

Three Golden Rules of Social Media for Municipalities

Municipalities, like many employers, have tread carefully in adopting social media into their communication strategies. Today, more than half of Ontario's 444 municipalities have launched into the world of social media.¹ The benefits of a well-run social media program are as numerous, as platforms like Facebook, Twitter, and YouTube present opportunities to communicate and engage directly and instantaneously with a wide range of residents. However, while the potential benefits of social media are substantial, its undisciplined use can pose considerable risk. The key is to harness the power of this relatively new communication tool, while at the same time minimize its risks.²

Fortunately, both of these objectives can be achieved by implementing a social media policy that complies with Three Golden Rules:

1. Communicate clear, reasonable, and understandable expectations and parameters for employee and volunteer online conduct.
 2. Facilitate monitoring of any online communication that has the potential to negatively impact the municipality.
 3. Consistently enforce the policy.
- More on these rules in a moment.

Social Media – the Good, the Bad, and the Ugly

While there are numerous examples of social media being used to successfully serve the public and advance mu-

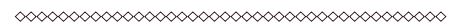
nicipal ends, there is perhaps no better example of the utility and versatility of a municipal social media program than that of the City of Calgary and its mayor, Naheed Nenshi. During the flooding crisis of 2013, Calgary residents received real time emergency updates via Twitter. When the city received a \$52 million tax surplus, it used YouTube to communicate details of five potential spending initiatives and solicit public feedback. The city and mayor's office have even found creative ways to promote important causes such as youth literacy by posting videos of the mayor and other municipal staff reading and acting out such literary masterpieces as *Pete the Cat*.

By contrast, ignoring social media altogether may come with a cost, as one smaller municipality recently learned. Without a social media policy, the town was caught flat-footed when one of its employees communicated certain confidential information to a resident through a personal Facebook account. This led to a hearing before the province's information and privacy commissioner, which ultimately required the town to develop and implement appropriate social media policies.

A municipality, as any employer, should also be aware that the online communications of an employee or vol-

unteer *whether at work or in his or her personal capacity* can have a negative impact on the municipality's reputation. Recall the 2009 YouTube video of the Domino's Pizza employees defiling food in the workplace. Or the recent tweet by a Chrysler employee who, while driving to work, tweeted on the company's account: "I find it ironic Detroit is known as the #motorcity and yet no one here knows how to [expletive] drive."

Other examples are more subtle, such as the events surrounding the 2012 tragic death of B.C. high school student Amanda Todd. Following her suicide after being the victim of bullying and harassment, an Ontario man, with no apparent connection to Ms. Todd, posted the following comment on Facebook: "Thank God this b---- is dead." A Calgary woman tracking Facebook comments about Ms. Todd saw the offensive post and when she viewed the poster's online profile became aware of his employer. The offensive post was reported to the employer, which promptly fired the man, claiming the posting was contrary to the company's values and could be traced back to it via the online profile.



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1 <www.redbrick.ca/resources.asp>.

2 This article is for general information purposes only and does not constitute legal or other professional advice.

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It takes little imagination to envision the damage to a municipality that could result in any number of similar situations.

The Three Golden Rules

As harsh, embarrassing, or damaging to a municipality as an online communication may be, it is not possible to monitor and control everything posted, anywhere in the world, any time. It is possible, however, indeed advisable, to implement and enforce a social media policy that governs the online communications of employees and volunteers, whether during business hours or on personal time.

When and how to introduce a policy into the workplace (or amend an existing policy), depends on several factors not the subject of this article, but should be discussed with experienced employment counsel. In terms of the policy itself, the following are three “golden rules” to follow.

Rule 1: Communicate clear, reasonable, and understandable expectations and parameters for employee and volunteer online conduct.

A social media policy should communicate clear expectations for online conduct and address the following.

- ▶ Describe *how* and *why* the policy is relevant to and necessary for the municipality.
- ▶ State that employees and volunteers should have no expectation of privacy as it relates to the use of company technology (should this be the case).
- ▶ State that the municipality monitors social networking sites.
- ▶ Include a prohibition on posting in a way that can negatively impact the municipality’s reputation.

- ▶ Include a prohibition on posting negative comments about other employees, volunteers, and members of the public.
- ▶ Include a prohibition on disclosing confidential information of the municipality, employees, members of the community, or any other individual or entity.
- ▶ Include a prohibition against employees and/or volunteers representing themselves as communicating on behalf of the municipality without the municipality’s express consent. On this point, municipalities without an official social media presence should consider the risk of being without an official platform to respond to this type of “passing off” conduct. Should a rogue employee or volunteer post material purportedly “on behalf” of the municipality, an official Facebook or Twitter account may be an effective tool for correcting the public record.
- ▶ Identify any companion workplace policies applicable to online conduct, such as harassment and bullying.
- ▶ Describe the process for addressing complaint of social media abuse.
- ▶ State that a violation of the policy may result in discipline, up to and including termination of employment for cause, and/or a civil lawsuit in the courts.

Individuals with authority to post, tweet, or blog on behalf of the municipality will no doubt have demonstrated sound judgment in the past. Nevertheless, a posting policy can minimize the risk of embarrassing or harmful content reaching the public sphere through the municipality’s official accounts. To this end, authorized posters should receive

training on issues such as respectful communications, copyright laws, and other intellectual property issues. Municipalities are held to a high standard by the public and should strive to set a good example of online conduct, while simultaneously avoiding potential legal liability.

Some organizations have sought to classify the risk level of online content and apply a review process before postings take place. For example, a Facebook post providing the time and location of a municipal event may be viewed as low-risk and can be posted by an authorized individual without additional review. On the other hand, content expressing an opinion, particularly on local political issues, may be viewed as high-risk content requiring prior review and approval of a senior administrator. And, while implementing a formal review process may seem daunting and time-consuming, remember that many of these posts will be no longer than 140 characters (the Twitter maximum) and, as such, less onerous than one might think.

Rule 2: Facilitate monitoring of any and all online communication that has the potential to negatively impact the municipality.

A municipality’s monitoring activities should be the least intrusive necessary to achieve effective enforcement of the policy. To be clear, monitoring in this context is not a clandestine endeavor. The policy should *expressly* advise employees and volunteers the municipality reserves its right to monitor comments made about it on the internet. It is surprising how many individuals perceive their social media posts as private, despite the fact anyone with internet access can read them.

While social media monitoring is necessary for a successful policy, monitoring comes with its own unique risks. Human rights legislation across Canada prohibits discrimination on the basis of various protected grounds. If a municipality inadvertently discovers information relating to one of these protected grounds, it exposes itself to potential claims of discrimination. One way to minimize this risk is to ensure any municipal decision maker is not also responsible for monitoring online communications. As well, a good social media monitoring system (there are several capable of sophisticated filtering and reporting) can filter out irrelevant information and present a decision mak-

er with a “clean” package of relevant information.

Rule 3: Consistently enforce the policy.

When a policy violation is discovered, consider the appropriate level of discipline carefully. To this end, while social media may seem like a brave new world, the old rules concerning workplace discipline still apply. Before meting out discipline or commencing civil court activity, consider all relevant factors including the severity of the violation, years of service, history of misconduct, age, remorse, etc., as well as the level of discipline applied in similar circumstances. Any discipline issued under the policy should be proportion-

ate to the infraction and consistently applied.

Closing Thoughts

Perhaps the “most golden” of all the workplace social media rules is simply this: *“If you wouldn’t say it to your boss’s face, don’t post it.”* Unfortunately, life is not that simple. This is why municipalities must take additional steps to protect themselves and the individuals and entities they serve from the consequences of undisciplined, unfortunate, and even unscrupulous online postings. Is it worth the time and effort? In 2014, we all know the answer to that question: #socialmediabenefits. **MW**

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