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?
WEAPONS OF

MASS DISTRACTION

2005

2013
Pope Francis
@Pontifex
Welcome to the official Twitter page of His Holiness Pope Francis

Vatican City  vaticannews.va  Joined February 2012
8 Following  18.1M Followers
142 minutes...per day

#MeToo
Social Listening

glassdoor.com
“Just a stepping stone ”

Former Employee - Anonymous Employee

- Doesn't Recommend  
- Negative Outlook  
- Disapproves of CEO

I worked at Sears full-time (More than 3 years)

Pros
- Good advancement if you get along with upper management.  
- Time and a half for certain national holidays  
- Biweekly payroll  
- Decent discounts

Cons
- Horrible training  
- Management is lazy  
- Technology is outdated  
- Gossip Mill  
- Raises based on personal preference vs performance  
- People came to work intoxicated  

Advice to Management
Do some work and stop complaining. If you accepted the position own up to your responsibilities. Employees need time off on weekends sometimes and a schedule that...

“Not where you want to work ”

Former Employee - Sales Associate

- Doesn't Recommend  
- Negative Outlook  
- No opinion of CEO

I worked at Sears part-time (More than a year)

Pros
The only things to look forward are the people you work with, and maybe a few repeat customers that understand the position you're in. I had good experiences with store managers, since they were generally close enough to the customers to understand the reality of things.

Cons
- **Upper management** only cares about numbers. They don't care what you do as long as you min/max the target metrics at the Be prepared to go along with business practices you may not find ethically sound. Hounding people for extras and credit cards (sometimes multiple credit card applications) to just short of harassment is actively rewarded.
Cons
The upper management was a nightmare... who do you tell when the HR is crooked? :

Advice to Management
Fire yourselves. Don't be offended when an employee that works under you is out shinning you or making more money than your salary. Working part-time employees for full time hours for consecutive weeks until it's one week before you have to offer them full-time is dishonest, unfair, and says something about your company culture and integrity. P.S. Talking about the staff over walkie talkies that management has while one is...

Show More
84% of Organizations using Social Media in Hiring Decisions
From a single Facebook photo, recruiters may be able to infer

- Gender
- Race
- Ethnicity
- Age
- Disability
- Pregnancy
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

Elon Musk
@elonmusk

Major new Tesla product line -- not a car -- will be unveiled at our Hawthorne Design Studio on Thurs 8pm, April 30
6:35 PM - 30 Mar 2015

7,039 RETWEETS 5,449 FAVORITES
FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS

DISCLOSE ANY MATERIAL CONNECTION TO ENDORSERS
CLEAR & CONSPICUOUS

This is normal language.

THIS IS DISCLAIMER LANGUAGE.
OMG. Have you heard about this? As you guys know my #morning sickness has been pretty bad. I tried changing things about my lifestyle, like my diet, but nothing helped, so I talked to my doctor. He prescribed me #Diclegis. I felt a lot better and most importantly, it's been studied and there was no increased risk to the baby. I’m so excited and happy with my results that I’m partnering with Duchesnay USA to raise awareness about treating morning sickness. If you have morning sickness, be safe and sure to ask your doctor about the pill with the pregnant woman on it and find out more www.diclegis.com; www.DiclegisImportantSafetyInfo.com.

view all 10,983 comments

@ymoumama_flawlessfashionstore Ik if she gets paid for this and do not care. But it is safe for mom & baby. I called my doctor because I couldn’t even keep water down.
I guess you saw the attention my last #morningsickness post received. The FDA has told Duchesnay, Inc., that my last post about Diclegis (doxylamine succinate and pyridoxine HCl) was incomplete because it did not include any risk information or important limitations of use for Diclegis. A link to this information accompanied the post, but this didn’t meet FDA requirements. So, I’m re-posting and sharing this important information about Diclegis. For US Residents Only.

Diclegis is a prescription medicine used to treat nausea and vomiting of pregnancy in women who have not improved with change in diet or other non-medicine treatments. Limitation of Use: Diclegis has not been studied in women with hyperemesis gravidarum. Important Safety Information Do not take Diclegis if you are allergic to doxylamine succinate, other ethanalamine derivative antihistamines, pyridoxine hydrochloride or any of the ingredients in Diclegis. You should also not take Diclegis in combination with medicines called monoamine oxidase inhibitors (MAOIs), as these medicines can intensify and prolong the adverse CNS effects of Diclegis. The most common side effect of Diclegis is drowsiness. Do not drive, operate heavy machinery, or other activities that need your full attention unless your healthcare provider says that you may do so. Do not drink alcohol, or take other central nervous system depressants such as cough and cold medicines, certain pain medicines, and medicines that help you sleep while you take Diclegis. Severe drowsiness can happen or become worse causing falls or accidents. Tell your healthcare provider about all of your medical conditions, including if you are breastfeeding or plan to breastfeed. Diclegis can pass into your breast milk and may harm your baby. You should not breastfeeding while using Diclegis. Additional safety information can be found at www.Diclegis.com or www.Diclegis.com. Duchesnay USA encourages you to report negative side effects of prescription drugs to the FDA. Visit www.fda.govmedwatch or call 1-800-FDA-1088.
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.
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.”
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.
DEFINE CONTENT

DEFINE APPROVED BUSINESS USE
WHAT IS CONSIDERED CONFIDENTIAL?

DESIGNATE A SPOKESPERSON
AVOID!

DISCLOSURE

DISCRIMINATION

DEFAMATION
EXPECT & PLAN FOR A CRISIS

THIS IS WHAT A CRISIS LOOKS LIKE:
I find it ironic that Detroit is known as the #motorcity and yet no one here knows how to drive.

— ChryslerAutos

Millions are in uproar in #Cairo. Rumor is they heard our new spring collection is now available online at http://bit.ly/KCairo -KC

— KennethCole

About 3 hours ago via Twitter for BlackBerry®
Retweeted by 39 people
#Aurora is trending, clearly about our Kim K inspired #Aurora dress ;) Shop: celebboutique.com/aurora-white-p...

DiGiorno Pizza
@DiGiornoPizza

#WhyIStayed You had pizza.

9/8/14, 11:11 PM
Gerry Hamilton
@HamiltonESPn

#ESPN300 No. 29 Roquan Smith schedules Texas A&M 0V Jan. 23.
#UCLA Jan. 30. Already visited #UGA & #Michigan. #Gigem pornhub.com/view_video.php...

3:37 PM - 21 Jan 15

epicurious
In honor of Boston and New England, may we suggest: whole-grain cranberry scones! epi.us/14sahKi

epicurious
Boston, our hearts are with you. Here’s a bowl of breakfast energy we could all use to start today: epi.us/LJGHa8
Anonymous Apparel

Smoke Clouds
11,004 likes

January 17

Annual MLK Day BLACK SALE! He showed us that the struggle and lookin' super fly can go hand in hand. We salute him with 25% off everything black, Monday, January 20th. Much more our style than a Columbus Day sale, no?
The Taliban Forces in Farah city #Afghanistan would much rather have heard #Yanny or #Laurel than the deafening BRRRT they got courtesy of our A10. Read more: airforcetimes.com/flashpoints/20...

Thank it's Friday! Can't wait to get out of this stubsucking hell hole.
HOW DO I START?