


Risk Management Newsletter

Social Media & Online Content

Your organisation likely has a Social Media policy - is it just a piece of paper or is it a comprehensive document which has recently been reviewed to ensure it is still fit-for-purpose? You may have Facebook, Twitter or LinkedIn accounts - but who monitors content that is uploaded to these? Most companies have a website of some form; some are updated more regularly than others. There are important considerations for businesses around their social media procedures and monitoring of online content. Read on...we hope you  what you see!



Protect your brand: are staff aware of how to represent your company if posting social media updates from work functions?

Social media - it's not just about blocking Facebook!

Usually when we ask our clients how they manage their Social Media exposure, we hear about certain websites being blocked on work computers or we're told that there is a social media policy in place for all staff. However, there is a huge variance in quality of these procedures and how they are enforced. While some issues raised in this edition may not be relevant to your firm, there is plenty of food for thought. This guide can act as a useful tool to consider exactly what exposures could affect your business and whether they are already in hand.

Something for everyone

Earlier in the year we took part in a nationwide series of seminars titled "*Social Media in the Workplace*". We were pleasantly surprised by the range of companies of all sizes that were in attendance including charities, financial services, healthcare, sport and tech among others. Our brief in these situations is normally to listen to the issues raised and highlight how insurance can act as the safety net if something goes wrong. We thought we knew exactly what the content of our co-presenters would be before we heard it; how wrong we were! There is plenty to consider for clients of all types. Our interest was further piqued in June with the award of €75,000 - the maximum allowable - by Monaghan Circuit Court due to a comment made by an individual on Facebook.

There are a number of considerations for companies around online content and social media. Below are some interesting results from a survey we carried out among those that attended the seminars.

3 of every 5 companies surveyed had experienced at least one type of social media incident in the workplace. Of those affected, a breakdown of what the incidents related to is available to the right.

Interestingly, 20% of respondents did not feel that their organisation had enough security policies and solutions in place to protect employees' passwords and online access in the workplace.

Internet use	43%
Mobile phone use	29%
Personal devices at work	14%
Comments made online regarding the company	7%
Personal use on social media sites	7%

On the following pages are contributions from two of our co-presenters at the seminar. They look at the topic of social media and online content from a different perspective, namely as legal advisors and HR experts. This gives a different viewpoint on the topic from that of IT experts or of risk advisors such as ourselves.



Social Media in the workplace - Employment Law

By Antoinette Vahey, Associated Solicitor & Accredited mediator, Ronan Daly Jermyn

Social media has revolutionised our personal and professional lives. Recent reports suggest that almost one-third of the world's population has an active social media account. That coupled with the fact that most employees have access to their own personal devices means that employers cannot ignore this as an issue in the workplace.

Many businesses have become adept at harnessing the power of social media to promote their businesses and build their company's profile. However, social media has thrown up some big challenges for employers from recruitment right through to termination. Therefore, it is useful to consider the common issues arising for employers and to provide solutions to these challenges, to ensure that your business is protected to the fullest extent possible.

1. Recruitment and selection – Most recruiters operate from social media platforms such as LinkedIn and Twitter. This is a fast and efficient way to recruit however employers need to be vigilant not to place discriminatory advertisements on social media sites that appear less formal than traditional methods. Also be careful not to alienate older members of the workforce who may not have access to social media.

2. Data protection and screening – Online screening of applicants is not unlawful however be careful not to discriminate against candidates in relation to what you might see on their profile(s). Also consider how you will process and store online information. Furthermore, if you have a social media page or profile, as a data controller, you must ensure that employees' consent is obtained to use personal data, including photographs.

3. Ownership of contacts – Put safeguards in place to prevent employees using your business contacts when their employment terminates.

4. Protecting brand and reputation – Establish parameters with staff as to what is or is not acceptable and provide training. Ensure that employees' personal and professional social media sites remain separate. Request employees expressing a personal opinion, to make clear that this is not the view of their employer.

5. Productivity and usage – strike a balance between social media as a marketing tool and productivity. An outright ban can affect employee satisfaction and engagement and can be unrealistic with the proliferation of personal devices. Limited usage needs to have defined rules and timelines.

6. Vicarious liability – Employers may be held vicariously liable for acts of bullying, harassment and discrimination between employees on social media sites. Include social media issues in your dignity at work and disciplinary policies. Cyberbullying should also be included in risk assessments.

7. Privacy – Employers have a legitimate interest to protect their reputation, resources and equipment and can reserve the right to monitor employee activity in, and to a limited extent, and out of the workplace. However, employees have a right to privacy and such monitoring activity must be transparent, reasonable and proportionate.

Antoinette is a solicitor in Ronan Daly Jermyn's Employment group. She provides strategic legal advice to employers regarding all aspects of the employment relationship including wrongful and unfair dismissal; redundancies; internal investigations; personal injury claims for stress in the workplace; bullying and harassment; statutory entitlements and termination of employment, as well as the application of the TUPE regulations. Antoinette is also a CEDR qualified mediator specialising in employment and workplace disputes.

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Social Media in the Workplace – an employer’s guide!

By Fredericka Sheppard, Joint Managing Director, Voltedge

We often think that social media in the workplace refers to the great work marketing and PR teams do, but here’s another completely different aspect for you to consider and to be aware of. Whether the company has a social media presence or not, you can be pretty sure that at least some of your employees are active on social media so that means there is a definite overlap that needs to be managed.

What does that really mean?

Well for starters it means that what you or your company does may be discussed out there in the social media forums not because your marketing department has been busy promoting the company but because your employees are sharing and communicating about their lives and experiences and, guess what, it’s open season when it comes to telling pals about work colleagues, work events, or even company news. Those photos from the Christmas party or the company night out may be getting shared on Facebook or Twitter as we speak and you don’t even know about it. Also consider news about a customer, a product you are designing at work, the new intern in the office, there are no limits. It may appear to be a bit of chit chat but what happens when someone doesn’t see it that way?

Employees are using social media more and more for day to day activities, finding a new job, getting background on a company, finding out what they should be paid, who else works there. A little check of an employees Facebook pages will soon reveal if its “a fun place to work” or what staff think of the MD, it can all done from their desk, while waiting for a meeting, or queuing for a coffee in the canteen.

So, as employers, it’s important you create a work environment that treats everyone fairly, where there’s no inappropriate conduct, where company policy is followed to resolve issues – but do you have appropriate policies?

What if this social chit chat is not in their personal time but in their work time - that means “Company” time? What if it’s not their personal business and it’s your “company or colleagues” business or what if they are so upset with a colleague or manager that they decide to give them a telling off in rather unrestrained and colourful terms on Facebook? The “cyber” world that craves entertainment, breaking news, office gossip etc. - it all has the potential for a perfect storm.

Top tips employers should consider:

Have social media policies in place that staff can fully understand	Review and ensure good management practices are in place
Train your managers and educate employees	Utilise systems & technology to monitor and safe guard activity
Embrace and utilise the best from Social Media - keep learning about it	Don’t forget cultural aspects and your staff demographics
Follow good governance at all times	Remember the value of your EMPLOYER BRAND

After more than 15 years working in Senior HRM positions in Ireland and internationally, Fredericka set up Voltedge Management Limited with her business partner Joyce Rigby-Jones in 2011. Voltedge aim to bring expert HR services to SME’s across all sectors and be an integral part of a variety of entrepreneurship programmes. Now, after supporting companies through one of the most challenging recessions, Voltedge has become a major provider of Outsourced HR Services and a leading HR Consultancy to growing international companies in the technology, pharma and financial services sectors. Fredericka is also a Director on the Board of the Institute of Management Consultants and Advisers and a member of the National Executive Council of the Small Firms Association, and for more than five years she was part of the Equality Authority’s Panel of Experts on Work Life Balance.

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Thank you for reading our final edition for 2016. The next edition is due to come out in January. Below are links to our own social media pages. Follow these to keep abreast of important updates.

LinkedIn: <https://goo.gl/u06ncG> Twitter: @OLearyInsurance Facebook: <https://goo.gl/DILziV>

Below are a selection of cyber incidents that we have come across recently. As usual, these are all real-life Irish cases.

Social Media (Pub)

A busy city-centre pub takes photos of punters every weekend. The photos are then uploaded to their Facebook page, and people browse through them - each time they 'tag' themselves or their friends the photo goes to a wider audience. However, a photo slipped through the net which showed a bit too much of one female customer. Cue panic when the pub was made aware, and a rush to take the offending picture down.

Targeted scam (Travel agent)

We have seen sophisticated scams which are specifically designed with a particular industry or client in mind. One such example was a travel agent that had their top clients' noted on their web page. Scammers, pretending to be senior management in a client firm, successfully obtained two business-class tickets after tricking staff at the travel agent over emails. Apart from the financial loss, the company made a decision to remove client recommendations from their website.

Cyber crime (Solicitor)

We have provided several examples of this in recent editions, however we came across a twist on it recently. The criminals didn't slightly alter an email address, instead were able to create a fake account that on the face of it read exactly the same as the Managing Partner's email. It was only by opening up the name on the email that the address was verified as being fake - this was only discovered when the individual involved walked past his accounts person and she queried the request to transfer €10,000.

If you wish to discuss further please contact us. For new clients please contact Brian O'Mara — bomara@oli.ie or 021 453 6860.

About O'Leary Insurances

Insurance Brokers & Consultants, Est. 1961

From an initial complement of three staff in 1961, originally founded by the Late Archie O'Leary, O'Leary Insurances has successfully grown & developed into an Insurance Brokerage which specialises in providing a high level of customer service throughout Ireland.

With over two hundred employees now operating from nine locations nationwide, O'Leary Insurances provides a comprehensive insurance broking service to all sectors of the Irish Economy. As part of this [insurance broker](#) service, we have consistently maintained our strong emphasis on professionalism and personal attention through all of our products, buildings on our hard-earned reputation for dependability and commitment.

Our highly trained and experienced personnel would be delighted to be of service to you and would welcome the opportunity to discuss both your [Personal Insurance](#) and [Business Insurance](#) requirements with you. We are confident that our knowledge and expertise can assist you in the management of your insurance needs and can assure you of our very best attention in meeting the challenges of the future.

Disclaimer – as insurance brokers we cannot provide legal or risk management advice.

Thank you for reading.

