

Ontario East Municipal Conference 2015

**Social Media and its Effects
on the Workplace**

September 16, 2015



Social networking is like being at a party but only where the whole world can access it!



Agenda

1. What is Social Media?
2. Cyber Risk Exposures
3. Creating a Social Media Corporate Strategy
4. Examples of Social Media Pitfalls
5. Social Media Litigation

What is Social Media?

- Defined in Merriam-Webster Dictionary:
 - Forms of electronic communication (as Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (as videos)
- First known use of this term: 2004
- Facebook founded by Mark Zuckerberg – Feb. 4, 2004

Social Media Websites



Instagram

Types of Social Media

- Social Networking sites - Facebook and LinkedIn
- Micro-blogging sites – Twitter
- Blogs – includes company or personal blogs and comments
- Video and Photo sharing websites – Instagram, Pinterest, YouTube
- Forums and Discussion Boards – Google Groups, Yahoo Groups
- Online Encyclopaedias – Wikipedia, Wiki

Why is Social Media Important?

- Great way to build and grow your brand
- Establishes a community related to your product and services
- Great tool to share ideas and get business referrals
- Can be used to respond to local matters and share your expertise in real time
- Information is easily tracked and measured

Social Media Vocabulary

What are the common terms you hear:

- Tweeting
- Blogging
- Friending
- Trending
- Following
- Join my Network

These terms are barely the tip of the iceberg with Social Media





LinkedIn



Social Media companies such as Facebook, Twitter, LinkedIn & Instagram are helping rewrite the rules on how companies are doing business in the 21st Century

2015 Canadian Social Media Usage Statistics*

- 59% of survey respondents use Facebook
- 30% of survey respondents use LinkedIn
- 25% of survey respondents use Twitter
- 16% of survey respondents use Instagram

* Study conducted by Forum Research

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

Social Media Risks for Municipalities

- Viruses or malware
- Brand Hijacking
- Lack of control over Corporate Content
- Unrealistic expectations of customers service at internet speed
- Mismanagement of Electronic Communications

Social Media Risks for Employees

- Using personal accounts to communicate work related information
- Posting pictures or information that might damage the corporation's brand
- Excessive employee use of social media at the workplace
- Access to social media via mobile devices

Cyber Risk Exposures



Cyber Risk

- The Ponemon Institute reported that the average total cost of a data breach in Canada was \$5.32 million.
- Their 2015 Cost of Data Breach Study: Canada found that the average cost per lost or stolen record was \$250 and 52% of these data breaches involved malicious or criminal acts

What are the Key Risk Areas or “Threat Environments”?

- Social Media/ networking
- Internal
 - Rogue Employees/ disgruntled employees
 - Careless Staff
 - Human error
 - Lost, stolen or discarded devices
 - Mobile devices – prone to loss and theft; also, they are always on, so more vulnerable to network attacks

- External
 - Organized Crime (foreign & domestic)
 - Hackers
- Technology
 - Viruses
 - Structural vulnerability & Systems error
 - New technology risks
 - Cloud computing - shared public infrastructure, limited control of services/ data flow
 - BYOD – use of personal devices on organizations network
 - Working from home - what sort of security/ management is in place

- Old School
 - Laptop theft
 - Dumpster Diving
 - Phishing

- According to the 2015 Cost of Data Breach Study: Canada by the Ponemon Institute, just under 50% of the all data breaches are a result of employee negligence
 - This includes things such as losing laptops, mobile devices or hard copy documents



" I DON'T THINK YOU UNDERSTAND THE CONCEPT OF CYBERSECURITY."

- “...while security products and technology could have mitigated many of these unfortunate events, we are seeing more than ever how systems interconnectedness, poor policy enforcement, and human error, if far more influential than any single security vulnerability...”
 - IBM on the several high profile businesses that have had to deal with the fallout of leaked passwords and other personal data in 2012

Creating a Social Media Corporate Strategy



Corporate Strategy

1. Will you use Social Media?
2. Who will speak on your behalf?
3. How will it be used?
4. Consider a Social Media Certification Program

Communicate your expectations for on-line behaviour

1. Always adhere to your Code of Conduct
2. You are responsible for what you say
3. When you read something about your company – let them know

4. Don't respond on your company's behalf to other's posts
5. Don't mix your business life with your personal life

Corporate Social Media Policy*

- Outlines for employees the corporate standards and principles of communicating while using social media
- Helps protect the Municipalities' reputation
- Ensures consistency and professionalism
- Provides employees with an understanding of the policies and procedures surrounding the acceptable corporate and personal use of social media sites

* Source – City of Kitchener Online Communications Strategy

Corporate Social Media Policy – cont.*

- Establish protocols, criteria and courses of action for:
 - Establishing and monitoring of acceptable social media tools
 - Determining/adopting new social media tools
 - Appropriate monitoring and administration of corporate social media tools
 - Providing timely, effective and accurate information and responses

* Source – City of Kitchener Online Communications Strategy

Corporate Social Media Policy – cont.*

- Establish protocols, criteria and courses of action for:
 - Escalation of controversial or sensitive matters relating to online content about the Municipality, its business or its employees
 - Ensuring appropriate records management and retention efforts
 - Ensuring appropriate protection of privacy of the public who engage or interact with the Municipality via social media or networking tools

* Source – City of Kitchener Online Communications Strategy

Message to Employees

- Internet is permanent
- A Judge may read your post
- Laws apply – copyright, defamation
- Proprietor rights
- Human Resource Departments monitor these sites

If you post

- Follow your Code of Conduct
- State it's your personal opinion
- Stick to your own level of expertise
- Don't share confidential corporate information

If you post

- Admit your mistakes quickly – correct them but don't edit or change previous posts without specifying your actions first. Don't delete your mistakes.
- Don't use copyrighted material without permission
- When in doubt, don't post
- Always be mindful of your employer

If you post

- Don't transmit or upload material that contains or could potentially contain viruses
- Don't speak on your employer's behalf unless they authorize you to do so
- Ensure that you are not violating any laws
- Ramifications – what are they?

Social Media Guidelines for Staff *

- Know your policies
- Be transparent – Identify yourself properly
- Be accurate
- Be discrete
- Be aware of copyrights
- Don't use your municipal logo

* Source – City of Kitchener Online Communications Strategy

Social Media Guidelines for Staff - cont.*

- Don't unwittingly become an official municipal spokesperson (consult with Communications and Marketing dept. first)
- Be protective of the municipality's interests – and your own
- Don't forget your day job. Blogging and posting to other social networking sites are considered personal activities and should be done on your own time

* Source – City of Kitchener Online Communications Strategy

Examples of Social Media Pitfalls



Examples of Social Media Pitfalls

- Canada Post clerk lost her job in 2009 for trashing management and the company on Facebook
- On-air Sportsnet host lost his job in 2011 after tweeting his support for a hockey agent's anti-gay marriage stance
- An unidentified London, Ontario man was fired from his job in 2012 after being caught posting derogatory comments on a memorial website, dedicated to a 15 year old BC girl that had committed suicide

Examples of Social Media Pitfalls

- Toronto area Mr. Lube employee was fired in 2013 after using Twitter to source marijuana and have it delivered to his workplace
- Hockey coach lost his job in 2014 over posting Nazi propaganda on Facebook
- Employee lost job with Niagara Region Transit in July 2015 after posting anonymous comments including critical opinions about local politicians. He had posted these comments while at work, using his work computer

The American Red Cross' Rogue Tweet



Ryan found two more 4 bottle packs of Dogfish Head's Midas Touch beer.... when we drink we do it right [#gettngslizzerd](#)

HootSuite • 2/15/11 11:24 PM

What Happened?

- American Red Cross social media specialist mistakenly tweeted this late night message while using Hootsuite, a social media management system
- The tweet was meant to be sent from her personal twitter account
- This employee blamed the error on her inability to use this social media site

How did the American Red Cross Respond?



RedCross American Red Cross

We've deleted the rogue tweet but rest assured the Red Cross is sober and we've confiscated the keys.

12 hours ago

How did the American Red Cross Respond?

- Their apology was light-hearted with added humour
- They quickly recognized that a mistake was made and they were able to get sympathy and understanding from the public
- They also thanked their supporters with the following blog:

How did the American Red Cross Respond?

In the meantime we found so many of you to be sympathetic and understanding. While we're a 130 year old humanitarian organization, we're also made of up human beings. Thanks for not only getting that but for turning our faux pas into something good.

You immediately embraced this mix-up and many of you have pledged donations to the Red Cross:

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



Social Media Litigation



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

Kim v. International Triathlon Union (2014 BCSC 2151)

- November 20, 2012 - Plaintiff was fired “suddenly and without warning” by her employer (ITU). Terminated without cause and given 2 weeks base salary in lieu of notice
- ITU alleged that the plaintiff made “derogatory and defamatory comments about management on social media”
- Plaintiff was employed as a Senior Communications Manager and was encouraged to use Social Media
- Plaintiff was employed there since January 2011

Kim v. International Triathlon Union (2014 BCSC 2151)

- Plaintiff was using her personal Twitter and Facebook accounts to blog about sporting events
- Her manager had expressed concern about her communication style
- In October 2012 the Plaintiff had blogged about issues with her manager comparing them to being physically abused as a child by her mother
- ITU did not immediately respond to this blog

Kim v. International Triathlon Union (2014 BCSC 2151)

- Judge had to decide “whether, on the evidence, ITU has met the onus of proof upon it to establish that it had cumulative case for the plaintiff’s dismissal”
- Judge determined that the Plaintiff’s manager did not reprimand, discipline or criticize her specifically regarding the content of her postings on social media.
- No evidence found that ITU gave an “express and clear” warning about her performance

Kim v. International Triathlon Union (2014 BCSC 2151)

- Judge found ITU had “not met the onus of proof upon it to establish cumulative cause for the plaintiff’s dismissal” and therefore ruled in favour of the Plaintiff
- Judge awarded 5 months termination pay and compensation for lost benefits

Social Media Security Litigation



U.S. Class Action Case against LinkedIn

- U.S. Class Action - Data Breach
- Background:
 - Between 2006 and 2012 LinkedIn obtained about 800,000 premium subscribers, who paid at least \$19.95 a month for membership, they were assured of strong security measures to secure their personal information
 - In an incident in 2012 hackers obtained access to the company's servers and then posted about 6.5 million encoded LinkedIn user passwords. The hackers were able to unravel the code and find the passwords
 - LinkedIn quickly improved their security measures and notified people to change their passwords

U.S. Class Action Case against LinkedIn

- Class-Action lawsuit against LinkedIn claimed it failed to protect its members' data and it violated their own privacy policies
- In 2014 LinkedIn agreed to pay \$1.25 million in order to settle the class-action lawsuit
- A website was set up to allow those that are affected to respond and make a claim – the deadline to submit a claim form was May 2,2015

In Summary

- Develop a Corporate Strategy for Social Media
- Create your Corporate Social Media Policy
- Be aware of Cyber Risks
- Ensure that the staff read the applicable policies and are aware of the pitfalls
- Appoint a Media Spokesperson to respond to the media
- Enjoy the benefits of Social Media!

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