PLANNING FOR SOCIAL MEDIA USAGE WHEN AN ACCIDENT OCCURS

It's early Saturday morning and your mobile phone rings. You answer and learn that a serious injury has just occurred at one of your remote facilities. As you slowly regain some control over your shock and emotions, you pick up your company’s crisis response plan that you keep on your nightstand, and you begin following the procedures listed.

As you progress, you receive an urgent message that your employees are sharing details about the accident on Facebook and Twitter. Some claim that the injured worker is at fault for bypassing a safeguard. Others state that your facility is an unsafe place to work. Next, you hear that photos of the accident scene are being uploaded to Flickr. You again consult your crisis response plan that has been around for decades, and which is reviewed annually for possible enhancements. However, it does not offer any suggestions for managing social media.

What should you do?
During an emergency situation, such as a serious injury, most companies rely on the training that they have conducted, which covers specific crisis response protocols to address the many simultaneous needs that arise. The primary concern is to obtain immediate medical care for injured people and to ensure that other people and communities are as safe as possible. However, once the ambulances have cleared your parking lot and the chaos calms, your attention shifts toward operational concerns, accident reporting, and damage control.

During the many years that I have been a loss control consultant, I have crafted, reviewed, and helped implement numerous crisis response plans. Yet, until recently, I never expected to include policies and procedures to attempt to manage social media communications when a serious accident or crisis event occurs. This article shares the lessons that I have learned regarding social media’s effects during a crisis.

I am not a big user of social media, nor am I a lawyer. Thus, I do not profess to be an expert on social media simply as a result of my research into the subject, nor should this article be considered legal advice. Rather, it is my intention to heighten awareness and understanding of social media and its ramifications for your safety and health programs.

**WHAT IS “SOCIAL MEDIA”?**

Before delving into the affect social media can have during a crisis, it is important to agree on some basic definitions of social media. So here goes.

- **Blogs** (short for “Web logs”) are Web sites that are often maintained by a single individual or organization with the purpose of posting comments about a certain topic or building personal diaries.

- **Forums** (or message boards) are designed to be on-line discussion sites for many contributors to post opinions and comments. Many bloggers (authors of blogs) use forum software applications to allow visitors to respond to their commentary, so their blog takes on a form of dialogue instead of just one person’s views on a topic.

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Twitter is a dominant service provider on the Internet that uses micro-blogs to facilitate social networking and communications. Contributors are restricted to posts of no more than 140 characters; their posts are called “tweets.”

Facebook and Myspace define themselves as social networking Web sites that connect people at work, at school, and at home and allow users to post text and images.

LinkedIn was established as a social network (much like Facebook and Myspace), but it is targeted to businesspeople.

Flickr and YouTube allow contributors to upload and share videos and photos with anyone on the Internet. Currently, any type of video or photo can be uploaded, no matter how graphic or how mature the content. All videos and images are easily accessible to any viewer of any age.

While all of these social media sites and applications are useful to keep in touch with friends, family, and coworkers, they pose a serious concern for businesses when the sites are misused to share confidential, critical or sensitive information.

Perception is reality, and once information has been posted via a social media site, it is very difficult (if not impossible) to have it removed. Once the damage has been done, it is beyond challenging to correct misinformation, incorrect statements, or false accusations. For this reason, it is very important that your organization address social media before a crisis turns into an ongoing effort to stem the tide of negative public perceptions, no matter how accurate or inaccurate those perceptions may be.

BEFORE AN ACCIDENT OCCURS: FOUR STEPS

First, with the assistance of insurance professionals, conduct risk evaluations regarding social media exposures, and be sure to evaluate trade secrets, financial information, and specific hazardous exposures that your organization does not want disclosed. Use worst-case scenarios to better determine the specific need for social media controls. Avoid the temptation to underestimate potential risks, and be aware that the controls you have in place may still not be adequate to manage social media once an event has occurred.

Second, take time to create new social media policies, or review and revise existing policies. The Internet provides countless sources of social media policies; http://ow.ly/q84E is a good starting point, since it offers links to several public access policies that can be used as guidelines.

Companies’ social media usage policies have a wide range of flexibility in terms of the guidance provided. At one end of the spectrum are very strict...
policies that prohibit any use of social media to disclose or discuss company issues. These types of strict policies allow companies to conduct in-depth monitoring of social media sites; often these companies also have zero tolerance policies in place to deal with violators.

On the other end of the spectrum are very liberal policies, which encourage the use of social media by employees. These companies want to use social media to highlight their business and to market themselves as cutting-edge participants in the new era of communication. These types of policies tend to offer detailed usage guidelines; these guidelines can help employees make ethical decisions about their presence on the sites and the types of content that they are expected to post. Often what employees post is not monitored.

I believe that policies which fall in between the two ends of the spectrum may be most beneficial to the majority of businesses. Strict policies that place a total ban on participation and lenient policies that encourage full participation without any monitoring do not seem practical to implement.

One of the challenges in creating a social media usage policy is that many other policies and procedures may be affected, such as new-hire orientation materials, employee handbooks, codes of ethical conduct, nondisclosure policies, computer device usage policies, emergency action plans, and accident investigation protocols. When creating your social media policy, consider potentially affected policies and be sure the new social media policy works in conjunction with existing policies and procedures.

Third, after creating a social media policy, prepare to educate your workforce about the elements of the policy and ramifications for violations. It is important that employees are aware of the potential personal liability that could arise out of misusing social media postings. For example, if an employee engages in communication that, at a later date, injures another party, then there is potential for personal liability under tort law. Making false statements, sharing personal theories, or making slanderous comments about a company, an individual, or the details of an event could be very damaging, and such postings could become discoverable documents during litigation.

Social networking was the fastest growing category among U.S. mobile subscribers and reached 57.9 million mobile users in December 2010, up 56% vs. 2009.*
BASIC ELEMENTS OF A GOOD SOCIAL MEDIA POLICY

- Focus on what employees are allowed to do, but be clear about prohibited activities.
- Encourage employees to be honest about their true identity when posting content, and encourage them to only post information that is within their area of expertise.
- Ensure that personal and professional lines are clearly defined—advise employees to avoid making personal opinions about company-related issues or announcements.
- Define employee responsibilities, and make it clear that employees are not authorized to act as company representatives on social media sites, especially in regard to accident investigations.
- Clearly define what your business considers to be trade secrets, confidential financial information, and other nondisclosure items, such as details of an ongoing accident investigation, and make sure that employees know these items are off limits.
- Identify the process the company will use to share information with media following any crisis event. Identify the public information officer, and clearly outline his or her role and responsibilities.
- Create a process for the company and employees to discover and notify management of concerns or breaches of the established social media policy.

Fourth, consider maintaining a corporate social footprint. Recently, businesses have been placed under scrutiny for not participating in social media communications.

A good example is from a nationwide retail company that refused to comment on customer complaints when complaints were received via social media instead of via traditional media, such as e-mail or a letter sent through the postal service. (Remember when email was not considered traditional media?) Failure to monitor, communicate, respond to, or participate in a dialogue that arises on a social media site can be damaging to an organization. In this example, the company’s lack of a response via social media made the company look disengaged at best, and arrogant and unconcerned at worst. Such an image—whether legitimate or not—is hard to overcome and can cost significant time and money in terms of public-relations efforts. My research indicates that companies should create business accounts on social media sites and should be prepared to monitor and engage in communications that may unexpectedly occur.

ADDRESSING SOCIAL MEDIA DURING AN ACCIDENT INVESTIGATION: FOUR CRITICAL ACTIONS

First, immediately following a crisis event, remind all of your employees of the social media participation expectations, and encourage them to avoid any communications about the details of an event/accident until all of the investigations have been completed. Internal company investigations, insurance-related investigations, compliance-agency investigations, and personal-defense investigations may take several days or longer to conclude. Until all are completed, specific details should not be shared with the public in an effort to avoid speculation and misinformation. Premature information regarding potential fault or causation factors should be avoided in all forms of electronic communication.
Second, encourage employees to remain socially and morally responsible and refrain from posting pictures, videos, or comments about the details of a serious accident on social networking sites out of respect for their injured coworker(s) and the affected families. Today’s ability to jump onto the Internet and share a headline news item with the world seems attractive. However, adherence to company policy, personal responsibility, and good judgment should take precedent. The possibility of providing incorrect information or causing harm to another party should always be considered.

Third, after communicating with your employees, you will want to immediately intensify monitoring of social media sites to identify breaches of policy and misuses of postings by employees. If it is discovered that postings are providing misinformation, then you must determine if you want to intervene and attempt to provide correct information, if you want to simply participate in the dialogue to provide opposing comment, or if you want to remain in a monitoring mode to gather information that has been posted. A social media response team should be organized to make decisions related to the desired level of corporate involvement.

Fourth, when an event occurs that may result in litigation, your communications department should monitor and counsel leaders on appropriate actions and responses, and the company should contact its attorney immediately. Seek advice regarding how to conduct an investigation under the direction of your attorney in anticipation of litigation. Many electronic documents that are generated as a result of your internal investigations may become discoverable evidence in court. By following your attorney’s specific direction,
many of these documents may be considered to be protected under attorney-client privilege and may not be used in court against your business. Remember that your employees’ postings on social media sites will be difficult to defend, impossible to remove, and could cause harm to either party in a lawsuit.

**FOLLOWING AN EVENT**

After the dust has settled and the immediate crisis has passed, it is important to evaluate how well your management team reacted and how well your social media policies were followed. An evaluation of the effectiveness of your company’s social media policy should be conducted and improvements made based on the findings. Assemble a management team to discuss the actions that were taken and identify any failures of the policies and procedures to look for enhancements.

A timely release of information to the public by your designated public information officer is critical. Consider which media forums work best for your situation while keeping in mind that traditional television news and newspapers are not the only forum that should be considered. If your organization has a social media footprint (e.g., Facebook), then consider how best to release findings and facts through social media sites that you feel will best reach your viewing audience.

At some point, you need to identify individuals who violated your social media policy during the event and decide how to address their behaviors. The level of corrective action taken should be proportional to the seriousness of the violations. Disciplinary actions could include litigation against the employee(s) for slanderous or erroneous statements, or suspension or termination for violations of company policies. These types of corrective actions are relatively new, and companies that discipline or terminate employees for violations of social media policies are facing new and untested interpretations of law.
In Conclusion

The new social media environment we live in is full of unique legal cases. The need for companies to prepare for managing social media communications in our safety programs has become very clear.

Recent legal cases involving social media usage have been filed regarding wrongful termination, discrimination in hiring practices, corporate requirements for joining social media sites, product endorsements from paid celebrities, false marketing claims, insurance claims fraud, failures to reply to customer complaints, violations of nondisclosure agreements, damages incurred from prank postings, and trade secret and confidential financial data disclosures. It is only a matter of time before we begin to see more cases related to the misuse of social media during accident investigations. Begin planning today, prepare or review your social media usage policies, educate your workforce regarding their personal responsibilities in participating in social media communications, and be prepared to manage and respond to social media postings from a crisis response perspective.

About the Author

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