanging outside his home...Doug also videotapes my kids in the backyard 24/7!..."
- She also posted "Now that we have friends living with us with their 4 kids including young daughters we think it's borderline obsessive and not normal adult behavior..."
- This prompted several of her "friends" to make comments alleging that Mr. Pritchard was a paedophile, or a creep and not fit to teach. Many of these people had their own friends with access to these posts and the situation went "viral"
- Ms. Van Nes also remarked on many of these responses, essentially adding fuel to the fire
- The plaintiff filed a complaint to the police which prompted the defendant to delete her posts (27 ½ hours after they were originally posted on her Facebook page)

Pritchard v. Van Nes 2016 BCSC 686

- The plaintiff filed an action citing nuisance (noise complaints and the dog) as well as defamation
- In the Reasons for Judgment, the Judge ruled that there was a finding of nuisance for the actions of the defendant
- Regarding the claim for defamation, the Judge believed there was a valid claim because the defendant had no privacy settings in place, and would also be responsible for the “friends” republication of the comments that were made
- The Judge also commented: "She had control of her Facebook page. She failed to act by way of deleting those comments, or deleting the posts as a whole, within a reasonable time.."
- The plaintiff was awarded General Damages of \$2,500 for the nuisance claim + \$50,000 for the defamation claim and punitive damages of \$15,000 + his costs

Managing the Risk

Social Media Policy

Employee Training

Employee Acknowledgement

www.kitchener.ca/en/insidecityhall

www.redcross.ca

www.coca-colacompany.com

Appoint a Media Spokesperson

- There may be times that employees are contacted by members of the media
- If that happens then the employee is recommended to pass the information to the Media Spokesperson to respond
- Let the media professional handle the media



Special Events, Festivals or Celebrations



Special Events

- Enhance Tourism
- Have an Economic Impact
- Bring cultural & recreation events
- Make your municipality a community



How Big Was This?

- Macy's parade is the largest parade in the world with 200 floats
- County received applications from 240 organizers wanting to put in a float
- County accepted 25
- Family chose the floats

Brant County Chain of Events

- October 16th - think this event may have legs, SEAT asked to be on stand-by County's General Manager
- Oct. 17th - family asks Brant County to take over
- Oct. 18th – Text sent to SEAT committee to be ready
- Oct. 24th – over 7,000 people attend the event

Handling the Outpouring

1. Safety of all individuals
2. Meeting the wishes of Evan's family

If it didn't conform with the above – it wasn't included.

Challenges

1. Needed a starting point with an egress route in case something happened along the route
2. Parade had to go by Evan's house (residential)
3. Needed a parade route long enough for spectators
4. Needed an end route so floats could leave Town without driving into the crowd again

Parking Challenge

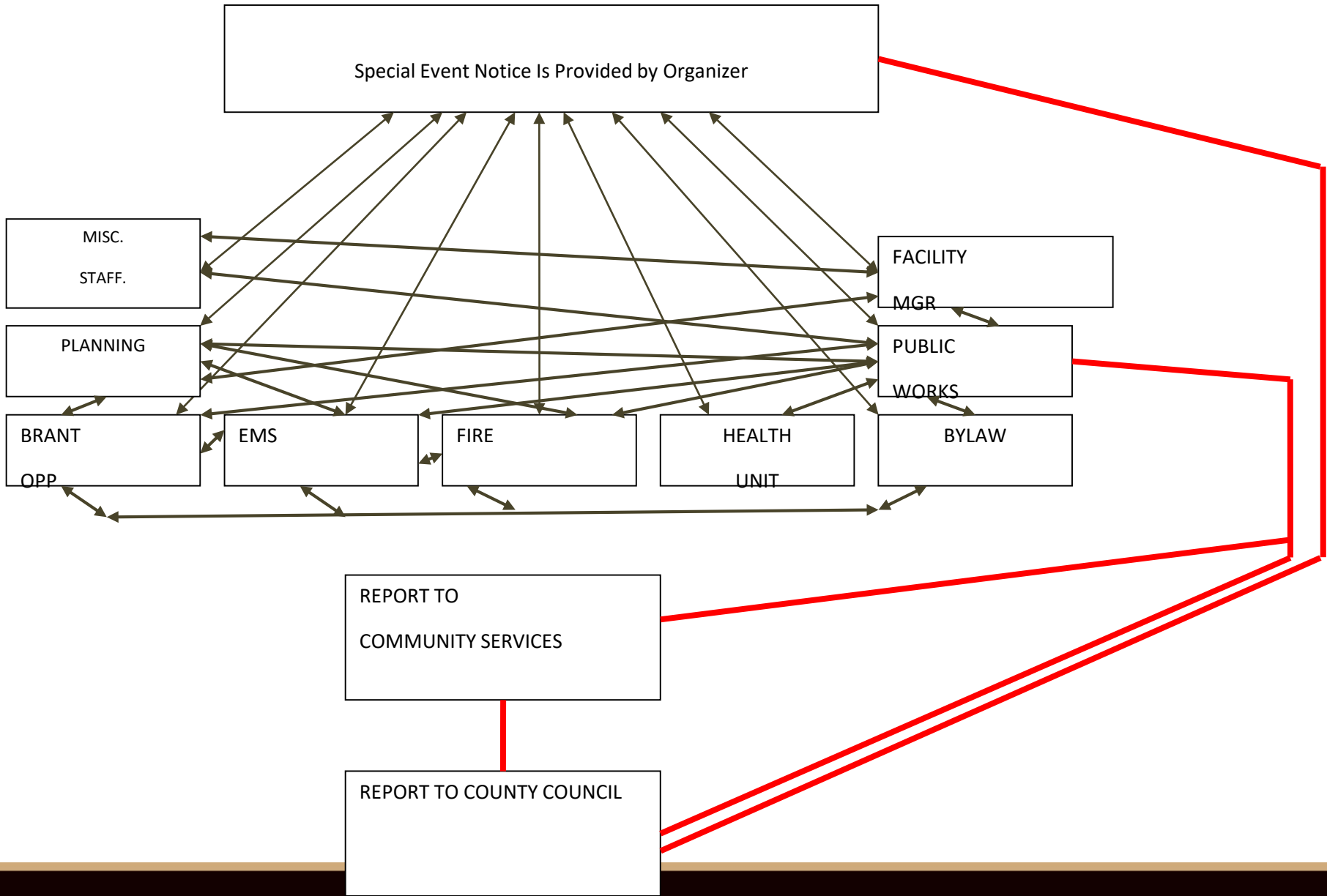
St. George could accommodate parking at its 2 churches, arena & downtown.

On Oct. 24th:

- 1) Hockey tournament at the arena
- 2) Wedding at one church
- 3) Fundraising dinner at the second church

Special Event Advisory Team





SPECIAL EVENT APPLICATION RECEIVED FROM EVENT ORGANIZER



SEAT ADMIN

Other Appropriate
County Dept.

Risk
Management

Brant OPP

Ambulance
Services

Fire
Services

BCHU

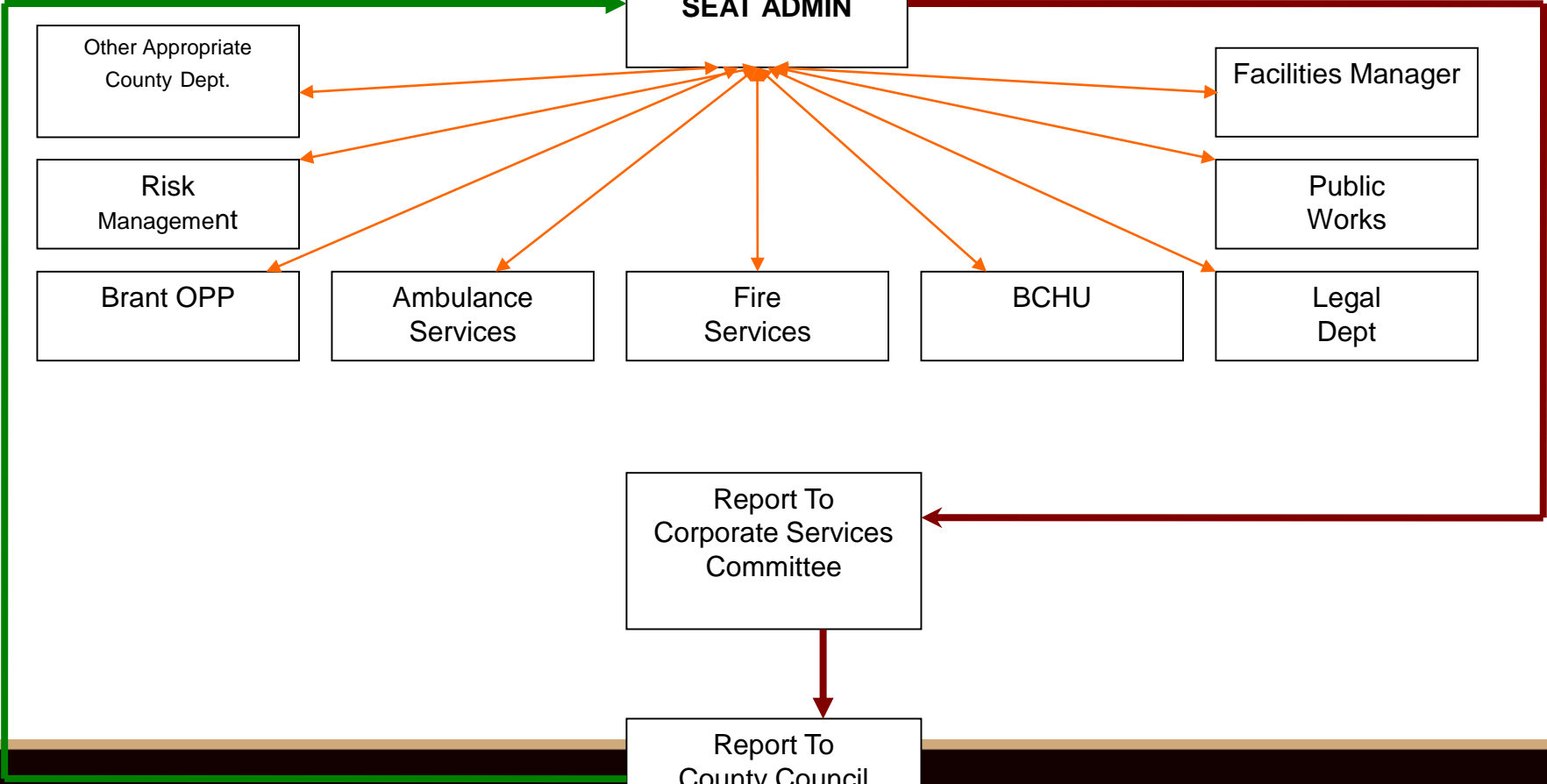
Facilities Manager

Public
Works

Legal
Dept

Report To
Corporate Services
Committee

Report To
County Council



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**Dance like no one is
watching;
email like it may one day
be read aloud in a
deposition.**

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Thank You

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Risk Analyst

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