Social Media & Compliance:
A Match Made in Heaven or...?

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Standard Disclaimers

I am a lawyer, but I am not your lawyer – nothing in today’s presentation is legal advice or should be construed as such.

I work for Deluxe, but everything you’re going to see and hear in the next hour is my own opinion and does not reflect the views of Deluxe or it’s leadership.
What is Social Media?

142 minutes...per day
#MeToo

Social Listening
The Rules

glassdoor.com

The Rules
CONCERTED ACTIVITY

VIRTUAL WATER COOLER
84% of Organizations using Social Media in Hiring Decisions
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**HARASSMENT**

Employees will talk to and about each other on social media
INTELLECTUAL PROPERTY ISSUES

INFRINGEMENT

D M C A

DISTRIBUTE INFORMATION BROADLY & NON-EXCLUSIVELY
DISCLOSE ANY MATERIAL CONNECTION TO ENDORSERS

CLEAR

&

CONSPICUOUS
Mergers & Acquisitions

It’s policy time!
Drafting Tips

ONE SIZE DOES NOT FIT ALL
YOU CAN’T CONTROL.
BUT YOU CAN MANAGE RISK

THE NLRB SAYS:
DON’T. BE. VAGUE.
You may not make disparaging, false, misleading, harassing or discriminatory statements about or relating to Company, our employees, suppliers, customers, competition, or investors.

An ALJ determined that the prohibition on “false” statements was overbroad because false statements are protected unless they are maliciously (knowing or recklessly) false. The ALJ also equated “disparaging” statements with those that are derogatory and ruled that employees have a protected right to make derogatory statements about the terms and conditions of employment.
Employee postings to any website or blog that relate to your work or Company must include a disclaimer such as “The postings on this site are my own and do not represent my employer’s positions.”

The NLRB considers this requirement unlawful. Employees have the right to post items about their employer anonymously, even if such postings are highly critical.
ESTABLISH OWNERSHIP

DEFINE CONTENT
DEFINE APPROVED BUSINESS USE

WHAT IS CONSIDERED CONFIDENTIAL?
DESIGNATE A SPOKESPERSON

AVOID!

DISCLOSURE

DISCRIMINATION

DEFAMATION
EXPECT & PLAN FOR A CRISIS

HOW DO I START?
DO NOT FEED