

Social media: Risks and best practices

Social media risks



Examples of legal risks related to social media

Influencer advertising

Failure to disclose partnerships/relationships with influencers creates misleading advertising risk

Appropriation of name or likeness

Crucial to obtain consent to use a person's name or likeness

Astroturfing

Encouraging employees or third parties to post positive reviews is "astroturfing" and may constitute misleading advertising under the *Competition Act*

Disclosing personal information

Essential to establish appropriate privacy policies and customer service practices that address risks related to disclosure of personal information

Operating forums/publishing comments

Engaging on platforms may create risk of posts that are defamatory, abusive, private, confidential or copyrighted

Legal responses to social media

Taking legal action in response to social media activities involves a host of considerations. For example:

- 1 Do you need to go to court?
- 2 Can you identify the defendant?
- 3 How will legal action affect the perception of your organization?
 - Demand letters frequently posted on social media
 - Potential backlash for "silencing critics"
 - Consider effect of any anti-SLAAP legislation on merits of claim
 - Courts not receptive to overly sensitive companies
 - Addressing social media risks may require a multi-pronged approach

Co-ordinating role of legal and public relations

CRUCIAL TO CO-ORDINATE BETWEEN LEGAL AND PUBLIC RELATIONS PROFESSIONALS

ROLE OF LEGAL PROFESSIONALS

- Advise on legal risks, regulatory matters, disclosure issues, contractual obligations, etc.
- Co-ordination and strategic advice
- Ensure privilege is maintained
- Conduct investigation
- Involved in developing communications and strategy

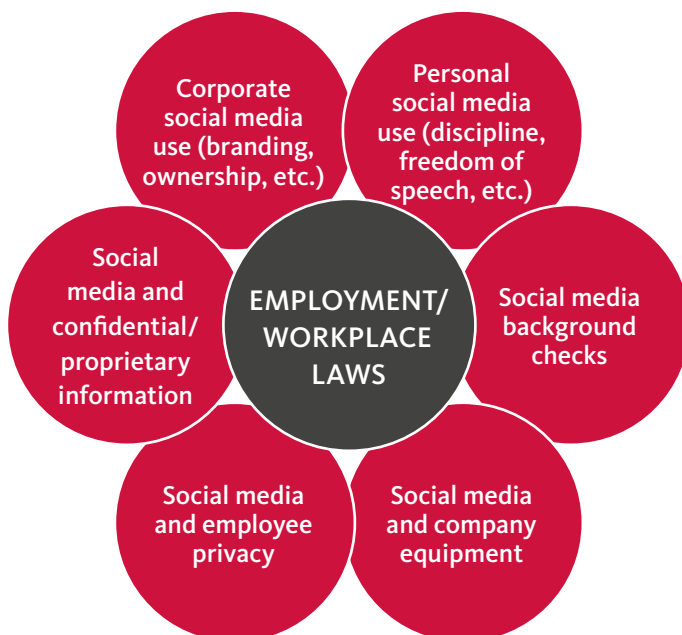


ROLE OF PUBLIC RELATIONS

- Develop clear PR strategy and communications strategy
- Assess reputational risk
- Assist with communications with complainant and stakeholders
- Advise on response strategy and messaging

Social media and the employment relationship

Social media intersects with employment/workplace laws and issues in a number of ways, including:



Employers should develop detailed, thoughtful social media policies

Educating employees regarding the content and importance of these policies is fundamental. Share policies with new hires immediately as part of the onboarding process and re-educate employees using training sessions, media, postings, etc.

Use real-life events as case studies for employee training purposes