

For members of the
Chamber of Commerce of Hawai'i
Courtesy of ALTRES



SOCIAL MEDIA AND THE WORKPLACE

A Guide for Hawai'i Employers

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A GUIDE FOR HAWAI'I EMPLOYERS

Dear Chamber of Commerce Member,

As businesses in Hawai'i look forward to an improving economy over the next two to three years, the impact of social media and its implications for employers will continue to grow. The intent of this white paper is to raise awareness about the reach and risks of social media and to offer local businesses practical suggestions for creating specific policies, monitoring employee use (and misuse), and avoiding liabilities. We hope you find this useful.

At around 5 a.m. on February 27, 2010, local Twitter user Kelly Mitchell issued a brief text message to her social network of more than 60,000 “followers” online:

Safeway is beginning to run out of bottled water. LINES all the way through the store to check out. GAS LINE AT 7-11 blocks n blocks long.

An hour later, defense sirens sounded in Waikiki as hotels began evacuating their guests vertically (moving them to higher floors) and officials began clearing the streets. On the Big Island officials closed Hilo Airport so residents of the adjacent coastal community of Keaukaha could evacuate safely across the airport's runways.

At 7 a.m. CNN reported online, “Moments after Saturday morning's earthquake in Chile, the Internet and its social networks came alive with earthquake and tsunami information. Twitter users following #Chile and #tsunami directed one another to media and government sites with helpful information and guidance, as well as the usual rumors, lies and folklore.”

Mitchell's early morning message from Honolulu and CNN's online report were just two of the millions of interactions that took place via social media that weekend in the wake of an 8.8 magnitude earthquake near Santiago, Chile and the subsequent tsunami. While mainstream media sources broadcast news of the unfolding story, non-media organizations and individuals alike were posting news updates online in real time—on Facebook, Twitter, blogs, and video sharing sites.

- Honolulu Mayor Mufi Hannemann, who was in Washington, D.C. that day, and Acting Mayor Kirk Caldwell used social media to broadcast official information statewide.
- Organizations as diverse as the U.S. Navy and *The Huffington Post* directed people to special online information lists designed to help people track what was happening in response to the tsunami threat throughout the Pacific.



What is Social Media?

The term refers to all the tools and platforms that allow people to publish and share content online and conduct virtual conversations. The media consists of text messaging, blogs, microblogs, wikis, podcasts, web video, and web sites designed for sharing photos, news, bookmarks, and other content. Whereas traditional media is a one-to-many dissemination of information, social media is a many-to-many experience conducted in the amorphous, ever-expanding universe of the Internet.

- Geophysicist Brian Shiro at the Pacific Tsunami Warning Center reported that he sent some 500 tweets during the evacuation period in Hawai'i.
- Tommy Russo, publisher of *MauiTime*, streamed live video from the shores of Paukukalo using his iPhone. "And those photos and videos quickly started popping up all over the place—on blogs, on the local TV news and, eventually, on national outlets like NBC Nightly News and CNN," he said.

After the tsunami threat had passed, an Associated Press story concluded, "Tweets and other forms of social networking helped create a relatively smooth evacuation of as many as 50,000 people on Oahu as a tsunami raced toward Hawaii."

Social Media is Mainstream

As the tsunami saga boldly illustrates, online social networking is not merely a trend among certain age groups; it's become an integral component of societal communication. As the tsunami radiated across the Pacific from South America, social media not only disseminated the story, it was part of the story.

Without question, social media is huge and unlikely to disappear. In fact, social media has officially surpassed pornography as the #1 activity on the Internet.

Facebook claims more than 400 million active users, with more than half of them logging in on any given day and more than five billion pieces of content (web links, news stories, blog posts, notes, photos, etc.) posted and shared every week. Facebook says its average user spends close to an hour per day on its site.

In April 2010 Twitter for the first time revealed its number of registered users—105 million worldwide. The microblogging service is adding 300,000 new users each day.

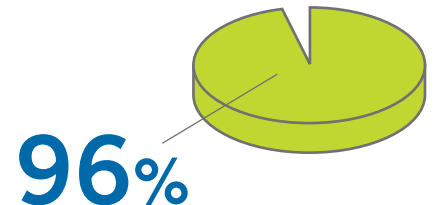
Consider these statistics from Erik Qualman, author of *Socialnomics: How Social Media Transforms the Way We Live and Do Business*.

- If Facebook were a country, it would be the world's fourth largest.
- 1 of every 8 couples married in the U.S. in 2009 met via social media.
- There are more than 200 million blogs on the Internet.
- YouTube is the second largest search engine in the world, with more than 100 million videos.
- Wikipedia has over 13 million articles and studies show it's more accurate than Encyclopedia Britannica.
- 1 in 6 higher education students are enrolled in an online curriculum.
- 80 percent of Twitter usage is on mobile devices. People are updating each other anytime, anywhere.

Implications for Business

Given the sheer numbers of users involved in social networking, it's not surprising that businesses across the globe are attempting to leverage social media—and its dramatically lower costs compared to traditional media—to reach consumers,

The Facebook Generation



Members of Generation Y (who in 2010 overtake the Baby Boomers in number) belonging to one or more social networks

GenY and GenZ

use social media to the exclusion of email. *Fact:* Boston College did not even distribute email addresses to incoming freshmen in 2009.

clients and constituents. Yet, while social media may deliver many potential benefits to business, it carries significant risks as well. Here's a quick look at both.

Potential Benefits to Business	Risks and Liabilities
<ul style="list-style-type: none"> » More cost-effective advertising and public relations » Improved customer service » Increased awareness of competitor activity » Lower costs of doing business » Better employee morale » Easier and faster research » More effective recruiting » Higher employee engagement » Better overall communication, coordination and reach 	<ul style="list-style-type: none"> » Release of personal or confidential information » Exposure of trade secrets or competitive strategies » Damage to company image and reputation » Loss of productivity » Lawsuits related to recruiting, hiring and firing » Negative impression given to job applicants, clients and vendors » Defamation of employers, customers, competitors or vendors

Whether or not your organization uses social media is not the issue. The fact is many of your employees, clients and vendors probably do. Because social media is becoming more pervasive each day, it's important to understand its reach, its impact, and the steps you can take to protect your business.

Social Media and the Workplace: THE BENEFITS

Companies often get started in social media to promote brand awareness, engage customers, and boost customer service and sales. Exposing your business to Facebook and Twitter communities, who are likely located in your area or specifically interested in your industry or business, means greater awareness for what you do and provides a way to communicate directly with potential customers. It also allows your business to follow (and respond to) what people are saying about your organization online.

Simply creating a page on a Facebook account or publishing a blog can help a company become more "findable" on Google and other online search sites. Twitter can easily spread the word about sales promotions. For instance, Oahu's Big City Diner restaurants initiated "Twitter Tuesdays" whereby Twitter followers were alerted to special discounts:

Twitter Tuesday @BigCityDiner Password: "Go!Mokulele!" 20% Off Dine-In Food w/Password & Drink Purchase All Day! \$5 tiny steiny's too!

Many organizations have been using social networking successfully to improve customer service. When AT&T's local cellular network failed in November 2008, Twitter users quickly complained online. The *Honolulu Star-Bulletin's* Erika Engle tweeted:

You've got big problems in Hawaii right now. Are you aware/working on it?

"It was the kind of moment that the Internet, especially Twitter, was made for. An event that would affect millions of people was developing in real time. Only the Internet had the range and scale to carry a collective conversation about it."

"Tsunami Brought on Waves of Tweets"
Stephen Lawson, IDG News Service

Tweet \ˈtwēt\

n. a post or status update on Twitter. Tweets are limited to 140 characters per message

Someone at AT&T was monitoring the Twitter stream for mentions of the company, and within the hour the @ATTNews account responded:

Hawaii Customers: Our technicians are working as quickly as possible to restore service. We apologize for this disruption of service.

Subsequent messages explained the cause of the problem and invited customers to tweet back when service has been restored.

While social networking can deliver tangible business benefits to both individuals and organizations, the hype surrounding social media these days is often distracting, even misleading. Within practically every industry segment, you can find seminars and webinars, pundits and consultants, all claiming that if your business is not actively networking online, you're missing the boat.

James Kerr, CEO of Honolulu-based SuperGeeks, recently prophesized in *Pacific Business News*, "If your company or organization is not embracing social media, your business may not be viable in five years. I don't care if you're a baker, a nonprofit or a car dealer, you need to get on board with social media."

Ominous claims by industry proponents aside, social media programs do make business sense for many organizations, especially those trying to reach consumers, develop special-interest audiences, or gain grassroots support. But not every business can make a compelling, cost-effective argument for investing in social media, at least not today.

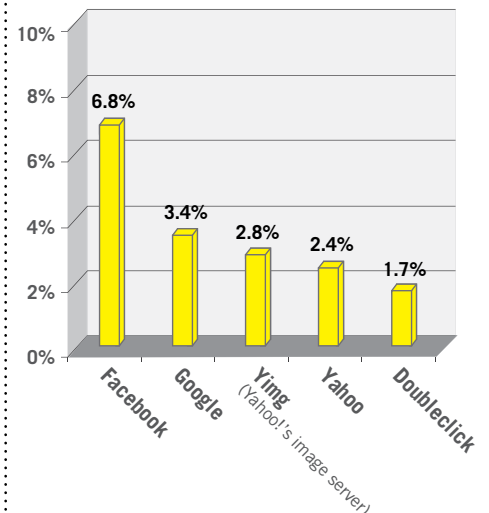
In recent years, use of social media has certainly shifted from personal-use-only to include a healthy mix of practical and innovative business uses. Media platform providers are actively wooing commercial and organizational users. Facebook now promotes online tools for business, and Twitter's home page now offers a "Twitter 101" tutorial for business users.

Social media empowers every user to become a source of news, critiques, recommendations, and multimedia content. In today's online environment of easy-to-use tools, information can go "viral" (spread exponentially across networks) in a matter of hours. Just as word-of-mouth marketing is one of the most treasured and consistently successful forms of promotion, viral marketing is the dream of many who choose to jump into the social media frenzy.

Here's a brief comparison of social media and its traditional counterparts:

Traditional Media	Social Media
» One-to-many model	» Many-to-many model
» One-way communication	» Conversations
» Content is controlled	» Content is freely created and shared 24/7
» Relatively difficult to measure reach	» Somewhat easier to measure reach
» Expensive	» Inexpensive

Top five websites visited by businesses (percentage of ALL traffic):



Network Box survey
First Quarter 2010

Social media can offer businesses an effective toolset for marketing, public relations, and customer service activities. It is not, however, a panacea for the basic challenges of marketing, public relations, and customer service.

In a recent presentation on measuring the impact of social media, Dan Zelikman, Director of Digital Marketing at Anthology Marketing in Honolulu, opened his remarks by saying, “You don’t need a social media strategy. You need a marketing strategy.” Your fundamental marketing—or customer service, or public relations—strategy remains the most important consideration. Social media is simply a tactic you can apply to achieve your strategic objectives.

A 2010 research report about the power of social media highlighted the promise of potential benefits for business:

Can you easily tap your network of experts or alumni? Can your employees readily collaborate regardless of where they’re located? Can you get speedy feedback from your customers on new products and services? Do prospective employees know what your company stands for? Progressive organizations such as Procter & Gamble, IBM, Nestlé, Best Buy and Capgemini, as well as others, are utilizing social media to do these things and more.

(“Social Networks vs. Management? Harness the Power of Social Media,” January 2010)

The ever-increasing influence and reach of social media should not be underestimated. The same goes for the potential risks of what’s taking place on the social web. Here’s a rule of thumb: If it gets posted online, someone is bound to see it.

Social Media and the Workplace: THE RISKS

In January 2009, James Andrews, a vice president at the global marketing firm Ketchum, flew to Memphis to meet with FedEx, one of his company’s biggest clients. When he got off the plane in Memphis, he posted this on his Twitter account:

True confession but I’m in one of those towns where I scratch my head and say ‘I would die if I had to live here.’

A FedEx employee following Andrews’ Twitter account forwarded the disparaging remark immediately to FedEx corporate executives and the company’s 150 corporate communications staff, who were slated to meet with Andrews later that day. A brouhaha ensued. The possibility that Ketchum could lose a multi-million dollar account was in the air, though in the end, that didn’t happen.

The irony? Andrews worked at Ketchum’s digital marketing division and was in town to discuss social media with FedEx’s corporate communications team.

In a statement of response to the incident, FedEx appeared to understand the importance of applying common sense when it comes to social networking.

This is an unfortunate situation and demonstrates very poor judgment by Mr. Andrews. The reaction by our employees proves once again that FedEx takes great pride in our hometown of Memphis. This lapse in judgment also demonstrates the need to apply fundamental communications principles in the evolving social networking environment: Think before you speak; be careful

Library of Congress Archives Twitter History, While Google Searches It

“The Twitter archive of all public tweets, starting from its inception in March 2006, will join such august collections such as letters from the Civil War and famous photographs from Great Depression-era works project.”

Wired.com - April 2010

50,000,000

Number of Tweets posted through Twitter each day (February 2010)

of you what you say and how you say it [*emphasis added*]. Mr. Andrews made a mistake, and he has apologized. We are moving on.

While the Ketchum-FedEx incident was a high-profile story involving big players, most of the risks associated with social networking apply to practically any organization or employer. Here are some examples for consideration.

Controlling the Dissemination of Information

Immediately following layoffs at a Honolulu company in 2009, one of the remaining employees “tweeted” about it on Twitter. Though he didn’t name his company, he posted that it had been a rough day and he had lost a lot of co-workers. Several people in his social network knew where he worked and started commenting online. Within minutes, news of the company’s layoffs had spread across the digital coconut wireless.

In this case, the company lost the ability to publicly announce layoffs in the manner it had intended. When it comes to product announcements, trade secrets, crisis management, and other sensitive information, organizations can be quickly forced to become reactive (and sometimes defensive) if social networking lets the cat out of the bag unexpectedly. Conversely, a social-media-savvy organization could have enlisted the support of its employees to assist all stakeholders—laid off employees, their families, remaining employees, the business, the community—through what is always a difficult experience for all involved.

Confidentiality, Rumors and Reputation

The easy accessibility of personal blogs and social sites such as Facebook opens the door for inappropriate behavior on a public scale. Employees who post negative comments online about fellow workers or management, or make disparaging comments about customers or vendors, can expose a company to legal liability and/or a public relations crisis. Employees might also engage in gossip, spread rumors, or share remarks that could result in defamation claims.

Intentionally or not, employees may disclose confidential client information, sensitive business data, or trade secrets or post something that harms a company’s reputation. Information leaks and word-of-mouth rumors can spread quickly enough off line, but rumors on social networks can spread far and wide at Internet speeds.

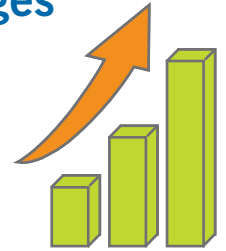
On the other hand, employees might “talk up” your product or service on social networks without revealing their connection to the company. While this might sound harmless, it violates a December 2009 Federal Trade Commission guideline. The ruling states that the FTC can take actions against a company whose employees comment on company products or services without disclosing the employment relationship, even if the comments are not authorized or sponsored by the company.

Saying Too Much

Because posting a public message on social networks is as easy as texting a friend’s phone, the illusion of intimacy (“it’s just me and my iPhone”) often causes people to share thoughts and details they might not normally choose to reveal. A sales rep updating her Facebook status with, “Just finished Outrigger pitch. Hello pau hana.” might alert competitors to a potential sales opportunity. In another scenario of “oversharing,” people who post daily details of their comings and goings on wide social networks may open themselves up to unscrupulous followers.

Women ages 55-65

are the fastest growing group of Facebook users.



Blog \ˈblɒg\

n. a type of self-publishing website that typically consists of short articles, graphics or videos presented in reverse chronological order and indexed by categories and/or keywords (a contraction of the term “web log”)

Professional vs. Personal Relationships

Social networks have been blurring the boundaries between what's personal and public, and it can affect the workplace. Well-meaning (or nosey) managers can make employees feel uncomfortable or pressured if they start following employees' Twitter accounts or make "friend" requests through sites such as Facebook.

As one strategy, many people are using LinkedIn for online networking related to business and Facebook as their private social network for family and friends. In this way, they're able to communicate the boundaries they've established.

Security

In general, computer and network security should be a priority concern for any organization. One Pfizer employee, who downloaded peer-to-peer, file-sharing software to his laptop, inadvertently shared the Social Security numbers and personal data of 17,000 current and former employees with the rest of the world.

Many companies block access to specific websites or types of sites, such as file-sharing sites, which can pose a threat to company data. Another security consideration is the very real danger of employees using company computers to visit non-work-related sites and inadvertently picking up viruses and spyware that compromise company information and equipment.

Just as companies must tend to the physical security of their worksites, the potential security problems associated with online activities must be clearly identified, addressed, and explained to employees so there is no question as to what is permitted and what is not. If your employees are using social media, it's extremely helpful to have a documented social media policy. It's also valuable to know what they're saying online.

Social Media Policies

If your organization has yet to create such a policy, you're not alone. In one recent report, 42 percent of employers surveyed in the United States reported that their organizations have no formal policy regarding the use of social networking sites at work. "This suggests that a clear majority of organizations are adopting a 'wait-and-see' approach before developing their own formal policies on the use of social networking;" the report stated. It also offered some guidance to business owners and top management:

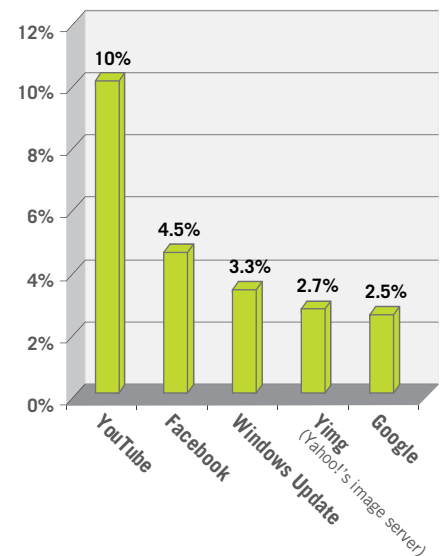
Leaders need to look for ways to harness the popularity and business value of social media in order to boost organizational performance and further corporate goals. But the focus of these efforts should not be to try to control employees' social networking behavior; rather, it should be used to channel its use in directions that benefit organizations and their employees alike.

("Social Networks vs. Management? Harness the Power of Social Media," January 2010)

According to a 2009 global study conducted by Cisco, only one in five businesses surveyed identified any policies in place concerning the use of social media. Here's one of their observations:

Due to the unstructured nature of social networking, companies continue to struggle with policy creation and adoption, as copying an established governance process from other more structured areas often doesn't work for social networking.

Top five sites using up business bandwidth (percentage of ALL bandwidth):



Network Box survey
First Quarter 2010

Among companies that have implemented social media use policies, restrictions run the gamut from conservative to liberal. A 2009 study of 1,400 CIOs across the U.S. found that:

- 54 percent of companies do not allow workers to use social networking sites (Twitter, Facebook, LinkedIn and MySpace) on the job at all.
- 19 percent of companies allow social networking at work for business purposes only.
- 16 percent allow limited personal use in the workplace.
- Only 10 percent report their companies allow employees full access to social networking on company time.

The Need for Documented Policies

We live in a world where one mismanaged incident can go “viral” on the Internet and/or become a source of litigation. So, should your company have a social media policy? The experts say yes, although the form and content of such policies can vary widely.

Social media use policies can vary significantly, even within an industry, and each company’s policy is a reflection of its corporate culture. For instance, Zappos, the Las Vegas-based online shoe company known for its customer service (and for having been purchased for \$847 million in 2009 by Amazon.com), is an often-quoted example of a business with a very liberal social media policy.

The company puts all new hires for its corporate office through an extensive, four-week “customer loyalty training course” at full salary. After the first week of induction into the company’s culture, these new employees are offered \$2,000 to leave the company—no strings attached, no hard feelings. (This, the CEO explains, weeds out anyone who is just there for the money.) More than 97 percent turn down the money and stay on.

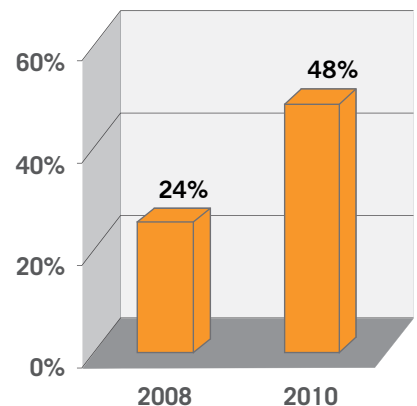
Here’s where the social media policy comes in: After their training, employees are expected to use their own judgment to represent the company online in a way they feel fits the Zappos culture.

At the other extreme, some companies entirely prohibit the use of social media in the workplace. While this draconian approach may appear to be a simple way of addressing the issue, the organization may be missing out on the benefits of social media and risking having dissatisfied employees vent their frustrations on social networks while away from work.

How to Develop a Social Media Use Policy

Social media is merely an extension of communication channels and technologies that already exist. Assuming you have a company policy about accessing the Internet for personal use on company time with company resources, you might not need a separate policy about personal use of social media at work. Are your employees allowed to go shopping online on company time? During lunch breaks? Review your existing online policies to determine if they accommodate social networking platforms, and remember to revise and update them as social media uses evolve.

Americans age 12 and over with at least one social network profile:



Every week, an increasing number of people are using smart phones and other mobile devices to access Internet services, especially social networks. Software applications now allow users to participate in social networking directly without ever having to open a web browser. As a result, employees can network socially online as easily as they can send text messages via phone. What are your existing policies about making personal phone calls or texting on company time?

You probably already have a policy regarding the disclosure of company information. Can an employee email a friend about someone who was just hired or fired at your company? Or discuss an upcoming product release? That same policy will apply to disclosing information via social networking sites.

Your written policies should address use of the Internet and social media not only at work but away from the workplace as well. Is there anything in your company's policy dictating what an employee can say on his or her personal blog?

One social media consultant says to draw an equivalent analogy to the possibilities that already exist—the employee writing a letter to the editor in a print publication, say, and including their name and company's name; or being asked to speak personally, as an individual, and saying something that reflects upon the company. Translate what's permitted in those sorts of situation to the Internet and social media, and make sure your company's policy covers it.

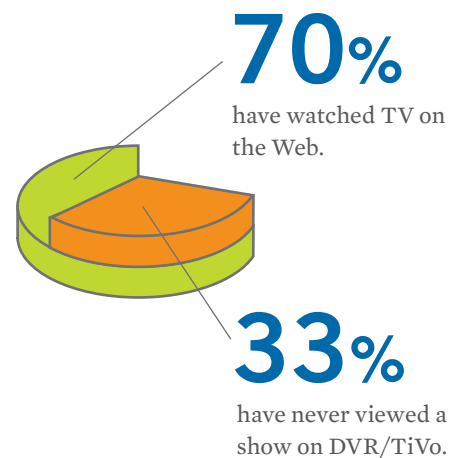
If you are crafting a social media policy from scratch, it doesn't need to be long. Some companies have no more than 10 clear, easy-to-understand bullet points in their social media policy.

You may want to include some of the following:

- Whether participating in social media at work or at home, and no matter what the "privacy level" setting, employees are expected to conduct themselves professionally. (Some companies physically ensure that employees have privacy settings set properly on their personal Facebook and Twitter accounts.)
- When posting about the workplace in any medium, employees must make clear that they are not speaking on behalf of the company, and they may not post a company logo, graphic, trademark, slogan or similar.
- Employees must not post material that is embarrassing or damaging to the company, may be confidential or proprietary, is critical of the company, or which may, in any way, expose the company to liability.
- Whether the employee is at work or home, all company policies on company loyalty, ethics and anti-harassment apply to social networking.
- The employer reserves the right to monitor employees' use of social media, whether the employee participates from work or home.
- Any violations of this policy, whether intentional or unintentional, may lead to disciplinary action, up to and including dismissal.

State clearly who at your company is responsible for overseeing online activity, and let employees know they can and should go to that person if they are unsure about whether something is permissible to post.

18-to-34 Year Olds



Some employers advise employees to keep photos and other more personal content away from social media sites where work friends and professional contacts would see them. This type of a decision should be aligned with your company's culture.

Once you've created your social use policy, don't merely hand employees a revised copy of their employee handbook. Train your employees so they fully understand the new rules, as well as the risks, they take by not complying and the consequences. You may want to include interactive training or tests to ensure that employees demonstrate understanding of your new policies.

Post your policies where they can easily be seen. Many companies remind their employees of their social media policy from time to time (annually, quarterly, in pay envelopes or elsewhere). Best practice is to have employees to sign an acknowledgement that they have read and understand the material (as you would with any other important policy).

As technology changes, your social media policy may need to change, too. Be sure to communicate changes to your employees accordingly. You may want to consult with an experienced labor and employment attorney to discuss legal aspects of creating a social networking policy.

For a list of links to help you research and create a social media policy for your organization, see the Resources section at the end of this document.

Monitoring Social Media Use

Once your social media policy is in place, it's important to consider monitoring employees' use of social networking sites. It's also essential that your organization be open and transparent about the fact that you're keeping tabs on what's being said about the company.

A simple first step is to set up Google Alerts (google.com/alerts), a service that delivers email updates about new Google search results based on any number of keywords. You can use it to track mentions of your company, product names, key employees, competitors, industry topics, and other names or phrases you want to monitor.

How to do this? With Twitter, using a tool like Seismic (seismic.com) or Tweetdeck (tweetdeck.com) allows you to monitor keywords easily, creating a list of "tweets" that contain your business name, the bosses' and employees' names, competitors' names, industry trends, etc. YouTube allows you to search on company or product name.

In March 2010, online communication services company, Teneros, released a software product called Social Sentry (www.teneros.com/socialsentry), which will automatically monitor Facebook and Twitter accounts for \$2 to \$8 per employee, depending on the size of the company and the level of activity being monitored. According to a *New York Times* article online,

Social Sentry draws only on publicly posted information on Facebook and Twitter; the company plans to add YouTube, MySpace and LinkedIn by this summer. The company is marketing the product as a way to watch for the release of confidential or embarrassing information and to measure how much time employees are spending on social media during work hours.

Products such as Social Sentry signal a new phase in the lifecycle of the social

A Social Media Policy Should Be:

Simple – It needn't be long to do the job. Some companies keep it to 10 bullet points.

Clear – Write your policy in clear English; no legalese.

Consistent – Policy should be consistent with the company's other policies.

Flexible – It may need to cover situations that are, for now, unforeseeable.

Visible – Make sure your employees can view and access the policy easily.

Enforceable – Plan how you will monitor and enforce compliance.

Current – Evaluate your policy periodically and see if it needs to be updated.

Courtesy of The Law Office of Matthew R. Hoernlein

web. While monitoring tools such as this may prove useful, the potential exists for misuse or misguided use.

Roxanne Darling, a widely-respected Hawai'i-based social web consultant and long-time social networking evangelist (barefeetstudios.com), guides organizations to examine four key factors in determining the need for social network monitoring software:

- the number of employees
- the type of internal culture
- the relative degree of secure information being managed
- the relative percent of youthful employees

The last factor is particularly interesting and highlights the generational divide between those who have grown up with the Web and those who are just now being introduced to social media in their 50s and 60s.

Whatever approach your organization decides to take, Darling recommends employees be included in the decision-making process:

Most people are aware their email can be monitored (heck, email is like sending a post card) though lots of folks forget that on a day-to-day basis. And the fact that you actively do or don't monitor it says something about your culture. It's a good rule of thumb to give people information so they can act accordingly. The more open your culture, the more easily you can learn about what's going on simply via word-of-mouth and updates from your trustworthy staff.

Disciplining or Firing an Employee Over Social Media

Legally, Hawai'i is an "at-will" employment state, meaning employers in the private sector can discipline or fire employees for any—or no—reason, including violating a company's policy on online activity. This does not, however, allow an employer to fire an employee for any reason that could be considered discriminatory (based on race, sex, age, religion, or the like) or retaliatory (as when an employee is protected by whistleblower laws).

Employment lawyers recommend that an organization's social media policies state clearly the consequences of violating those policies as being "subject to discipline up to and including termination." If uncertain about specific language, consider seeking legal counsel from a labor or employment attorney.

Heather Armstrong, a blogger in Salt Lake City (dooce.com), is well-known in the blogosphere (the universe of blogs) for having been fired for her use of social media. In February of 2002, she was terminated as a web designer and graphic artist for blogging about people with whom she worked.

She continued blogging nonetheless and in 2009 was named one of *Forbes* magazine's 30 "Most Influential Women in Media." The word "dooced," from her blog's title, has become an Internet term used to describe losing one's job due to what you wrote on your website or blog about your work.

In Hawai'i, Ka'a'awa's Ian Lind is a blogger who was "dooced" early on. In 2001, even before Armstrong lost her job, Lind was fired from his position as reporter at the *Honolulu Star-Bulletin* because he was blogging through the newspaper's transition

How Social Networking Policies Help Businesses



"Employer Perspectives on Social Networking: Global Key Findings." October 2009

from one owner to another. Lind holds the distinction of having been the first person in Hawai'i, and quite possibly the nation, to be fired because of social media.

Those were the early days of social media, and it's not certain whether those situations would, or should, trigger the same outcomes today. More recently, though, Joan Conrow, a reporter on Kaua'i who worked as a "stringer" for the *Honolulu Advertiser*, was removed from that position in 2007 for sharing her own opinion about the SuperFerry project on her personal blog.

If an employee does not adhere to your company's stated policy on social networking, consider the following:

- Is it truly a case of "at-will" employment? Make sure there are no employee or collective bargaining agreements that would be violated if an employee were to be terminated.
- How an employer accesses offending information may be relevant. Accessing a social networking group in a sneaky manner (i.e., asking someone to let you use their password) when the employee has set certain privacy settings could result in a lawsuit and invasion-of-privacy claim under either state or federal law.
- Is there a potential discrimination claim? Employers are prohibited from discriminating (and firing) employees based on certain protected information: race, age, sex, genetic information, disability, marital status and whether or not an employee is pregnant.
- Terminations resulting from social media activity would likely be fairly newsworthy. Consider whether firing an employee over social networking may bring the company unwanted attention.

Currently, there are no legal precedents in Hawai'i regarding firing employees for inappropriate social media use. Numerous cases of employees being fired for this reason in other jurisdictions, though, have been upheld.

Looking Up Job Applicants Online

A recent CareerBuilder survey found almost half of the hiring managers surveyed admitted to researching job candidates online by searching on their names. The survey found that Facebook, LinkedIn and MySpace are the top sites screened. Eleven percent of these managers reportedly search blogs and seven percent follow job applicants' Twitter posts.

Surprisingly, 35 percent of employers reported declining to hire someone based on what they found on these social networking sites—with top reasons being the posting of inappropriate photos, content about drinking or using drugs, badmouthing previous employers or clients, and demonstrating poor communication skills.

Employers must understand, however, that researching job applicants online is risky. You may come across information that is inaccurate or misleading, and social media sites almost always contain information that employers cannot legally consider in making hiring decisions. For instance, if you learn someone's race, age, sexual orientation, marital status, or similar data from reading someone's blog or social media page, and then do not hire the applicant, there is the potential liability of a discrimination claim.

54%

Percentage of companies not allowing workers to use social networking sites at all on the job.



Post \ˈpōst\

n. an item on a blog, discussion board, status page or other online networking site

One way around this is to have somebody else in the company do the search—someone who does not screen applicants or make hiring decisions. This intermediary could then pass only pertinent, legal information on to the decision maker.

Summary

The Internet and the Web provided people with the infrastructure to connect with one another globally. Social media and social networking are the evolutionary products of that connectedness. As their use continues to expand, employers must not only keep pace with business trends and opportunities but continue to address whatever risks social networking may pose.

While the business benefits of engaging in social media may not be obvious to many organizations at the moment, the fact remains that more employees, more customers, and more competitors are getting involved. From here on out, the social web *is* the Internet.

Resources

Local Social Media Resources

Barefeet Studios – Hawaii-based social web consultancy headed by Roxanne Darling
www.barefeetstudios.com

Anthology Marketing Group – Hawaii's largest integrated marketing agency
www.anthologymarketing.com

Social Media Club (Hawaii chapter)
smchawaii.org

Most web designers, marketing firms, and ad agencies in Hawaii now offer some kind of social media-related services.

Indispensable Websites

Mashable – The Social Media Guide
mashable.com

TechCrunch – Internet news, trends, resources
techcrunch.com

CIO Magazine – Web 2.0 news, tips, whitepapers
www.cio.com/topic/3119/Web_2.0

Social Media Policies

Mashable.com's "10 Must-Haves for Your Social Media Policy"
mashable.com/2009/06/02/social-media-policy-musts/

Econsultancy.com's "16 social media guidelines used by real companies"
econsultancy.com/blog/5049-16-social-media-guidelines-used-by-real-companies

"IBM Social Computing Guidelines"
www.ibm.com/blogs/zz/en/guidelines.html

An online list of various companies' social media policies:
socialmediagovernance.com/policies.php

Monitoring Social Media in the Workplace

Keeping a Closer Eye on Employees' Social Networking
bits.blogs.nytimes.com/2010/03/26/keeping-a-closer-eye-on-workers-social-networking/

Should You Monitor Social Media Behavior at Work?
www.barefeetstudios.com/2010/03/29/should-you-monitor-social-media-behavior-at-work/

Wiki \ˈwi-kē, ˈwē-\

n. a website that allows multiple users to create, edit and link web pages easily using a web browser

Social Media Revolution

Check out author Erik Qualman's viral video, "Social Media Revolution" on YouTube.
youtube.com/watch?v=sIFYPQjYhv8

White Papers from ALTRES

Clients of the ALTRES companies treat us as trusted advisors about all things related to employment, recruitment, and human resources management. In fact, ALTRES is the state's largest HR department, serving more than 1,200 clients across the islands.

For this reason, ALTRES tracks every change in federal and state employment law, lobbies at the state legislature on behalf of business, and stays on top of trends that impact employers in Hawaii.

When the Hawaii smoke-free law went into effect in 2006, no public monies had been allocated to educate businesses about complying with the new law. Because ALTRES had prepared educational materials for its own clientele, ALTRES decided to share those materials at no cost to employers statewide. Since then ALTRES has been periodically publishing white papers for the benefit of its clients and other businesses across Hawaii.

Where is ALTRES in the social media scene?

We get asked this question occasionally, and our answer is pretty simple: we're taking our time. ALTRES has a 40-year track record of innovation in business and technology. In fact at the end of 2009, ALTRES was named "Innovative Company of the Year" by *Pacific Business News*.

As trusted advisors to local businesses, ALTRES interacts with its clientele—and potential clientele—directly and privately. While more and more of this interaction is occurring online, it is being conducted through secure portals, email, and direct text. Social networking has yet to become a major influence on these one-on-one relationships.

Yet, when it comes to the social web, we at ALTRES clearly see the writing on the wall and are planning accordingly. In the meantime, we continue to test Twitter, follow Facebook, and post our videos on YouTube. We look forward to networking with you online in the near future.

About the ALTRES companies, founded in 1969

ALTRES, Inc. is Hawai'i's premier provider of HR administration solutions, known collectively as simplicityHR, and is Hawai'i's pioneer professional employer organization (PEO). Serving as the human resources "back office" for hundreds of local businesses, the company provides payroll processing, workers' compensation coverage, safety, HR support, training, health care coverage, and employee benefit plans covering thousands of employees statewide.

ALTRES, Inc.

(808) 591-4900 (Oahu)

1-800-373-1955 (Neighbor Islands)

simplicityHR.com

ALTRES Staffing, Inc. is Hawai'i's largest, most experienced employment services company. With four specialized staffing divisions—Office/Professional, Industrial, Technical and Medical—the company screens more than 20,000 job applicants each year. ALTRES Staffing helps local companies "get the work done" by recruiting and placing experienced, pre-screened, and pre-qualified personnel in temporary, temp-to-hire, direct-hire and contract positions throughout the islands.

ALTRES Staffing, Inc.

(808) 591-4940 (Honolulu)

(808) 456-6699 (Pearl City)

(808) 329-1341 (Kailua-Kona)

(808) 887-6216 (Waimea)

(808) 935-4196 (Hilo)

altres.com