

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.

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What is Social Media?



Mevo Creative Present

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142 minutes...per day



Mevo Creative Presentation



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#MeToo

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Social Listening

6



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The Rules

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CONCERTED ACTIVITY

9

VIRTUAL WATER COOLER

10





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84% of Organizations using Social Media in Hiring Decisions

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VETERAN STATUS	GENETIC INFORMATION
DISABILITY	COLOR
PREGNANCY	AGE
CITIZENSHIP	GENDER
CREED	RELIGION
RACE	SEXUAL ORIENTATION
FAMILIAL STATUS	NATIONAL ORIGIN

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HARASSMENT	Employees will talk <i>to</i> and <i>about</i> each other on social media
 	

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INTELLECTUAL PROPERTY ISSUES



INFRINGEMENT



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DISTRIBUTE INFORMATION BROADLY & NON-EXCLUSIVELY

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DISCLOSE ANY MATERIAL CONNECTION TO ENDORSERS

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CLEAR
&
CONSPICUOUS

18



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Mergers &
Acquisitions

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It's policy time!

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Drafting Tips

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ONE SIZE
DOES NOT
FIT ALL

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**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.

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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.

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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.”

29

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.

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ESTABLISH
OWNERSHIP

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DEFINE CONTENT

32

DEFINE APPROVED BUSINESS USE

33

WHAT IS CONSIDERED CONFIDENTIAL?

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DESIGNATE A SPOKESPERSON

35

AVOID!

DISCLOSURE

DISCRIMINATION

DEFAMATION

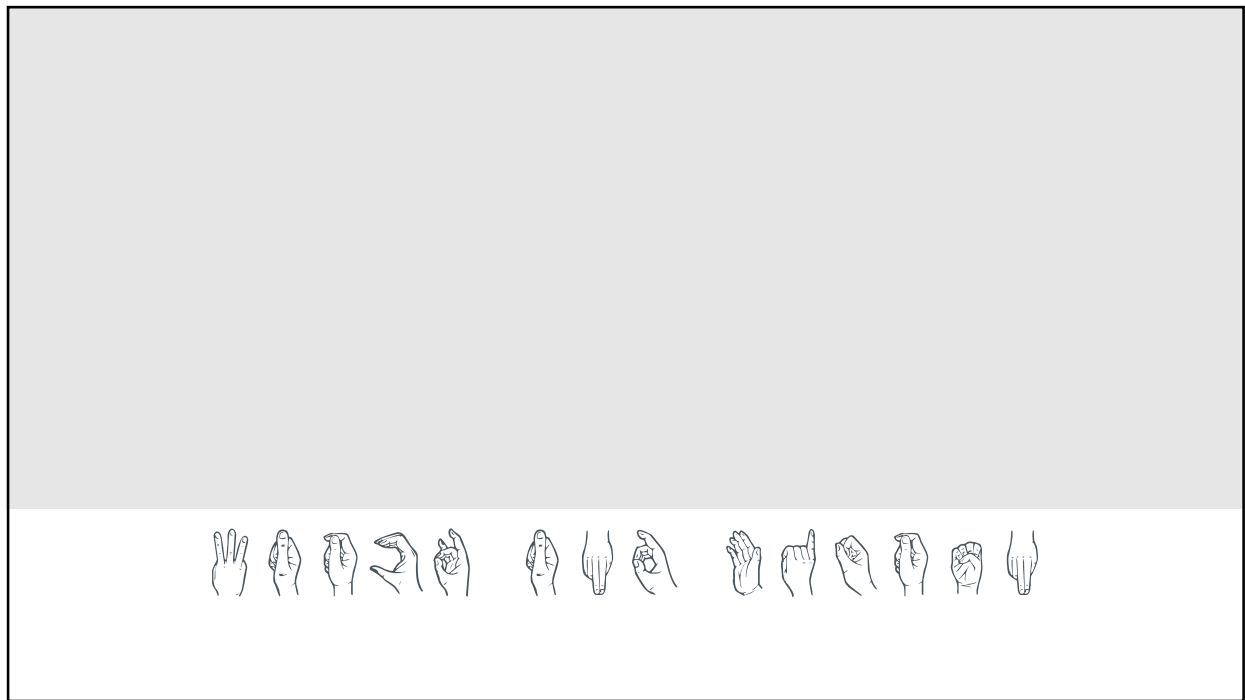
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EXPECT &
PLAN
FOR A
CRISIS

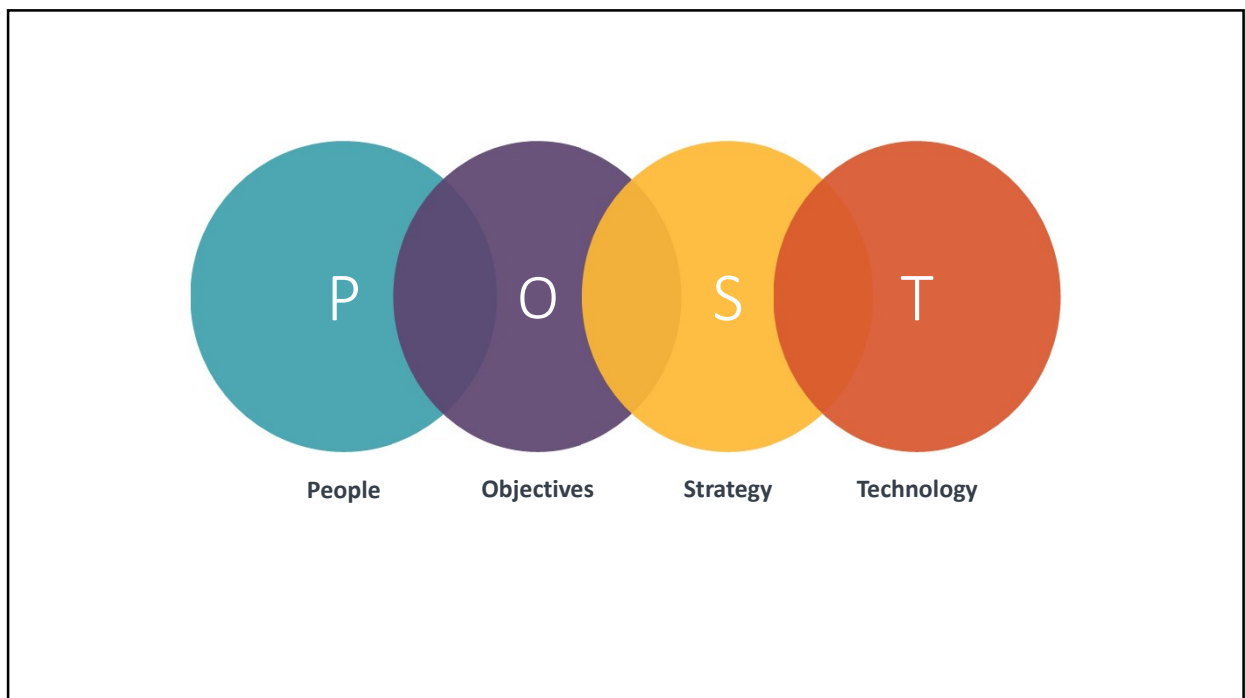
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HOW DO I START?

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DO NOT FEED