

SOCIAL MEDIA

Social Media in the Municipal Environment



Benson
Buffett

OVERVIEW

- **Using social media**
- **Policies for use**
 - Official account usage
 - Personal use on the job
 - Personal use off the job
 - Elected officials use
 - Addressing harassment, threats or hate
- **Privacy Issues with social media**
- **Torts**
- **What to watch**



USING SOCIAL MEDIA

EMBRACE IT!

- Saves money compared to traditional communication
- Effective for crisis communication
- Citizen engagement and reputation management
- Attract and inform visitors
- Economic development
- Optional or expected?



USING SOCIAL MEDIA

“We used social media like a telephone, they used it like television. That made the difference.”

– Chima Nkemdirim, Mayor Nenshi’s Chief of Staff



Naheed Nenshi ✓
@nenshi



Follow

All those students asking me to declare a snow day: focus a bit more on social studies. :-)

The City has no control over schools.



Daniel Moore
@banthedan

24 Mar 12

Hey @nenshi what's the point of the ridiculously expensive bridge again? What does it signify?



Naheed Nenshi ✓
@nenshi

Follow

@banthedan I think it's to be used to cross the river

7:56 PM - 24 Mar 2012

69 110



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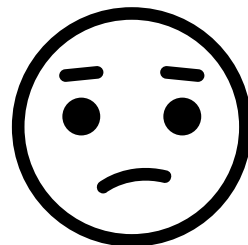
USING SOCIAL MEDIA

- What to use, and how to use it
- Facebook, Twitter, Instagram, LinkedIn, ???



- Important not to just have it, but for it to have relevant and frequent content

Are you making
this face?



Invest in
training!



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SOCIAL MEDIA POLICIES

At a minimum, recommend your policies target the following:

Official account usage

Personal use on the job

Personal use off the job

Elected officials use

Addressing harassment, threats or hate

All need to define “acceptable use”

Should define social media broadly – constantly changing!



SOCIAL MEDIA POLICY: OFFICIAL ACCOUNTS

Important Considerations

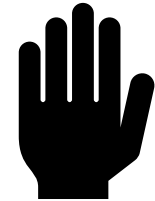
- Who has access?
- Tone: Engagement vs. Risk
- Push information or respond to comments?
- Disclaimers



SOCIAL MEDIA POLICY: OFFICIAL ACCOUNTS



SOCIAL MEDIA POLICY: OFFICIAL ACCOUNTS



Monitoring and moderating

Can you delete comments made on your social media pages?

- As Town staff any page you run should be considered a public forum
- Not necessarily free to limit speech (delete comments) since free speech is constitutionally protected
- However, **not** obligated to allow discriminatory or hate speech

(free speech is subject to reasonable limits as

may be justified in a free and democratic society)



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SOCIAL MEDIA POLICY: PERSONAL USE

- Personal use at work
- Generally controlled to ensure productivity, but privacy implications as well
- Employers are starting to have concerns about productivity: if you are thinking about any kind of ban ensure have an implemented policy and meet labour standards with regards to breaks
- If you require personal phone use for workplace, harder to monitor reasonably



SOCIAL MEDIA POLICY: PERSONAL USE

- Personal use at home or elsewhere
- Institutional interests v freedom of speech
- What is in the employment contract?
- Can be cause for discipline – needs to be progressive
- *Kim v International Triathlon Union, 2014 BCSC 2151*
 - Employee made several disparaging comments about workplace and boss on Twitter, Facebook
 - Was fired, no progressive discipline so found to be wrongful dismissal
- Conversely - labour arbitrations upholding dismissal for less serious comments



SOCIAL MEDIA POLICY: PERSONAL USE

- Generally unacceptable use falls in two categories:
disparaging to the employer (Town) or harmful (hate, discrimination, threats).

In disciplining employees, consider:

- Damage to the Town; including, reputational damage or workplace interruption (insubordination) ;
- The frequency, timing and duration of inappropriate posts and seriousness of the subject matter;
- Response of the employee when confronted;
- Disclosure of confidential information; and
- Whether warnings have been given.



SOCIAL MEDIA POLICY: COUNCILLORS

- Possible also caught by requirement to allow free speech (Watson case out of Ottawa)
- Once elected, should be bound by a policy with similar principals as staff
- Some differences in ensuring they are free to engage in the democratic portion of their role: engage in debate, put forward ideas, etc.
- If Town has an internal policy regarding councillors speaking to past decisions, should also apply to social media



SOCIAL MEDIA POLICY: THREATS, HARASSMENT & DISCRIMINATION

- No “acceptable use” or tolerance
- Define threat, harassment and discrimination
- All such comments made on any platform will be deleted and the users potentially blocked
- Have a disciplinary regime for employees who engage in such commenting on social media
- Obvious gap: legislation does not allow you to penalize councillors who violate – have a policy anyways
- TTC found liable for failing to protect its workers from harassment and discrimination on its Twitter account



PRIVACY AND SOCIAL MEDIA

- *Access to Information and Protection of Privacy Act*
- *Privacy Act*
- *PIPEDA*
- *Common Law*

Bottom Line: Do not disclose confidential or proprietary information of the municipality, its residents, or third parties with which it conducts business



SOCIAL MEDIA TORTS

- New sexy torts relevant to municipalities with employees:

intrusion upon seclusion

&

public disclosure of embarrassing private facts

- Intrusion upon seclusion bears risk in monitoring or viewing employees social media accounts
- Public disclosure of embarrassing private facts creates concerns for vicarious liability for if those facts are gleaned via municipal property (ie: tax arrears)



SOCIAL MEDIA LAW

What to watch in Social Media Law for municipalities:

- Constitutionality of deleting posts or blocking users
- New social media platforms/technology
- Ownership/control of social media accounts



QUESTIONS/COMMENTS?

Need help? Let me know.

Thank you!



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