

Before letting workers tweet, protect yourself legally

BY KATHERINE R. STEINER

Companies large and small are grappling with the potential of utilizing social networking for business applications. The tantalizing opportunities to jump aboard and rush to use social media as part of a company's marketing mix must be balanced with potential risks. Embarrassment to your company resulting from poor judgment by an employee more focused on self-expression than the company's goals, could negatively impact, rather than benefit, your company's reputation and standing.

On the Internet, all of your employees can be ambassadors, enhancing your company's reputation by contributing to public discourse online. Your employees can provide state-of-the-art customer service by monitoring and responding to Twitter posts about company products and customer service. Your sales teams can cultivate prospects by participating in groups on LinkedIn. However, unlike traditional marketing methods, where all sales materials are vetted and approved (often at several levels) prior to distribution, online marketing communications move at the speed of a click. Reviewing comments before they are posted might cost you opportunities, but unvetted or poorly focused posts also open the door to legal and business risks.

So you want your employees to be out there on the Net, but not too far out. Employers want to avoid not only potential embarrassment, but liability for ill-advised content posted by employees. To avoid these minefields, companies should create a written social media use policy. Such policy should address not only clear boundaries on what's considered acceptable behavior on the Web, who at your company should be posting, the general content of such posts, and the consequences of violating those limits.

WHAT A POLICY COVERS

There is no one-size-fits-all social media policy, but your policy should address some major concerns: defaming competitors, colleagues, or customers; inaccuracies; release of proprietary information; copyright infringement and proper attribution; recognition that social media postings are discoverable in litigation; and a definition of inappropriate behavior. It is important to work with an attorney versed in these issues to establish a policy appropriate for your company. Some companies even require that before participating in social media posting, employees must review the policy with human resources or marketing, obtain training in appropriate social media use, or acknowledge in writing that they have read and understand the rules. In any case, social media use and employee posts should be monitored, and the policy strictly enforced by managers.

In general, social networking policies should require the following:

- If authorized to speak for the company, employees should identify themselves and their position with the company.
- Employees should be directed not to discuss company business strategies, proprietary information or financial information unless directed to as part of the company's marketing strategy.
- Employees should not defame the competition, or tweet or post unfavorable reviews of competitive products or services.
- Employees should be directed not to "troll" – that is, create a separate online identity – in an attempt to prevent negative comments from being traced back to your company.

A more difficult area for companies is employees that tweet or blog independently about their field of expertise, but do not speak on behalf of the company. For example, an accountant could post an opinion in a LinkedIn group discussion, or an engineer might publish a blog about design. To be credible, many online commentators reveal where they work. Clearly, their thought leadership is a favorable reflection on your company, but it also can backfire. Many companies, including IBM, require that all staffers who identify themselves as IBMers online publish a disclaimer saying, "The postings on this site are my own and don't necessarily represent IBM's positions, strategies or opinions." IBM also asks bloggers to write in the first person to drive home the point that they do not speak for the company.

The two-way conversations now available through the Internet allow companies to communicate with customers and the community in new ways never before possible. Information on products, service and trends gleaned by participating in online conversations can enhance your company's marketing strategies, improve customer service and position your employees as leaders in your industry. Establishing a well thought out social media policy improves your chances of benefiting from this channel, while lessening the risk of embarrassment and potential liability.

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