



Social Media and HR—Friends or Foes?

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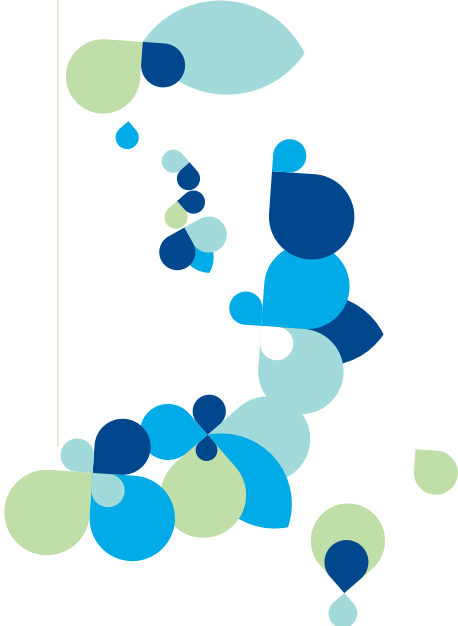
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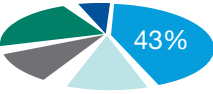
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Executive Overview

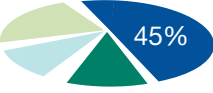
Social media is quite a phenomenon. It's changing the way we use the Internet, communicate with friends and business colleagues, interact with corporations (or customers), gather information, and make decisions. Social media may still seem like a technological fad that is mainly used by younger people, but in truth, it is rapidly gaining users across generations and becoming a main stream business tool.



U.S. businesses successfully using social networking to win new customers.¹



Surveyed businesses that have experienced employee misuse of social media networks.³



Of surveyed employers research job candidates on social media.²



Businesses that have taken disciplinary action against an employee over social media.⁴

The impact of social media has grown too big for businesses to ignore. It provides unique opportunities to promote your products and services, find and recruit talented employees, and deliver an interactive customer experience. But there are also risks, such as the potential to damage the company's reputation and brand, lose intellectual property, or invite lawsuits by employees, job applicants, or customers.

From an HR perspective, it can be hard to tell if social media is your friend or your foe. But one thing is clear: The time to adopt social media strategies and policies for your business is right now.

Social Media Profile: Twitter

Microblogging tool that allows you to broadcast "tweets" of 140 characters or less to your followers. Tweets can also be found by anyone through the search function.

Over 200 million accounts⁵

How HR Can Use Twitter:

- Follow the top HR experts to benefit from their thoughts and research.
- Send a tweet asking your network for prospective job candidates.
- Find out what's taught at HR conferences and events you can't attend.
- Stay up-to-date with compliance issues and legislative changes.
- Visit <http://search.twitter.com> to search for issues, people, or trends in HR.
- Use Yammer, a tool similar to Twitter that creates a private, employee-only microblog.

How It Can Go Wrong: Kenneth Cole

This tweet—sent by the famous fashion designer during the 2011 Egyptian uprising—enraged many people, including potential customers:

"Millions are in uproar in #Cairo. Rumor is they heard our new spring collection is now available online . . ."

Kenneth Cole removed the tweet quickly and apologized—twice—but many found the solicitation tacky and offensive.



1 "43 Percent of U.S. Businesses Using Social Media to Win New Business," SocialTimes.com, reporting on a global survey by Regus.

2 Rosemary Haefner, "More Employers Screening Candidates Via Social Networking Sites," Careerbuilder.com

3 Judy Greenwald, "Many Firms Find Social Media Workplace Misuse Problematic: Study," Workforce.com.

4 Ibid.

5 Company blog, posted 3/14/11.

Friends—The Business Opportunity of Social Media and How HR Can Lend Support

Is your company using Facebook, LinkedIn, Twitter, YouTube, or one of the hundreds of other social media platforms to communicate with prospective and existing customers, business partners, or the general public? If not, it soon will be—and it's a good bet your competitors already are. While social media has not replaced traditional forms of communication, it is changing the online experience that many of your company's customers and partners expect.

Human resources professionals can make use of these technologies to improve recruiting and retention, employee engagement, and training within the organization. You can also use social media to build a reliable network of experts that can help you stay up to date with the latest trends and thinking in compliance, HR, recruiting, and/or payroll.

But there's another role for HR to play with social media as well—that of advisor to other business units within the company that are also dipping their toes (or diving head first) into social media. It is important for the HR team to become a trusted consultant to customer-facing departments such as marketing, sales, public relations, and customer support. These departments are likely to be among the first to make use of social media, and the managers of these business areas need your help to keep an eye toward legal compliance and business risk.

How HR Can Use LinkedIn:

- Ask employees to help you find great job candidates using their LinkedIn networks.
- Search for prospective candidates by past or present employer, industry, geographic area, job titles, keywords (skills, credentials), and more.
- Join groups of HR professionals and be able to ask questions, share ideas, and learn.
- Keep up with HR organizations like your state SHRM chapter.
- Post open job announcements.

How It Can Go Wrong: Recommendations

LinkedIn is mostly used by business people for business networking, however, some labor law specialists are cautioning employers about the recommendations feature. The problem? If you fired the employee for performance and other employees (or his manager) sing his praises on LinkedIn, it may be used against you in a wrongful termination lawsuit.⁷

Social Media Profile: LinkedIn

Business networking tool to connect with colleagues, maintain an online resumé, make and receive professional recommendations, and more.

Nearly 116 million users⁶

⁶ Second quarter results on company website, posted 8/4/11.

⁷ William Bulkeley, "Online compliments can hurt you, too," Wall Street Journal blog, September 18, 2009.

Foes—The Business Opportunity of Social Media and How HR Can Lend Support

Social media may be necessary for businesses, but it is not without risk; In fact, many HR professionals are hesitant about getting started with social media because there are many unanswered questions that are currently being considered by courts, legislatures, and government agencies like the National Labor Relations Board (NLRB). Consider these scenarios and the implications involved for human resource departments:

- What if you search for a job applicant on Facebook and see that in photos the applicant is smoking a cigarette or perhaps marijuana? What if the applicant is wearing a hijab, Star of David, or cross?

Have you just answered a question you wouldn't be allowed to ask in an interview?

- You hire a subject matter expert to build a following on Twitter that your company hopes to cultivate into customers and product advocates. He uses his own name for the Twitter account, for example @FredSmith. A year from now, Fred will leave the company and start his own firm.

Who owns this online "persona"—your company or the employee?

- An employee posts disparaging remarks about her supervisor or the company on her personal blog.

Do you have the right to terminate an employee for personal use of social media?

- An employee tweets untrue allegations about a competitor that are potentially damaging, using the business Twitter account.

Is your company potentially guilty of defamation or libel?

- A manager at your firm uses a company-issued smart phone to post sexually explicit photos to a personal Facebook account. Some of the manager's subordinates are "Friends" on Facebook and will see the photos.

Could this be grounds for a sexual harassment lawsuit?

- An employee divulges proprietary information or intellectual property through a social media channel.

Is there any way to recover information that might have been shared publically through a social media network?

- Your in-house recruiter develops a large network of professionals on company time using LinkedIn. Your company uses this network as its primary candidate pool for open positions. (This also happens when a sales executive develops a network of potential customers.) This sticky issue is known as portability and it is the subject of current litigation.

If your recruiter leaves, does your company have any rights to her network?

Social Media Profile: Facebook

A social networking site that enables users to create a personal profile, link to their "friends," post status updates, use applications, exchange private messages, and "like" products, companies, and causes, among other things.

Over 750 million active users⁹

8 Ed Frauenheim, "Special Report on Social Media: You Can't Take Your Online Contacts With You ... or Can You?," Workforce Management, June 2011, pgs. 32-34, 36-37.

9 Press statistics on company website, accessed 8/19/11.

How HR Can Use Facebook:

- Create private Facebook groups to engage employees and encourage interactive teamwork.¹⁰
- Design a company Facebook page to appeal to prospective employees.
- If Facebook will be used to screen job candidates, consider hiring an outside firm that will protect candidates' privacy and minimize your company's exposure to discrimination claims.¹¹

How It Can Go Wrong: AMR

HR professionals closely followed the “Facebook firing” case in which American Medical Response of Connecticut, Inc. fired an ambulance driver who made disparaging remarks about her boss on Facebook; and was joined in those complaints by other employees. The NLRB filed a complaint alleging that the company's social media policy was too broad and violated the employee's rights to concerted activity.

The complaint was settled, but 129 social media actions have come under review at the NLRB, so employers need to be cautious.¹² According to lawyer Seth Borden, a specialist in labor law, “The Board will consider ‘protected’ any social media postings which are either made on behalf of other employees or made with the object of inducing or preparing for group action. This is a broad, and currently expanding, standard.”¹³

How to Create a Social Media Policy

Once you've decided to create a social media usage policy, how do you determine what it needs to say?

First, recruit your legal counsel to help you draft and review policy. You'll need someone with legal expertise to help you keep up with the rapidly changing body of legal precedence surrounding social media and employment law.

Next, create a cross-departmental team so that all the important stakeholders for social media at your company will have a voice. At the very least, you will want your team to include a representative from sales, marketing/public relations, customer service, HR, legal, and management. Have each department make a list of all the ways they are using social media and any plans they have to use it in new ways. This will help ensure that you look at the issues from the right perspectives.

Human resources can also contribute examples about how employee use of social media (both at work and in their personal lives) could impact the company.

Although the following list should not be considered exhaustive, here are a few things you should consider as you draft your social media policy:

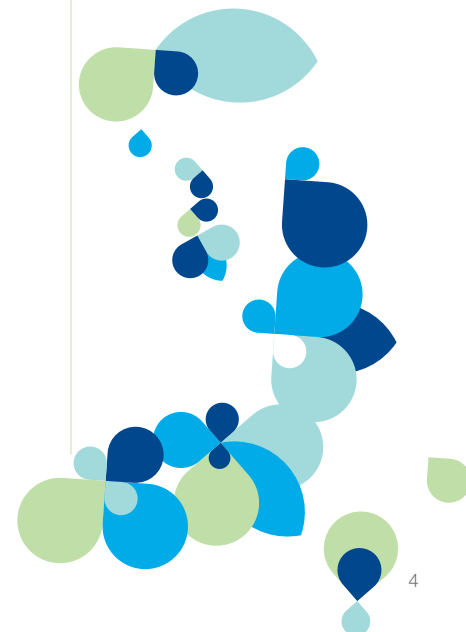
- **Portability**—What happens when employees leave the company? Does the company own the networks that were created? Are all of the accounts registered and owned by the organization?¹⁴
- **Naming**—Will any social media activities for the company use any employee's or subject matter expert's name as part of the persona? If so, will the company own that name?

¹⁰ Kyle Lacy, “5 Ways to Keep Your Employees Engaged Using Social Media,” blog post, July 25, 2011.

¹¹ Meredith Levinson, “Introducing the Safe Social Media Background Check,” CIO, May 20, 2011.

¹² Michael Eastman, “A Survey of Social Media Issues Before the NLRB,” U.S. Chamber of Commerce, August 5, 2011.

¹³ Seth Borden, “NLRB Division of Advice Provides Additional Guidance on Social Media Issues,” Labor Relations Today, July 27, 2011.



- **Access**—Will all employees be able to access social media from the office, or only the employees who are engaging in it for official business purposes?
- **Branding**—How can you ensure that social media content remains consistent with the branding standards and corporate “personality” that has been developed by the marketing department?
- **Personal Conduct**—When employees use social media in their personal lives, how will they be allowed to speak about the company and other employees, including their boss?
- **Copyright**—How does the company make sure it isn’t violating someone else’s copyright when content is published on social media?¹⁵
- **Company Monitoring**—Is the company going to monitor the personal social media sites of employees? Hire an outside firm? Or just deal with issues if they are brought to someone’s attention but not actively look for them? What should an employee reasonably expect for privacy?
- **Recruiting and Hiring**—Can recruiters or hiring managers check out a candidate’s social media sites prior to interviewing/hiring/onboarding? Should you hire a third-party company to conduct background checks that include social media?
- **Policy Compliance**—Do your new policies comply with applicable regulations? Be sure to consider the National Labor Relations Act (NLRA) as it applies to your business since the NLRB has been very active in social media issues. The acting general counsel of the NLRB recently released a report about social media cases handled over the past year. Generally speaking, the NLRB’s interest in social media is to protect the right of workers to self-organize, form unions, and engage in “concerted activity.” To this end, your policy may not restrict employees’ ability to communicate with one another about their work or their employer, and you must ensure that your social media policy is not overly broad.¹⁶
- **Employee Disciplinary Procedures**—How will the company remediate when the policy has been broken? How will you ensure that the rules are applied consistently to all employees?

Social Media Profile: YouTube

Online collection of videos—some professional but mostly amateur—that can be viewed, shared, and commented on. Viewers can subscribe to “channels” to find new videos on topics of interest or created by favorite videographers.

700 billion videos viewed in 2010¹⁸

14 Kris Dunn, “Four Things to Consider Once Your Company Opens Up Social Media Access,” *Workforce Management*, February 2011.

15 Lou Dubois, “How to Avoid a Social Media Lawsuit,” *Inc. magazine*, February 24, 2011.

16 Eric B. Meyer, “The NLRB’s New Social Media Guide: What Employers Can (and Can’t) Do,” *TLNT.com*, August 22, 2011.

17 Ralph Paglia, “Social Media Employee Policy Examples From Over 100 Companies,” *Social Media Today*.

18 Press statistics on company website, accessed 8/19/11.

How HR Can Use YouTube:

- Create a video introduction to your business for job applicants.
- Interview employees about their jobs and the reasons they like working for your company
- Use a video to recognize an employee for an outstanding contribution
- Develop videos to train new employees or teach new skills. (Caution—your competitors and customers can see this, too.)

How It Can Go Wrong: Domino's Pizza

In 2009, two employees posted a video of themselves in the kitchen at Domino's doing disgusting (and incredibly unsanitary) things to customers' food. The video received widespread media attention and millions of views. The employees were fired and prosecuted and an apology issued on YouTube, but the company's reputation suffered and sales dropped.

Social Media Policy Examples

As you create a social media policy, it might be helpful to have some examples from other businesses. Blogging for Social Media Today, Ralph Paglia has collected 100 social media policies here:

[Social Media Today](#)—Ralph Paglia¹⁷

Conclusion

As companies explore the uses for social media in their sales, marketing, public relations, human resources, and customer service departments, it's essential that clear company policies exist to help guide employees about the proper use of these technologies. HR professionals need to take a leading role not only in determining their own use of social media, but also in protecting the company from the risks associated with employee misuse.

Work in conjunction with your legal counsel to develop and enforce your organization's social media usage policy. If you already have a social media policy, make sure you review it regularly and adjust it for changing technology and laws. You will need to carefully monitor the activities of government regulatory agencies such as the NLRB, as well as the outcome of court cases or pending legislation about social media usage, privacy, and portability.





About Sage HRMS

As the longest-running HRMS solutions provider, Sage delivers flexible, scalable, and comprehensive tools to help you automate and improve your business processes and produce the information you need to better manage your workforce. Unlike other HRMS solutions, Sage HRMS is the only solution that combines low cost, ease of use, and the ability to dynamically share information with executives, managers, and others both inside and outside your organization. Sage HRMS is comprised of HR, payroll, benefits, training, and compliance solutions developed specifically for midsized businesses. Its flexible design provides a comprehensive array of features and the powerful reporting and analysis capabilities needed to efficiently manage your workforce.

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