

Social Media **En**dorsement

As more companies and their employees participate in social media, employers can no longer ignore new exposures. Social media lawsuits are the latest trend in employment-related lawsuits and can include allegations of defamation, invasion of privacy and workplace bullying.

Monitor Liability Managers, LLC covers these risks in our Employment Practices Liability policy by providing the new social media endorsement.

Endorsement Features

- ▶ Social media and workplace bullying are defined
- ▶ \$100,000 sublimit for defamation, libel and invasion of privacy against a third party resulting from the use of social media
- ▶ Expanded definition of a wrongful act to include workplace bullying

Risk Scenarios

Third Party/Defamation

At a business association networking event, an executive takes a video of a competitor drinking excessively and dancing on a table. The executive posts the video on a video sharing Web site with a cruel message about not doing business with his competitor. The employee in the video loses her job and sues the executive and his company for defamation.

Workplace Bullying

An employee at a hotel posts harsh words on a newly hired employee's social network page, stating that the new employee is incompetent and lazy. Fellow employees "Like" the post, and add additional comments and threats about the new employee. The new employee sues the hotel for not preventing workplace bullying or a hostile work environment.

Defamation

A waitress in an upscale restaurant served a celebrity patron dinner. After receiving a less than desirable tip from the patron, the waitress wrote on a micro-blogging Web site that the celebrity had one too many cocktails, was rude to her throughout dinner service and left a meager tip. The waitress' post was picked up by a celebrity blogger and soon was all over entertainment Web sites. The celebrity patron sued the restaurant for defamation.

Invasion of Privacy

An employee at a manufacturing company has a confrontation with his manager in front of other employees. Later that day, the employee posts about the confrontation on his blog, calling his manager a "jerk" and notes how much better the company would be if the manager got fired. The employee also speculates the only reason that his manager has a job is because she is dating a vice president in the company. Management is notified about the blog, and the employee is given a warning about conduct and moved to another department. The employee perceives the department change as a demotion and sues the company, stating invasion of privacy.

Wrongful Failure to Hire

A potential employee is offered a job by two companies. He poses the following question on his Facebook page: "Do I go with Company A that will give me a large paycheck but be a terribly boring place to work, or do I go with Company B that offers an incredibly interesting position but the pay is sub-par?" A human resources representative at Company A sees his post and withdraws the job. The potential employee sued Company A for wrongful failure to hire.

