

Ontario Agencies Supporting Individuals with Special Needs  
(OASIS)

# Social Media in the Workplace

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# AGENDA

1. Introduction
2. A New Twist on Traditional Workplace Problems and New Challenges
3. Labour Relations Issues
4. Best Practices for Computer Use and Social Media
5. Drafting an Effective Policy



# 1. Introduction

# *Introduction*

- Computer usage, the Internet, e-mail, blogging and other forms of social media are continually raising new challenges for employers
- Social networking is blurring the boundaries between work and “play”



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## *Introduction*

- How does social media influence our traditional views of employment?
- What labour and employment issues arise as a result of the use of social media by employees, both in the workplace and on their personal time?
- How can we integrate social media with our organization in an effective manner, while limiting risk?

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## *Domino's Pizza*

- Two Domino's employees thought it would be funny to post YouTube videos of them committing various unsanitary acts with food they were preparing
- The video went viral
- The two employees were terminated for cause and brought up on felony charges

<http://www.youtube.com/watch?v=xaNuE3DsJHM>

# *Ketchum*

- Ketchum is a large PR/marketing agency and FedEx is one of their largest clients
- On their way to a meeting at FedEx headquarters in Memphis, TN, a Ketchum VP tweeted:

True confession but I'm in one of those towns where I scratch my head and say "I would die if I had to live here!"

*11:58 PM Jan 14th from twirl*



# 46%

*of organizational leaders believe that their employees will misuse social media and other workplace technology*

# 60%

*of employees say that they check social media multiple times throughout the day on their mobile device*

# 45%

*of companies admit that they do not have a social media policy*



# 75%

*of employees check Facebook at least once a day or more*

**27%** *of companies monitor employee usage of social media sites*

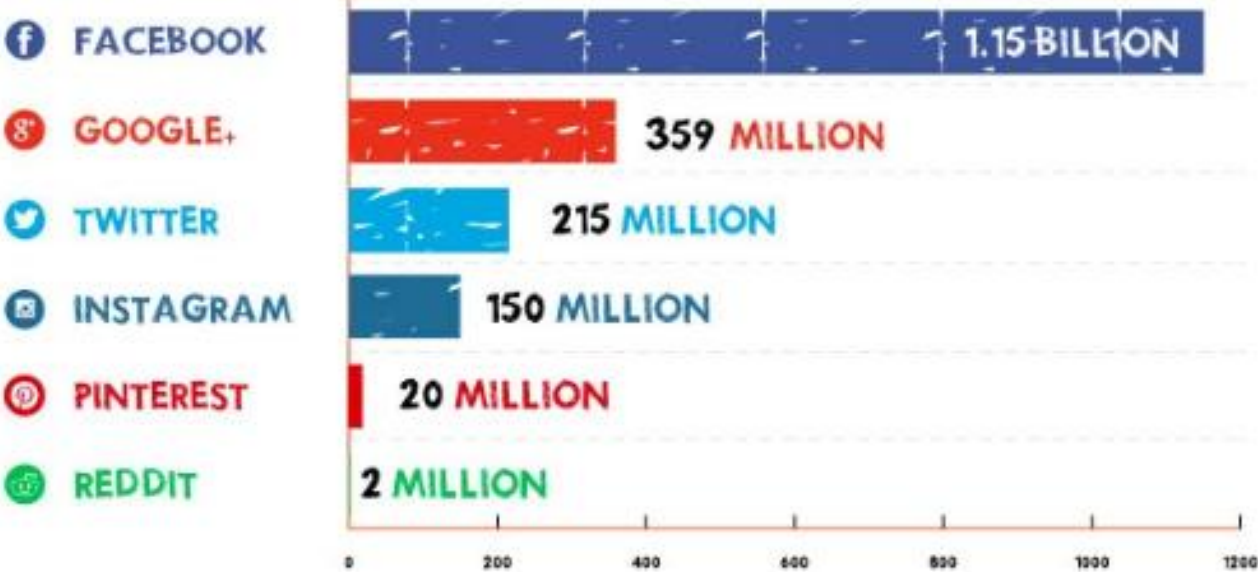


## More Stats...



- Use of social media and the different options available to users are expanding rapidly:
  - **Facebook**: 19M Canadian users; 1.15B worldwide; Canadian utilization exceeds US, global average
  - **Twitter**: 500M users; 400M tweets sent per day
  - **Instagram**: Launched late 2010; 130M users; 16B photos shared
  - **LinkedIn**: 200M users; 42% update daily; 39% pay for a premium account

# MONTHLY ACTIVE USERS



 **FACEBOOK**     **TWITTER**     **GOOGLE+**     **PINTEREST**     **INSTAGRAM**  
\* **GMAIL USERS**

## FASTEST GROWING SOCIAL SEGMENTS:

### OLDER USERS



### MOBILE



\* ACCORDING TO THE ADOBE 2013 MOBILE CONSUMER SURVEY

## **2. A New Twist on Traditional Workplace Problems and New Challenges**

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## ***A. Workplace Relationship Management***

- “Friending” Co-workers on Facebook:
  - OfficeTeam conducted a poll and found that “most senior managers are uncomfortable being friended by their bosses (71%) or employees they supervise (66%)”

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## ***B. Employee Misconduct***

- Mr. Lube employee recently terminated for tweeting, at work, “Any dealers in Vaughan wanna make a 20sac chop? Come to Keele/Langstaff Mr. Lube, need a spliff or two to help me last this open to close.”



# ***International Union of Elevator Constructors, Local 50 v. ThyssenKrupp Elevator (Canada) Ltd., 2011 CanLII 46582 (OLRB)***

- An employee was dismissed after a video was posted on the Internet that showed him having his genitals stapled to a 4x4 wooden plank
- While the incident took place at lunch, which was technically outside of working hours, it did occur at a worksite and employees in the employer's uniform were visible in the video
- Even though the employee was not the one to post the video online, no other employees were disciplined, and the employee had no history of discipline issues, the OLRB upheld the employer's decision to terminate the employee
- In coming to its decision, the OLRB noted that the conduct was offensive and shocking and that the employer was easily identified in the video
- The OLRB also noted that the employer was engaged in a safety-sensitive industry and that it was conceivable that the employer would experience significant prejudice to its reputation
- Further, the OLRB held that the employer had “a significant interest in preventing, if not an obligation to prevent, its employees from engaging in stunts, pranks or horseplay in the workplace”

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# National Post Reports on Inappropriate Tweets Made by Scarborough Firefighters:

- ▮ Toronto Fire removed two firefighters from duty following a story in the National Post that the employees had posted inappropriate tweets about women
- ▮ @ Hero\_Matt, tweeted: “Reject a woman and she will never let it go. One of the many defects of their kind. Also weak arms.”



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## National Post, *continued*

- ▮ @Hero\_Matt, had also tweeted: “I’d never let a woman kick my [a\*\*]. If she tried something I’d be like Hey! you get your [b\*\*\*\*] [a\*\*] back in the kitchen and make me some pie!”
- ▮ @Bassfire3680, tweeted: “@deansomerset would swat[ting] her in the back of the head been considered abuse or a way to reset the brain?”
- ▮ Following the story’s publication, the @Hero\_Matt Twitter account was no longer searchable and the @Bassfire3680 account was no longer public

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## National Post, continued

- ▮ The Secretary-Treasurer of the Toronto Professional Firefighters' Association said, "Things people write can be taken out of context. I don't think the tweets represent the kinds of individuals that those two members are."
- ▮ However, Toronto Fire Chief Jim Sales said that the firefighters were not on duty, calling the comments "absolutely unacceptable" and noting that a "comprehensive investigation" had been conducted

## ***C. Opportunities***

- Internal / external communications
- Recruitment and selection
- Training and development



## *D. Productivity Losses*

- The greatest concern employers have with social media sites such as Facebook, Twitter and LinkedIn is impact on employee productivity
- A 2008 study by Surfcontrol, an Australian internet security firm, estimated that if one employee spent an hour on Facebook a day, it would cost an organization \$6,000 a year




That's more than 24 hours a month  
on a social networking site.



In the U.S. alone,

**12,207,423,487**  
collective hours



are spent  
browsing on a  
social network  
every day.

That's how many hours are spent watching

**NETFLIX**

every year.

# 1 OUT OF 10 WORKERS SPENDS MORE TIME ON THE INTERNET THAN THEY DO WORKING.

The most popular time wasting sites:

Facebook:	41%
LinkedIn:	37%
CNN:	29%
Amazon:	25%
YouTube:	13%
ESPN:	8%

6 out of 10 people are visiting social media sites during work.





Workers are interrupted once every 10.5 minutes by things like

IM's

Tweets

and Facebook messages

It then takes 23 minutes for those social media users to get back on task.

## ***E. Threats to an Organization's Confidentiality***

- Risk that employees will reveal confidential organizational information
  - For example, an employee might express a concern to her Facebook “friend” that her organization is talking to another corporation about selling off her business unit
  - The disclosure may not be deliberate, and the employee might not have known that the negotiations were confidential, but once the information has been posted to “cyberspace,” the damage is done





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## ***F. Undermining Management***

- Complaining to friends about work is a common social “tradition,” but when it happens online it is more public and permanent, and poses serious challenges for employers
- These types of communications harm the organization’s morale and collegiality, and can expose the employer to liability for harassment, discrimination and other human rights violations
- Can also constitute insubordination or insolence if the communications are contrary to organizational policies or undermine managerial authority

## ***Bell Technical Solutions v. Communications, Energy and Paperworkers Union of Canada, [2012] O.L.A.A. No. 481***

- ↪ An arbitrator considered an employer's decision to terminate two employees after they had made disparaging comments on Facebook regarding their supervisor and the employer
- ↪ The arbitrator ultimately upheld the discharge of one of the employees on the basis that his Facebook postings were frequent, deliberate, prolonged, and derogatory to both the organization and the supervisor.
- ↪ The arbitrator further noted that the employee received two warnings but did not cease to make derogatory comments and that his apology letter lacked sincerity
- ↪ However, the arbitrator held that the other employees should be reinstated to their employment, in part due to their length of service with the employer and the fact that provocation on the part of the employer was a greater factor

## ***Canada Post Corp. v. Canadian Union of Postal Workers*, [2012] C.L.A.D. No. 85**

- A postal clerk with 31 years of service was discharged after management became aware of postings on the employee's Facebook account where she made derogatory, mocking statements about her supervisors and invited others to join in, including comments like 'Die bitch die' and 'Go back to hell, they miss you'
- The arbitrator noted that there was ample case law to support the principle that what employees write in their Facebook postings, blogs, and emails, if publicly disseminated and destructive of workplace relationships, can result in discipline
- The arbitrator ultimately upheld the employer's decision to discharge the employee
- The arbitrator noted that the "postings were mean, nasty, and highly personal. They go well beyond general criticism of management and essentially target one person with a degree of venom that is unmatched in other social media cases"

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## ***G. Harm to an Organization's Reputation***

- Employees who post defamatory or inappropriate material about their employer, or the employer's clients
- Negative online postings can do real damage to an organization's image and client relations



## ***G. Harm to an Organization's Reputation***

- Public sector employers may have a heightened interest in regulating off-duty social media use
- Public sector organizations must both execute and be perceived to execute their functions with the utmost skill, responsibility, and accountability
- Public sector employees often occupy positions of great trust and responsibility and their continued ability to perform their jobs is dependent upon the public's perception and confidence in their ability to handle the responsibility entrusted in them
- Where a public sector employee's conduct on social media sites calls into question his or her ability to occupy a position of trust and responsibility, the employer may have a legitimate basis to intervene

## 3. Labour Relations Issues

## A. Privacy

- Employees may have a limited right to privacy in the workplace:
  - Employees have a “reasonable expectation of privacy” at work, which extends to electronic devices
  - For example, the Ontario Court of Appeal recently ruled in ***R. v. Cole***, 2012 Supreme Court that a teacher had a reasonable expectation of privacy on his work laptop in the context of a criminal search



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## A. *Privacy*

- The recent phenomenon of social networking sites such as Facebook and Twitter raises added privacy issues
  - For example, the posting of information on the Internet allows employers to obtain information about job candidates and employees
  - Employer use of information obtained from social network websites will not be considered a privacy violation if the information obtained was “public”



## A. *Privacy*

The Facebook logo, consisting of the word "facebook" in white lowercase letters on a blue rectangular background.

### Privacy issues with Facebook, Twitter and other social media sites

- Monitoring of potential or existing employees through personal or work-based social media sites may be subject to privacy legislation
- Personal information must not be used in a discriminatory manner against prospective or current employees
- If an employer obtains an employee's personal information from a social media site, and uses it without that employee's permission, or in a discriminatory manner, they could face
  - Privacy or human rights complaints
  - A workplace grievance under a collective agreement
  - Negative publicity

## A. *Privacy*

### Privacy issues with Facebook, Twitter and other social media sites

- The type of privacy an employee can expect may depend upon whether they have kept the information public or restricted access using privacy settings
- Recent cases suggest that, where information is made publically available on the internet, individuals will not have an expectation of privacy
- Even where employees have limited access to their postings (e.g. to a group of friends), such exposure may reduce or eliminate an expectation of privacy over the content posted

## ***A. Privacy***

Privacy issues with Facebook, Twitter and other social media sites

- Employers can protect themselves by creating Internet-use policies and by obtaining consent from employees to monitor their use of the organization's devices

## A. *Privacy*

### Background checks and privacy concerns

- Employers have started using electronic means to perform background checks on job applicants, either by “Googling” prospective employees or searching their profiles on social media sites such as Facebook and Twitter



## A. *Privacy*

### Background checks and privacy concerns

- ↪ Despite the growing popularity of conducting “online” background checks, employers should be aware of the following issues:
  - ↪ Be careful about discrimination on unlawful grounds, mistaken identity, collection, use and disclosure of personal information not relevant to the employment relationship
  - ↪ Be wary of collecting information you do not need
  - ↪ Be wary of using information that may not be accurate

## *B. Discipline*

**What can an employer do when employees post negative comments about the employer on social networking sites such as Facebook or via personal blogs on the Internet?**



## ***B. Discipline***

The factors decision-makers consider in assessing the appropriate level of discipline include:

- Was the misconduct serious (i.e. what is the nature of the comments, who made the comments, was the target of the comments a manager or co-worker)?
- Was there wilful and deliberate disobedience of an order (i.e. had the employee been previously advised not to access the website, was the website accessed during working hours, or had the employee been warned about the nature of their “posts” about the organization)?
- Were work rules and policies made known to the employee (i.e. is blogging covered by the employee code of conduct/handbook)?
- Was there any reasonable excuse for the misconduct?
- Was there a history of misconduct?

## B. *Discipline*



- The general rule regarding discipline for off-duty conduct is that employers are not custodians of their employees' private lives
- However, exceptions are made when the posts irreparably harm the employment relationship. This can include conduct that:
  - Prevents employees from performing their duties satisfactorily
  - Interferes with an employee's ability to work effectively with fellow co-workers
  - Breaks confidentiality policies or employees' duty of fidelity to the employer
  - Harasses or defames management or fellow employees
  - Deliberately attempts to undermine management's ability to direct its workforce
  - Harms the organization's reputation



## *B. Discipline – Case Studies*

### Privacy issues with Facebook, Twitter and other social media sites

- In *Lougheed Imports Ltd. v. UFCW*, [2010] B.C.L.R.B.D. No. 190, an employee posted disrespectful and derogatory comments about his employer on his Facebook page.
- The Labour Relations Board stated at para. 97:

“The comments made by the Complainants on Facebook were damaging comments about the Employer's business such as don't spend your money at West Coast Mazda as they are crooks out to hose you and the shop ripped off a bunch of people I know. **These Facebook comments were made to either almost 100 or 377 people including employees. I find ... that the Complainants could not have a serious expectation of privacy when publishing comments on their Facebook websites** and therefore the comments are damaging to the Employer's business.”

## ***B. Discipline – Case Studies***

### Privacy issues with Facebook, Twitter and other social media sites

- Similarly, the case of ***Chatham-Kent v. C.A.W., Local 127***, [2007] O.L.A.A. No 135 considered whether it was appropriate for a personal caregiver to maintain a blog with postings of disparaging remarks and pictures about management, work procedures and residents of the elderly care home. The arbitrator stated at para. 30 that, where an employee creates a blog, she may not then claim that she did not realize the blog was publically accessible:

“It must be found that the grievor's setting up of a public blog was not outside her control and therefore an accidental situation, as it could have been avoided by the exercise of due care by the grievor in not ignoring the clearly visible warning from Microsoft that the web space she had created was one accessible by the public.”

## ***B. Discipline – Case Studies***

- **Chatham-Kent Cont...**
- The caregiver was dismissed for insubordination (posting disparaging remarks regarding management) and for breach of the confidentiality agreement (disclosing residents' personal information)
- The arbitrator upheld the dismissal, citing the seriousness of the offence and the clear notice the grievor received of the employer's confidentiality policy

## ***B. Discipline – Case Studies***

- ↪ ***Lougheed Imports Ltd., Cont...***
- ↪ Numerous disparaging comments about his employer on Facebook. Included references to a supervisor as a “complete Jack-Ass”, as well as degrading sexual insinuations about him
- ↪ “West coast detail and accessory is a fuckin joke....don't spend your money there as they are fuckin crooks and are out to hose you... .”
- ↪ The employer dismissed both employees

## ***B. Discipline – Case Studies***

- In ***Wasaya Airways***, a pilot posted a “Top 10” list titled “You know you fly in the north when...”. This list included racialized and derogatory comments concerning the employer airline and its customers; the employer dismissed the pilot
- The arbitrator concluded that the level of discipline was excessive given that the pilot apologized and that other individuals had been punished less severely for remarks which also constituted a serious breach of the employer’s First Nations values

## ***B. Discipline – Case Studies***

- The employee's actions created a poisoned work environment making reinstatement untenable
- As a result, the employee received a four-month suspension, following which he would resign with three-months salary and benefits



## ***B. Discipline – Case Studies***

### **Investigative Evidence**

- When disciplining employees for matters unrelated to “online conduct”, employers may instinctively seek to rely on evidence from social media websites (e.g. blogs, Facebook postings) or evidence obtained from employer-issued mobile devices (e.g. text or Blackberry messages)
- Employers should be careful in these situations as such evidence may be seen as unreliable or unreasonably obtained
- For example, if an employee is on sick or disability leave, employers should be cautious of using information from social media websites to justify benefits termination as social media evidence may not be a reliable indicator of an employee’s health

## ***B. Discipline – Case Studies***

### **Investigative Evidence**

- ↪ Although there are not yet any Canadian decisions on whether evidence gathered through electronic surveillance intrudes into an employee's reasonable expectation to privacy, the analysis in ***R. v. Cole***, can be applied to consider:
  - ↪ Is the device the property of the employer or the employee?
  - ↪ Who owns and controls the server, network and data on the device?
  - ↪ Are employees granted exclusive possession of the device?
  - ↪ When are employees permitted to access the device?
  - ↪ Are employees permitted to use the device for personal use?
  - ↪ Are the contents of the device password protected and does the employer have access to this password?
  - ↪ Is there a privacy policy setting out when an employer can access the device?



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## ***Shonn's Makeovers & Spa v. MNR, 2010 TCC 542 (CanLII)***

- Canada Revenue Agency's case against the Applicant hinged on whether he was an employee or a self-employed independent contractor
- The Applicant had described himself as "self-employed" on his Facebook page, and despite his assertions that he had lied on his Facebook page in order to protect his privacy, the judge ruled in favour of the CRA in finding that he was indeed self-employed

## 5. Best Practices

## A. *Preliminary Matters*

Employees have duties:

- ▮ Employees must follow employer rules and policies, (e.g. e-mail, Internet or cell phone usage policies)
- ▮ Employers can discipline for unauthorized or improper usage which constitute violations of policy
- ▮ Employees have a duty of loyalty toward their employer. Breach of this duty may include harmful speech, insubordination, disparagement and disclosure of confidential information
- ▮ Rules of conduct and policies prohibiting harassment, discrimination and release of IP or other confidential information must be followed

## A. *Preliminary Matters*



- ▮ Build the policy with input from all areas of the organization
- ▮ Put the policy in writing
- ▮ Document employee training and acceptance
- ▮ Clearly state the scope of the policy, the organization's expectations and the disciplinary consequences of breach
- ▮ Clearly state expectations: what is “acceptable use”?
- ▮ Post the policy, circulate it regularly and notify employees when it is updated

## C. *Social Media Policies*

- ▮ Employers should develop and communicate to all employees a clear policy on the appropriate use of social media sites
- ▮ This policy should establish best practices and outline employer expectations for the acceptable use, if any, of social networking in the workplace. In addition, it should set out consequences of misuse and address any workplace privacy issues



## C. *Social Media Policies*

A social media policy should address:

- Whether work-based or personal use of social media sites is permissible in the workplace
- Under what circumstances (*i.e.* unpaid breaks) social media sites may be used
- A description of acceptable and unacceptable use of social media sites
- Whether the employer monitors social media sites
- What other rules apply to the use of social media sites in the workplace (*i.e.*, collective agreements, other legislation)
- The consequences of failure to abide by the policy

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## **C. *Social Media Policies***

The policy should further address:

- Social media must be used in a manner that is consistent with other policies (code of conduct, harassment policy, etc.)
- Employees must not represent that they are expressing the opinion of their employer
- Employees are personally responsible for the content of their posts
- Disclosure of confidential or proprietary information concerning an employer must never occur

## C. *Social Media Policies*

- ▮ Finally, the policy should address:
  - ▮ An employee's use of social media must not bring the organization's reputation into disrepute
  - ▮ Employees must ensure that their postings are respectful of co-workers and management
  - ▮ Reputational risk





## 6. Drafting an Effective Social Media Policy

# A. *Policy Statement*

Consider:

- ▮ Purpose/Goals
- ▮ Related policies that may apply



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## *Sample: Policy Statement*

- ▮ This policy is intended to establish the requirements regarding the use of social media at the organization
- ▮ This policy should be read in conjunction with other organizational policies
- ▮ Use of social media offers opportunities for improving workflows and establishing brand recognition. However, it also poses legal, reputational and privacy risks to the organization which this policies aims to address

## *B. Definition*



Consider:

- ▮ What is social media?
- ▮ What kind of social media use do you want to capture?

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## *Sample: Definition*

- ▮ Social media includes web and mobile based social media technology or interactive communities (including, but not limited to, Facebook, Twitter, YouTube, LinkedIn, and blogs)

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## C. *Scope*

Consider:

- ▮ To whom does it apply?
- ▮ Where does it apply?
- ▮ What about new technologies not contemplated by the current policy?

# Sample: Scope

- ▮ Policy applies to individual employee use
- ▮ Policy also applies to organizational use – i.e. those organizations that use social media to advance organizational objectives and create procedures
- ▮ These policies may be revised to deal with new technologies, as necessary



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## *D. Individual Employee Use*

Consider:

- ▮ Employees will likely use social media in their personal capacity
- ▮ How does employees' personal use of social media impact your organization?



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## *Sample: Individual Employee Use*

- ▮ The requirements apply to individuals who are responsible for the management of organizational social media accounts
- ▮ Requirements also apply to individuals who may use personal social media accounts, in a way that may impact the organization
- ▮ Employees may participate in social media in a personal capacity. It is expected that employees use of social media is done in a manner that is respectful and in compliance with this policy

## *E. Social Media Account Ownership*

Consider:

- Do employees blog or post on the employer's behalf?



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## ***Sample: Social Media Account Ownership***

- ▮ Only one individual should act as a spokesperson (or designate) and use social media to speak on behalf of the organization
- ▮ All media inquiries should be directed to this designated representative

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## ***Sample: Social Media Account Ownership***

- ▮ If an individual participates act as a designated spokesperson all accounts and postings are considered organizational property
- ▮ Individuals must not change the password or the account name or create a similar sounding account, nor may they have any ownership of the contacts (e.g. LinkedIn) and connections they have gained through such account(s)

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## *F. General Requirements for Individual & Organizational Use*

Consider:

- ▮ General statement re: individual and organizational “best practices”
- ▮ Responsible behaviour
- ▮ Respectful behaviour
- ▮ Being discreet
- ▮ Transparency
- ▮ Awareness



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## *Sample: General Requirements for Individual and Organizational Use*

- ▮ The lines between public and private, personal and professional are blurred on social media
- ▮ All individuals must be thoughtful about how they present themselves on Social Media. It is important to remember that anything posted on social media has the potential to “go viral”
- ▮ Individuals should only post content that complies with this Policy and that they would feel comfortable being publicized to a broader audience including their manager and colleagues
- ▮ The above applies regardless of whether employees are “on duty” or “off duty” at the time of posting

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# *Sample: General Requirements for Individual and Organizational Use*

## **Be Responsible**

- ▮ Individuals must exercise personal discretion and accountability
- ▮ Individuals may be legally responsible for their personal postings and usage of Social Media
- ▮ Individuals are responsible for ensuring that their online activities do not interfere with their ability to perform their job duties or the organization's operations and reputation
- ▮ Individuals must remember that they are a representative of the employer, even if they are posting from a non-employer computer outside of work hours

# *Sample: General Requirements for Individual and Organizational Use*

## **Be Respectful**

- In using Social Media, regardless of whether you are “on-duty” or “off-duty” at the time, individuals must use their best judgment, and must not insult others

## **Be Discreet**

- One must respect the confidentiality and proprietary nature of their work. Under no circumstances should an individual share sensitive financial or sales information or other confidential/proprietary information
- Individuals must not share any personal or identifying information that is subject to privacy laws, such as the personal information of an employee or client



# *Sample: General Requirements for Individual and Organizational Use*

## **Be Transparent**

- ▣ Individuals must not use their personal social media accounts to respond or post on behalf of the employer, and must not include organizational logos or trademarks on their personal accounts
- ▣ When posting a personal point of view, individuals must not claim or imply that their views are endorsed by or reflective of the organizations.
- ▣ If an individual identifies themselves as a representative of the organization, they must clearly state that the views expressed are their own personal views



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# *Sample: General Requirements for Individual and Organizational Use*

## **Be Aware**

- ▮ When an individual sees misrepresentations or negative postings made about the organization by the media or other social media users, they should report this to management
- ▮ Individuals should not respond without prior written approval and involvement from the designated employer representative

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## ***G. Reporting and Monitoring***

Consider:

- ▮ Who will administer the policy?
- ▮ How will social media use be monitored?



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## *Sample: Reporting and Monitoring*

- IT is responsible for monitoring social media for the organization and will provide results to management and human resources as necessary
- Monitoring and usage rules identified in the organization's internet use policy apply to social media activities

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## *H. Policy Enforcement*

Consider:

- ▭ What disciplinary action, if any, will be taken in the event of a policy breach?



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## *Sample: Policy Enforcement*

- The organization reserves the right to take corrective action for breach of this policy, up to and including dismissal for cause
- Further, the organization may also request that individuals withdraw certain posts from social media accounts or sites, regardless of whether the post appears on a personal or organization-related social media account or site

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# *I. Acknowledgement and Acceptance*

Consider:

- Have employees sign and date the policy to confirm that they have reviewed and understand the terms and conditions of the policy

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# Acceptance

- On **[insert date]** I acknowledge the terms of this Social Media Policy and confirm that I have read and understand its contents





# Daniel Pugen, Partner

## Biography



Daniel Pugen is a partner in the firm's Labour and Employment Group in Toronto. He represents and advises management on a variety of labour and employment issues including employment standards, hiring, termination of employment, employment contracts and policies, labour relations, collective bargaining, privacy, human rights, workers' compensation, occupational health and safety, and labour and employment arising in corporate transactions.

Mr. Pugen has represented clients in most sectors of the economy and in both the private and public sectors. He has appeared as counsel in cases before labour arbitrators, administrative tribunals, including the Ontario Human Rights Tribunal, the Ontario Labour Relations Board and the Workplace Safety and Insurance Appeals Tribunal, as well as in the Courts.

Mr. Pugen regularly provides training for clients' managers and other staff on workplace and human resources issues, with a particular focus on workplace violence and harassment. He also regularly speaks at conferences, writes on a variety of labour and employment issues and is chief editor and principal contributor of the Ontario Employer Advisor, the firm's labour and employment law blog.

Mr. Pugen is a member of the Law Society of Upper Canada, the Ontario Bar Association and the Canadian Bar Association.

# Melissa Kennedy, Labour Relations & Employment Specialist



## Biography

Melissa Kennedy is a Labour Relations Specialist in our Labour & Employment Group in Toronto.

Ms. Kennedy is a highly regarded human resources and industrial relations professional experienced in preparing for labour arbitrations, collective bargaining, workplace investigations, and human resources training and policies.

Ms. Kennedy has a strong knowledge of employment legislation, human resources management software and employee relations in union and non-union environments.

Ms. Kennedy obtained her CHRP (Certified Human Resources Professional) designation in 2011 from the Human Resources Professional Association and obtained her B.Comm. (Hons) in Human Resources Management in 2007 from the University of Guelph. She is currently completing her Masters of Industrial Relations (MIR) from Queen's University.

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