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SOCIAL MEDIA ISSUES IN THE WORKPLACE

Overview

It is clear that social media use is on the rise. On October 4, 2012, Facebook announced that has 1 billion monthly users which doubles the 500 million users it had in July 2010. Recent online social media user statistics report that Twitter has 555 million active users and LinkedIn has 150 million registered users (http://www.go-gulf.com). While it is clear that such usage is extending to the workplace, a report by Manpower employer services found that only 29% of companies in the Americas have a "formal policy regarding employee use of social networking sites." Given this activity and the potential for employer and employee consequences from such usage social media policies have become an area of importance and concern for employers, legislators and state and federal courts.

Illinois Law Prohibits Request of Passwords

Illinois was the second state after Maryland to pass legislation that prohibits employers from requesting employee passwords to social media sites from potential and current employees. See Right to Privacy in the Workplace Act, 820 ILCS 55/10. Signed on August 1, 2012, the law takes effect on January 1, 2013 and provides in part: "It shall be unlawful for any employer to request or require any employee or prospective employee to provide any password or other related account information in order to gain access to the employee's or prospective employee's account or profile on a social networking website or to demand access in any manner to an employee's or prospective employee's account or profile on a social networking website."

The law applies to Illinois employers of all sizes, is enforced by the Illinois Department of Labor, and ultimately provides a private right of action for individuals to sue employers in state court.

Proposed Federal Laws

The issues surrounding privacy and social media also are being addressed through legislative efforts at the national level. On April 27, 2012, U.S. Representative Eliot Engel (D-N.Y.) and U.S. Senator Jan Schakowsky (D-Ill.) have sponsored the Social Networking Online Protection Act. The Act would prohibit current or potential employers from requiring the username or password to an employee's or job applicant's private online accounts. The bill forbids employers from seeking such access in order to discipline, discriminate against, or deny employment to any individual. A violation would subject an employer to a civil penalty of up to $10,000.

On May 9, 2012, U.S. Senator Blumental (D-CT) and Heinrich (D-NM) proposed Password Protection Act of 2012 which seeks to prevent employers from requiring job applicants or current employees from sharing information from their personal accounts. These senators have also requested the Department of Justice and the Equal Employment Opportunity Commission to investigate such practices.

Implications for Employers

The Equal Employment Opportunity Commission has also considered the issues related to workplace use of social media. Edward Loughlin, a trial attorney with the Equal Employment Opportunity Commission's Washington, D.C., field office, told attorneys attending a workshop sponsored by the EEOC Training Institute and the Washington field office on August. 24, 2012, "[I]f you don't watch yourself, you can really create a giant problem down the road," Loughlin said the use of social media in the employment context has "been on the radar screen of the commission for several years now." "Although it might not be obvious, he said, navigating issues that arise from social media use in the workplace involves EEOC-related topics and "can create an absolute legal mine field for employers."

While Illinois law prohibits accessing private accounts subject to password protection, even if the employee or job applicant has a public account, an employer will likely be privy to information that is not job-related which could provide the individual with a basis for a legal claim based on protected class status or protected activity. By accessing photos or postings, social media sites may reveal an individual's protected attributes such as, race, religion, national origin, age, disability, pregnancy, genetic information, sexual orientation, marital status and other protected characteristics protected under state and federal laws. As such, viewing employee or applicant personal information on social media sites may trigger protections under state and federal anti-discrimination laws such as Title VII, the Age Discrimination in Employment and The Americans with Disabilities Act.

Moreover, reliance on such information in making an employment decision could give rise to a claim under the Right to Privacy in the Workplace Act, 820 ILCS 55/1, which prohibits the refusal to hire, terminate employment, or otherwise disadvantage any person because he or she uses alcohol and/or tobacco away from the job site on non-working time. The law applies to Illinois employers of all sizes, is enforced by the Illinois Department of Labor and ultimately provides a private right of action for individuals to sue employers in state court.

In addition to the state statutes and anti-discrimination statutes, employers need to be careful not to violate the federal Stored Communications Act, 18 U.S.C.§ 2701 et seq., (the "SCA"). The SCA regulates when an electronic communication service ("ECS") provider may disclose the contents of or other information about a customer's emails and other electronic communications to private parties. Congress passed the SCA to prohibit a provider of an electronic communication service "from knowingly divulging the contents of any communication while in electronic storage by that service to any person other than the addressee or intended recipient."

Under SCA, an offense is committed by anyone who: "(1) intentionally accesses without authorization a facility through which an electronic communication service is provided;" or "(2) intentionally exceeds an authorization to access that facility; and thereby obtains...[an] electronic communication while it is in electronic storage in such system." 18 U.S.C. § 2701(a)(1)-(2). However, it does not apply to an "electronic communication [that] is readily accessible to the general public." 18 U.S.C. § 2511(2)(g).

In *Maremont v. Susan Fredman Design Group, Ltd*., Case No. 10 C 7811 (N.D. Ill. Dec. 7, 2011), U.S. District Court for the Northern District of Illinois ruled an employer may be liable where the employer posted entries on an employee's personal Facebook page and posted Tweets on her personal Twitter account to promote its business without her authorization. In *Maremont,* the plaintiff was the Director of Marketing, Public Relations and E-commerce for a major interior design firm. She was compensated in part based on the firm's sales so she promoted the firm through various media, including social media and a blog she created for the employer on the firm's website and a Facebook which she opened for the firm. The plaintiff had a personal Facebook page and a personal Twitter account and many of her posts promoted her firm and provided links to her firm's website and blog. It is undisputed that the firm was aware of the plaintiff's promotion of the firm on her personal accounts but she never gave authority to anyone at the firm to access her personal accounts nor did she share her passwords on those accounts with the firm.

The plaintiff was severely injured in an automobile accident and while recovering the employer posted without her authorization entries on her personal Facebook and at least 17 Tweets on her personal Twitter account. The plaintiff brought a cause of action under the Stored Communications Act, 18 U.S.C. § 2701 et seq., the Lanham Act, 15 U.S.C. § 1125(a), Illinois' Right to Publicity Act, 765 ILCS 1075, et seq. and a common law right to privacy claim. The Court denied the Defendants Motion for Summary Judgment regarding the SCA ruling that there are disputed issues of material fact whether the Defendants exceed their authority in obtaining access to her personal Twitter and Facebook accounts.

Regarding plaintiff's claim for "false endorsement" under the Lanham Act, the Court ruled that "false endorsement occurs when a person's identity is connected with a product or service in such a way that consumers are likely to be misled about that person's sponsorship or approval of the product or service. This claim alleges the misuse of "a symbol or device such as a visual likeness, vocal imitation, or other uniquely distinguishing characteristic, which is likely to confuse consumers as to the plaintiff's sponsorship or approval of the product." The court found

that through her personal accounts the plaintiff had commercialized her identity and the employer may have misled consumers of her personal social media accounts about her sponsorship or approval of the employer's posts.

Since the postings made clear that plaintiff was on a leave of absence and that a guest blogger would assume her role the Court granted the Defendant's Motion for summary judgment regarding the Right to Publicity Act for the "appropriation of one's name or likeness" since the defendants did not pass themselves off as the plaintiff. Also, when she returned to work briefly her posts made clear that she had been absent and she thanked the guest bloggers for their efforts. The Court concluded that, as a matter of law, the plaintiff's identity had not been appropriated by her employer. In regard to the plaintiff's Illinois tort claim of intrusion upon seclusion, the Court found that her postings were not private and that she did not try to keep her postings private and as such, the defendants did not intrude upon her private information.

In *Pietrylo v. Hillstone Restaurant Group*, (06-5754) (July 28, 2008) the District Court of New Jersey applied the SCA to an employer who accessed a cite using an employee's MySpace login. In *Pietrylo,* the employee testified that she felt she had to give her password to her supervisor. She further testified that she would not have given her password if he had not been a manager, and that she would not have given her information to other co-workers. When asked whether she felt that something would happen to her if she did not give her password, she testified, "I felt that I probably would have gotten in trouble." In denying the Defendant's Motion for Summary Judgment, the Court found that the jury could reasonably infer from such testimony that the employee's purported "authorization" was coerced or provided under pressure. As a result, this testimony provided a basis for the jury to infer that the employer's accessing of the MySpace forum was not, in fact, authorized.

Employers should be informed that viewing social media sources for information can create potential claims from job applicants and employees. Once social media information becomes known to an employer either legally or illegally, an applicant or employee may allege that the employer relied on protected class status or activity when making the employment decision. Moreover, if an employer uses an employee's social media account without permission regardless of whether these accounts have promoted or discussed with the employer in the past, the employer may be liable for unauthorized access.

NLRB Issues Report Regarding Social Media Policies

Employer responses to employee activity in social media and employer social media policies are receiving intense scrutiny from the National Labor Relations Board (NLRB). The NLRB protects all employees, union and non-union, who participate in "concerted" or group activity. It is interesting to note that 93% of all private sector workplaces are non-union. If an employer disciplines or terminates an employee who posts negative statements about the workplace that may violate the Act since employees has a right to use social media to complain about their working conditions. However, group activity is needed and posting personal complaints about the employer will not protect an employee from discharge.

In recent months, the NLRB has received charges of unfair labor practices against both union and non-union employers related to social media policies. A demand for access to an employee's social media sites also may be seen to interfere with employee rights protected by the NLRB.

On May 30, 2012, the NLRB issued its third review, a 27 page report which focused on seven cases that the Board pursued against employers for allegedly violating these laws. Written by Lafe Solomon, Acting General Counsel for the NLRB, the report is meant to help employers develop social media workplace policies that keep within the bounds of the law. Solomon acts as the lead prosecutor for the labor board and the report discusses his conclusions on a number of issues that have recently come before the agency. "This [memo] is actually in response to requests from employer groups who said, 'Hey, we need some guidance. What's a good social media policy?'" explained NLRB spokeswoman Nancy Cleeland. "Social media just by its nature is collective activity, and that goes to the heart of our law. It makes sense that we would pick this up."

In six of the seven cases, Solomon "concluded that at least some of the provisions in the employers' policies and rules are overbroad and thus unlawful under the National Labor Relations Act." In that regard, Solomon stated, "As explained in my previous reports, an employer violates Section 8(a)(1) of the Act through the maintenance of a work rule if that rule "would reasonably tend to chill employees in the exercise of their Section 7 rights." Section 7 of the NLRA provides to all employees—unionized and non-unionized—the right to engage in protected "concerted activities for the purpose of collective bargaining or other mutual aid or protection." Such protected concerted activity includes, for example, the right to protest an employer's treatment of its employees or other working conditions.

Solomon stated, "The Board uses a two-step inquiry to determine if a work rule would have such an effect. First, a rule is clearly unlawful if it explicitly restricts Section 7 protected activities. If the rule does not explicitly restrict protected activities, it will only violate Section 8(a)(1) upon a showing that: (1) employees would reasonably construe the language to prohibit Section 7 activity; (2) the rule was promulgated in response to union activity; or (3) the rule has been applied to restrict the exercise of Section 7 rights. Solomon stated, "Rules that are ambiguous as to their application to Section 7 activity, and contain no limiting language or context that would clarify to employees that the rule does not restrict Section 7 rights, are unlawful. In contrast, rules that clarify and restrict their scope by including examples of clearly illegal or unprotected conduct, such that they would not reasonably be construed to cover protected activity, are not unlawful."

Some of the policies the NLRB found improper included prohibitions against communications regarding confidential information or personal employee information because it "chilled" the discussion of terms and conditions of employment, including wages. The report also found the policies that instructed the employee to communicate in a professional tone without making objectionable or inflammatory comments were unlawful because employees could reasonably construct such a policy to prohibit robust but protected discussions about working conditions or unions. However, if an employer provided specific examples in context, similar prohibitions and rules could be appropriate because employees would not reasonably read

the rules to prohibit protected discussions of wages and working conditions.

In upholding Wal-Mart's Social Media Policy (see below), Solomon found that it contained tangible examples of what is and isn't permissible which helped employees understand that the prohibitions did not extend to protected concerted activity. The report noted Wal-Mart's policy, "provides sufficient examples of prohibited conduct so that, in context, employees would not reasonably read the rules to prohibit Section 7 activity. For instance, the Employer's rule prohibits "inappropriate postings that may include discriminatory remarks, harassment and threats of violence or similar inappropriate or unlawful conduct." Solomon found this rule lawful since it prohibits plainly egregious conduct, such as discrimination and threats of violence, and there is no evidence that the Employer has used the rule to discipline Section 7 activity.

The report went on to state, "Similarly, we found lawful the portion of the Employer's social media policy entitled "Be respectful." In certain contexts, the rule's exhortation to be respectful and "fair and courteous" in the posting of comments, complaints, photographs, or videos, could be overly broad. The rule, however, provides sufficient examples of plainly egregious conduct so that employees would not reasonably construe the rule to prohibit Section 7 conduct." The consequences regarding violations of employee rights include issuance of cease and desist order, rehire a terminated employee and back pay, and/or require posting a notice stating the NLRB has found company violated Federal Law.

The report is non-binding advice of a governmental agency and the NLRB acknowledges in the memo that more fine-tuning of social media policies and guidelines on the part of employers will be necessary in the future.

In mid-September, the NLRB Inspector General David Berry issued a report accusing Solomon of ethics violations. The report said Mr. Solomon knew "that the case involving Wal-Mart's social media policy would have a direct and predictable effect on [his] financial interest." Solomon is accused of ethics violations for participating in discussions about the legality of Wal-Mart's social media policy because he had a financial interest in the company which amounted to about $18,000 worth of Wal-Mart stock. According to the inspector general, Solomon was consulted by a regional office as to whether a complaint should be issued against Wal-Mart due to an employee's termination regarding the posting on Facebook and because the Wal-Mart policy was illegal since it was overly broad. Solomon sought a waiver due to his ownership of the Wal-Mart stock but before getting approval, he directed his staff contact Wal-Mart who then modified the policy to comply with the Act. The complaint against Wal-Mart by the employee terminated due to the posting was ultimately dismissed on the basis that the comments were not protected by the Act.

According to *The Washington Times*, based on the allegations of ethics violations, Rep. John Kline, Minnesota Republican and House Education and Workforce committee chairman, has called for the Department of Justice to investigate Solomon who was appointed by the Obama Administration but never confirmed by the Senate. Solomon argues that he acted with "utmost good faith." He said he tried to be open and transparent by declaring his financial stake in Wal-Mart. He had hoped to get a waiver that would allow him to participate in the case, but

once that effort failed, he sold his stock in the company. Furthermore, Solomon said that had only received the stock three months prior to the case as an inheritance after his mother died.

NLRB Issues Opinions Regarding Social Media

In September the NLRB issued two opinions regarding social media policies. In *Costco Wholesale Corp*., 358 N.L.R.B. No. 106 (Sept. 7, 2012), the three-person NLRB panel found that the third largest retailer in the U.S. had employee policies that are too broad regarding the use of the Internet and social media. In *Costco*, the Board reviewed a variety of handbook provisions protecting certain confidential information and found them unlawful under the Act. The Board found that the policy language was unlawful because it would reasonably "chill" the exercise of rights under Section 8(a)(1) of the NLRA.

The following provisions were held unlawful:

The Board agreed with the ALJ that prohibiting "unauthorized posting, distribution, removal or alteration of any material on Company property" was lawful on its face because it prohibited posting in nonworking areas. Under current Board law, restrictions on distribution or posting must be confined to "work areas."

The Board found that prohibiting employees from discussing "private matters of members and other employees . . . including topics such as, but not limited to, sick calls, leaves of absence, FMLA call-outs, ADA accommodations, workers' compensation injuries, personal health information, etc." was unlawful. As defined in the handbook, the Board found that "private matters" includes terms and conditions of employment, which employees have a right to discuss amongst themselves and union representatives.

Prohibitions related to discussing "sensitive information such as membership, payroll, confidential financial, credit card numbers, social security numbers, or employee personal health information." "Sensitive" information included information relating to employees' terms and conditions of employment, which the Board held the employer could not bar employees from discussing. Specifically, the policy defined "sensitive" information to include payroll information. The Board agreed with the ALJ that a reasonable employee would read that term as encompassing their wages. The policy stated that such information "may not be shared, transmitted, or stored for personal or public use without prior management approval."

Prohibitions related to sharing "confidential" information, such as employees' names, addresses, telephone numbers, and email addresses were unlawful. The Board agreed with the ALJ that because a distinction was not made between "confidential" information obtained from the employer's files, which an employer can protect against disclosure, and information that comes to employees' attention in the normal course of their work activity or from a coworker, which the employer cannot protect against disclosure, the rule was overbroad and would be understood to chill protected concerted activity.

Prohibiting employees from electronically posting statements that "damage the Company, defame any individual or damage any person's reputation" was held unlawful because it would

reasonably be read to prohibit employees from complaining about the company's treatment.

The Board upheld two questioned provisions of the employer's handbook:

The employer was allowed to require employees to observe "appropriate business decorum" when communicating with others because it would not reasonably be interpreted as hindering protected conduct, but rather would be viewed as requiring general workplace civility.

The employer was allowed to prohibit employees from leaving company premises during their shift without management permission because this would not be reasonably understood as requiring employees to get management permission to go on strike.

The Board's decision confirms that even basic policy language common in nonunion workplaces will be struck down if there is a reference to one "inappropriate" item. In this case, a reference to "payroll" information rendered an entire section unlawful.

In *Knauz BMW*, 358 N.L.R.B. No. 164 (Sept. 28, 2012), relying on *Costco*, the Board found that a rule requiring workplace courtesy violated Section 8(a)(1) but upheld the termination of an employee based his objectionable posts to his Facebook account. The *Knauz* case is the Board's first ruling involving posts to the social media website Facebook involving a nonunion car dealership.

The Board found a violation regarding the handbook provision that stated "courtesy is the responsibility of every employee. The provision stated, "Everyone is expected to be courteous, polite and friendly to our customers, vendors and suppliers, as well as to their fellow employees. No one should be disrespectful or use profanity or any other language which injures the image or reputation of the Dealership." The Board found this rule unlawful under Section 8(a)(1) of the NLRA because employees would reasonably view the prohibition against "disrespectful" conduct and the "language which injures the image or reputation of the Dealership" to encompass Section 7 activity. Employees who wanted to avoid discipline would view this rule in the context of disputes related to wages, hours, or terms and conditions of employment and therefore would be inhibited in exercising NLRA rights.

While holding this employment handbook language unlawful, the Board upheld the Administrative Law Judge's (AJL) dismissal of the allegation that the dealership fired an employee based on his Facebook postings about an automobile accident at one dealership. The case regarded whether Knauz terminated salesperson, Robert Becker, for posting mocking comments and photos with co-workers about serving hot dogs at a luxury BMW car event, or for posting photos of an embarrassing and potentially dangerous accident at an adjacent Land Rover. The accident occurred when a salesperson was showing a Land Rover to a customer and allowed the customer's 13 year child to sit in the driver's seat while the salesperson was in the passenger seat. The child pressed the accelerator and the car drove down a small hill, over the foot of the customer, and into a pond and the salesperson was thrown into the water. Becker posted pictures of the car in the water on his posting and stated in part: This is your car: this is your car on drugs.

The ALJ held that Becker's Facebook posting about the BMW event was protected concerted activity under the NLRA because his criticisms of the food offering were shared by co-workers, and there was a possibility that their criticisms were connected to the dealership's image, which could affect sales. Since lower sales could hurt their commissions, Becker's posting was connected to the terms and conditions of employment. The ALJ also concluded that Becker did not disparage his employer to a degree that removed the NLRA's protections.

At the hearing, witnesses for the employer testified that it was the Land Rover picture, not postings regarding the criticism regarding food that led to the termination. The judge found that the Land Rover posting was neither protected nor concerted. The judge stated, "It is so obviously unprotected that it is unnecessary to discuss whether the mocking tone of the posting further affects the nature of the posting." As such, the ALJ held that Becker's Land Rover posting regarding an accident was clearly not protected concerted activity, because it was posted solely by Becker, without discussion with any other employee, and it had no connection to the terms and conditions of employment at Knauz.

The Board affirmed the AJL's holding that these Facebook postings were deemed unprotected under Section 7 since the judge had reasoned that the employee posted the information apparently "as a lark, without any discussion with any other employee of the dealership, and had no connection to any of the employees' terms and conditions of employment." Because it found the termination was based only on the Land Rover posting, the NLRB did not decide whether the posting about the promotional event at the BMW dealership was protected.

Considerations for Social Media Policies

The *Costco* and *Knauz* decisions are largely consistent with Solomon's reports and although the Board did not specifically rely on those reports many of the same cases found in the reports were cited by the Board. Based on Solomon's guidance and the decisions in *Costo* and *Knauz*, the following are some considerations for the preparation of a social media policy. However, since employers can expect continued litigation over social media policies, the success of these polices for the employer will be based on how carefully the policy is drafted. It seems clear the focus will be on how specifically the employer defines impermissible communications in a manner that does not violate the employees Section 7 rights.

> Clearly define the employer's business purposes for the policy. Provide an explanation of the nature of issues that the policy is designed to address and provide the context for the prohibitions and employer's business interests in imposing appropriate restrictions on social media postings;

>Inform all employees to read to social media policies and guidelines and make it perfectly clear what is considered inappropriate;

> Inform employees that any postings are subject to monitoring and are not private communications;

> Inform employees to refrain from using social media on work time or on equipment the company provides, unless it is work related;

> Explain that employees are free to express their views in social media but are responsible for what they post and should use good judgment and common sense;

> Inform employees that disclosure of properly defined sensitive business information and trade secrets is improper and provide specific examples such as the types of confidential information that cannot be disclosed for business or legal reasons, for example, trade secrets, and attorney-client privileged information, but do not restrict communications on wages or working conditions;

>Inform employees to express only personal opinions, not to represent themselves as a company spokesperson without permission and not to speak to the press without checking with the company's human-resources department or function;

>Define, with specific examples, restrictions on offensive communications and link them to policies against harassment, discrimination, and bullying and inform employees that inappropriate postings that include discriminatory remarks, harassment and threats of violence or similar inappropriate unlawful conduct are prohibited.

>Include a general disclaimer in the social media policy. The disclaimer should be in understandable terms and provide that the policy should not be construed, and will not be applied to restrict employees' rights to engage in protected activities under the NLRA.

WAL-MART SOCIAL MEDIA POLICY

At [Employer], we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all associates who work for [Employer], or one of its subsidiary companies in the United States ([Employer]).

Managers and supervisors should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

GUIDELINES

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a

chat room, whether or not associated or affiliated with [Employer], as well as any other form of electronic communication.

The same principles and guidelines found in [Employer] policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of [Employer] or [Employer's] legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the [Employer] Statement of Ethics Policy, the [Employer] Information Policy and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful

Always be fair and courteous to fellow associates, customers, members, suppliers or people who work on behalf of [Employer]. Also, keep in mind that you are more likely to resolved work- related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about [Employer], fellow associates, members, customers, suppliers, people working on behalf of [Employer] or competitors.

Post only appropriate and respectful content

- Maintain the confidentiality of [Employer] trade secrets and private or confidential information. Trades secrets may include information regarding the development of

systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy.
- Do not create a link from your blog, website or other social networking site to a [Employer] website without identifying yourself as a [Employer] associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for [Employer]. If [Employer] is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of [Employer], fellow associates, members, customers, suppliers or people working on behalf of [Employer]. If you do publish a blog or post online related to the work you do or subjects associated with [Employer], make it clear that you are not speaking on behalf of [Employer]. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of [Employer]."

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the Company Equipment Policy. Do not use [Employer] email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

[Employer] prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media contacts

Associates should not speak to the media on [Employer's] behalf without contacting the Corporate Affairs Department. All media inquiries should be directed to them.

For more information

If you have questions or need further guidance, please contact your HR representative.