

#MoSummit2016



**DIFP**  
Department of Insurance,  
Financial Institutions &  
Professional Registration

# *Getting Social with Consumers*



**2016 Director's  
Regulatory Summit**

# Disclaimer

*This presentation is intended to provide a general educational overview of insurance regulatory topics. The materials contained herein are not intended nor should they be construed to provide specific legal or regulatory guidance. The content of this presentation and any related discussion represents the views and perspectives of the speaker(s) and do not in any way constitute official interpretations or opinions of the Missouri Department of Insurance. Legal or regulatory counsel should always be consulted to review specific questions or issues of regulatory compliance.*



# Panelists

Mary Mealer, Missouri DIFP

Jeremy Wilkinson, National Association of Insurance

Commissioners

Sue Stead, Bailey Cavalieri, LLC

Moderated by:

Mary Mealer, Missouri DIFP



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# DIFP Social Media

**Mary Mealer**

Missouri Department of Insurance



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# YouTube Videos



- DIFP Weekly: Informational videos
  - Search DIFP Website by topic or
  - YouTube: view all videos
  - <https://www.youtube.com/user/missouridifp>





- Director Huff's Twitter Account:

[John Huff@John\\_M\\_Huff](#) Oct 1 John Huff

Retweeted MO Dept of Insurance

Today in MidMO: Learn about

[#earthquakeinsurance](#) [#MO2GO](#) insurance wallet; [#MOEyesOnTheRoad](#) & ins questions answered: Thanks

[@MissouriDIFP](#)<https://twitter.com/MissouriDIFP/status/781890996963516416> ...

- DIFP Twitter Account through website



# Email or Text Alerts

- Facebook, Google or Yahoo
- Receive press releases and notifications
- Submit questions via email through website to specific mailboxes

## Get News

Email or text alerts on topics that matter to you.



# MO2GO

Store your insurance  
information on your  
smartphone



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# MO2GO Wallet

- Store your insurance information on your smart phone!
  - Photos of your insurance cards
  - Contact information for insurance company/agent
    - Auto, home, life and health
  - Ability to share through email or text
- Apple and Android devices
- Free



# MO2GO

- Auto:
  - Link to NAIC Wreck Check App
  - Calendar alert on pending expiration date
  - Car maintenance records
- Health
  - Store medical, dental, vision and prescription insurance cards and contact information for providers



# MO2GO Wallet

- Home
  - Store pictures
  - Record information on home
  - Link to NAIC's home inventory app
- Life
  - Store company and beneficiary information
  - Life locator
  - Resources on retirement planning and senior issues



# Social Media Policies, Strategies and Trends

**Jeremy Wilkinson**

NAIC Assistant Director, Communications



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# Information Trends

- Technology: High Speed Data/Devices

***YESTERDAY:*** Internet at work — radio in car — newspapers, magazines and TV at home.

***TODAY:*** TV, radio, newspapers, magazines and blogs on the internet — consumed everywhere.



# Different Devices, *Different Uses.*



**Computer:**  
work, finances,  
“productivity”

**Tablet:**  
shared, passive  
browser,  
“entertainment”

**Smartphone:**  
texting, apps  
“socializing”

\*Source: “Multi-Device Usage Study,” by GfK Nov – Dec 2013 (study commissioned by Facebook). Survey of 2,018 UK online adults and 2,004 US online adults.



# Getting Started

- 1. Create a social media policy that fits your mission**
- 2. Select channels. Match tactics.**
- 3. Watch, listen and learn**
- 4. Engage incrementally**
- 5. Have a plan/schedule**
  - Editorial calendar**
  - Pre-script your posts**
- 6. Measure then adjust**





U.S. AIR FORCE

GUIDELINES ASSIST AIRMEN IN ENGAGING ONLINE CONVERSATIONS.

**NO CLASSIFIED INFO** Do not post classified or sensitive information (for example, troop movements, force size, weapons details, etc.). If in doubt, ask your supervisor or security manager.

**REPLACE ERROR WITH FACT, NOT ARGUMENT** When you see misrepresentations made about the Air Force in social media, you may certainly use your blog, their's, or someone else's to point out the error. Always do so with respect and with the facts. When you speak to someone with an adversarial position, make sure that what you say is factual and is not disparaging. Avoid arguments.

**ADMIT MISTAKES** Be the first to respond to your own mistake. If you make an error, speak about your mistake and correct it quickly. If you choose to modify an earlier post, make it clear that you have done so (such as by using the strikethrough function).

**USE YOUR BEST JUDGMENT** Remember there are always consequences to what you write. If you're still unsure, and the post is about the Air Force, discuss your proposed post with your supervisor. Ultimately, however, you have sole responsibility for what you choose to post to your blog.

**AVOID THE OFFENSIVE** Do not post any defamatory, libelous, vulgar, obscene, abusive, profane, threatening, racially and ethnically hateful, or otherwise offensive or illegal information or material.

**AVOID COPYRIGHT** Do not post any information or other material protected by copyright without the permission of the copyright owner.

Also, consider using a Creative Commons license to protect your own work (see

[www.creative-commons.org](http://www.creative-commons.org) for details).

**TRADEMARKS - DON'T BREACH** Do not use any words, logos or other marks that would infringe upon the trademark, service mark, certification mark, or other intellectual property rights of the owners of such marks without the permission of such owners.

**DON'T VIOLATE PRIVACY** Do not post any information that would infringe upon the proprietary, privacy or personal rights of others.

**AVOID ENDORSEMENTS** Do not use the Air Force name to endorse or promote products, opinions or causes.

**NO IMPERSONATIONS** Do not forge or otherwise manipulate identifiers in your post in an attempt to disguise, impersonate or otherwise misrepresent your identity or affiliation with any other person or entity.

**USE DISCLAIMERS** Identify to readers of a personal social media site or post that the views you express are yours alone and that they do not necessarily reflect the views of the Air Force. Use a disclaimer such as: "The postings on this site are my own and don't necessarily represent Air Force positions, strategies or opinions."

**STAY IN YOUR LANE** Discussing issues related to your AFSC or personal experiences is acceptable but do not discuss areas of expertise for which you have no background or knowledge.

**LINK** You may provide a link from your site to an Air Force Web site.

"NOBODY WOULD BLOG EXCEPT FOR THE VERY SENIOR PEOPLE. I WONDERED WHY NOT? WELL, THEY HADN'T ASKED. I ORDERED THEIR PEOPLE NOT TO BLOG. I SAID, 'WELL, YOUR CHOICE IS TO BE FIRED OR GET THEM TO BLOG'."

THEN LT GEN JAMES CARTWRIGHT AT US STRATEGIC COMMAND

# Social Media Principles

1. Protect Information
2. Be Transparent and Disclose
3. Follow the Law, Follow the Code of Conduct
4. Be Responsible
5. Be Nice, Have Fun and Connect



# Choosing Channels

- **Traditional website/blog “hub”**
  - Core content/transactions
- **Twitter**
  - Mobile news feed
- **Facebook**
  - Mobile+desktop
- **YouTube**
  - Mobile (short, highly targeted)
- **Yelp/LinkedIn**
  - Referral engine, career development



# Tactics/Audiences

**Younger (smartphone) users are the most vulnerable to poor insurance decisions and scams.**

***Social media apps make up 80% of their data use.***

- 1. Facebook**
- 2. Google Maps**
- 3. YouTube**



# Tactics/Audiences

The screenshot displays the Insure website interface, which is organized into several distinct content areas:

- Top Navigation:** Includes links for 'ABOUT INSURE U', 'NEWSROOM', and 'CONTACT US', along with a search bar.
- Hero Section:** Features a large green button labeled 'LIFE INSURANCE POLICY LOCATOR' and a 'GET READY' badge.
- Life Events:** A horizontal menu with icons for 'LIFE EVENTS', 'LIFESTAGES', and 'INSURANCE TYPES'.
- Help Avoid Costly Surprises:** A section with a clock icon and text explaining that insurance needs vary by person and situation.
- Life Events Grid:** A grid of circular icons representing 'New Car', 'Wedding', 'New Home', 'New Parents', 'Job Change', and 'Turning 18'.
- Content Cards:** A row of five cards with images and titles: 'Sharing Economy', 'Teen Driving 101', 'Military', 'Prepare for Disaster: Know Your Stuff', and 'Retirement Security Resources'.
- Teen Driving 101 Section:** A central focus on a white background featuring a photo of a father and son in a car. Below the photo is the title 'Teen Driving 101'. To the right, there is a 'PARENTS & DRIVERS' section with a photo of a woman holding keys.
- Resources for Educators:** A section titled 'INSURANCE 101 for Teen Drivers' and 'RESOURCES FOR EDUCATORS' that includes a 'New Auto Insurance Teaching Module for Teen Drivers'.
- GET TIPS & TOOLS:** A dark blue sidebar containing a list of downloadable resources such as 'Infographic: 7 Eye-Opening Facts For Parents of Teen Drivers', 'Online Tool: Build a Teen Driving Contract', and 'Download the Teen Driver Contract (PDF)'.
- WreckCheck App:** A section at the bottom promoting the 'WreckCheck' app, with download links for 'Download Accident Checklist (PDF)', 'Download WreckCheck for iPhone®', and 'Download WreckCheck for Android'.

Traditional Web “Hub”  
[www.insureuonline.org](http://www.insureuonline.org)



# Tactics/Audiences



ABOUT INSURE.U | NEWSROOM | CONTACT US

## PARENTS & TEEN DRIVERS





### Prepare your teens for safe driving

If you are a parent of a teenage driver, your child's safety is your first concern. Though you cannot always be by their side, there are things you can do to help keep them safe behind the wheel. Educating yourself and your teen teen driver about the risks and insurance implications of unsafe driving can save lives and money.

**Set Expectations**  
While teen driving statistics are troubling, research suggests parents who set rules cut accident risk in half. Talk openly about your expectations for behind-the-wheel behavior.

- Draw up a formal **Teen Driving Contract** that clearly defines the rules and consequences associated with driving privileges.
- Set a **driving curfew**. More than 45 percent of teen auto deaths occur between the hours of 5 p.m. and 6 a.m.
- Limit the number of passengers allowed in your teen's car. For teenagers, the relative risk of a fatal crash increases as the number of passengers increases.
- Make all cell phone use off-limits while driving. Texting or talking on a cell phone can double the likelihood of an accident.
- Encourage your teen to exercise his or her rights as a passenger. Only 44 percent of teens say they would speak up if someone were driving in a way that scared them.

**Keep Costs Down**  
Adding a teen driver to your auto insurance policy can be costly. Make sure you and your teen driver understand how even minor fender-benders can drive up costs. Consider the following tips:

- Try to keep both you and your teen's driving records free from accidents and moving violations. Many companies grant discounts to drivers whose records have been clean for three or more years.
- Enroll your teen in a defensive driving course. Some companies offer discounts if your teen completes one.
- Encourage your teen to uphold a good grade-point average. Many insurance companies offer discounts or preferred rates for teens who maintain good grades.
- Ask your insurance company about an "accident forgiveness" clause that guarantees premiums will not increase after one minor accident.
- Consider leasing your policy's deductible and only allowing your teen to drive the family's oldest, least expensive car. In most states, auto insurance premiums are linked to the type of vehicle driven. SUVs, convertibles and sports cars typically cost more to insure.
- Install a smartphone application that limits or prevents texting and driving.

**Managing Accidents**  
While education and preparation can help, accidents still happen. In the event of an auto accident, make sure everyone knows what steps to take to stay safe and protect their identity. NAIC's free WreckCheck app for iPhone® and Android® walks you through what to do — and not do — after an accident. The app helps users collect necessary information on the spot, then immediately email a report to your home and your insurance agent.



Download Accident Checklist (PDF)



Download WreckCheck for iPhone®



Download WreckCheck for Android®



### RESOURCES FOR EDUCATORS

**New Auto Insurance Teaching Module for Teen Drivers**

Insurance 101 for Teen Drivers is an interactive classroom presentation module that helps drivers' education and middle and high school financial literacy teachers show and tell teens how bad driving decisions negatively impact auto insurance costs. The 15-minute program includes three segments: a lecture to define basic insurance terms, a demonstration of how to request a quote, and an interactive *It's Your Choice* decision-making game. Presentation materials include an animated *PowerPoint*™, an auto insurance terms handout, a worksheet for use during the game, and a combined multiple-choice and fill-in-the-blank quiz.

Download the free module now. [zip 201602]

### GET TIPS & TOOLS

- INFOGRAPHIC: 7 Eye-Opening Facts For Parents of Teen Drivers**
- Online Tool: Build a Teen Driving Contract**
- Download the Teen Driver Contract (PDF)**
- Download free WreckCheck app (iPhone®) | Android®**
- Download Auto Accident Checklist (PDF)**
- 10 Things to Know About Buying Auto Insurance**
- Tips to Lower Auto Insurance Premiums**

**ACCIDENT INFORMATION**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Location (address and/or landmarks): \_\_\_\_\_

Conditions (weather, traffic, and/or road): \_\_\_\_\_

Describe the accident (and direction of travel, speed, etc.): \_\_\_\_\_

Describe any injuries to you, to passengers or bystanders (include information about emergency response help/ambulance): \_\_\_\_\_

Describe damage to \_\_\_\_\_

**Do you have a camera or mobile device on hand?**

Here is a checklist of photos to take when documenting an accident.

**STAY SAFE. DO NOT** take photos at the scene if doing so will put you or others at risk of injury or further damage!

- ✓ License plate(s) of vehicles involved
- ✓ Damage to other vehicles involved
- ✓ Damage to your vehicle
- ✓ Landmarks, street signs or address markers to identify the location
- ✓ Damage to any property or objects at the scene (sidewalk, skids, fallen trees, etc.)

## WRECK CHECK

### Auto Accident Checklist

- ✓ **STAY CALM.** Call an ambulance if needed. **ALWAYS** call the police. If police are not dispatched, be sure to file an incident report.
- ✓ **STAY SAFE.** Traffic, fire, injury, debris and weather all pose continuing risks.
- ✓ **STAY SMART.** Be courteous, but do not admit fault. And **ALWAYS** protect your identity.
- ✓ **USE** this guide to collect information to file an accident report with your company.

## INSURANCE TIPS

for Safe, Smart Teen Driving



-  Texting while driving threatens the lives of drivers and passengers. If an accident is caused by someone texting and driving, insurance may not cover all the damages, and premiums are likely to increase.
-  A driver using a cell phone is twice as likely to be involved in an accident. And of course, accidents can cause both insurance premiums to increase.
-  More than 45 percent of teen auto deaths occur between the hours of 5 p.m. and 6 a.m. Setting rules for when and when your teen is allowed to drive can help keep them safe — and texting and driving can help lower premiums.
-  Driving under the influence of alcohol and drugs is an avoidable risk that can also directly impact your premiums and even void your insurance if convicted.
-  Many insurance companies offer good student discounts. Check with your provider to determine the minimum grade point average required.
-  The liability risk for teen drivers is 3.8 times higher when they drive with passengers. Plus, teen drivers who ignore maximum driver's license provisions for the number of passengers can lose their insurance coverage altogether.



Get Smart About Insurance visit [InsureOnline.org](http://InsureOnline.org)

1. See [www.insureonline.org/parentinfo](http://www.insureonline.org/parentinfo) for more information.  
 2. California Department of Motor Vehicles <http://www.dmv.ca.gov>



# Tactics/Audiences

**NAIC Communications** @NAIC\_News · 22 Sep 2015  
Our WreckCheck app is available via the Apple app store now! #RJsBadBreaks #InsureU [itunes.apple.com/us/app/wreckch...](https://itunes.apple.com/us/app/wreckch...)

**Howes Insurance** @HowesInsurance  
@NAIC\_News Any idea why the app via iTunes is not currently

← ↻ 1 📊 ⋮

**NAIC Communications** @NAIC\_News · 21 Sep 2015  
#RJsBadBreaks #InsureU

**RJ Mitte** @RJMitte  
And if you haven't already, check out my #RJsBadBreaks video [bit.ly/1VNIQig](http://bit.ly/1VNIQig)

← ↻ 1 📊 ⋮

**Laurie Webber** @MusicWebb · 21 Sep 2015  
A Delorean of course! 🙄 #RJsBadBreaks #InsureU

**RJ Mitte** @RJMitte  
Q4: What's your dream car? I'm not much of a spender but I've got my car—a '69 Mercury Cougar. #RJsBadBreaks

← ↻ 1 1 📊 ⋮

**RJ Mitte** liked  
**Laurie Webber** @MusicWebb · 21 Sep 2015  
@RJMitte is it a law that you have to give your info to someone yet? #RJsBadBreaks #InsureU

← ↻ 1 2 📊 ⋮

**NAIC Communications** @NAIC\_News · 21 Sep 2015  
Congrats to our second gas card winner @OneSleepyMommy! Please see details on how to get your \$50 gas card! #RJsBadBreaks #InsureU

← ↻ 2 5 📊 ⋮

**NAIC Communications** @NAIC\_News · 21 Sep 2015  
Yes it is! #InsureU Wreck Check App in Google Play: [bit.ly/1OzBly3](http://bit.ly/1OzBly3) #RJsBadBreaks

YouTube accidents aplenty



2015 R.J.'s Bad Breaks: Auto Accidents Aplenty

NAIC News Channel settings 3,088 views

+ Add to ↗ Share ⋮ More



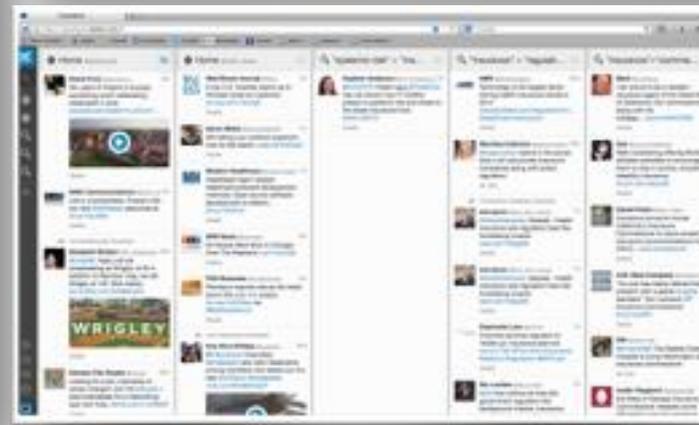
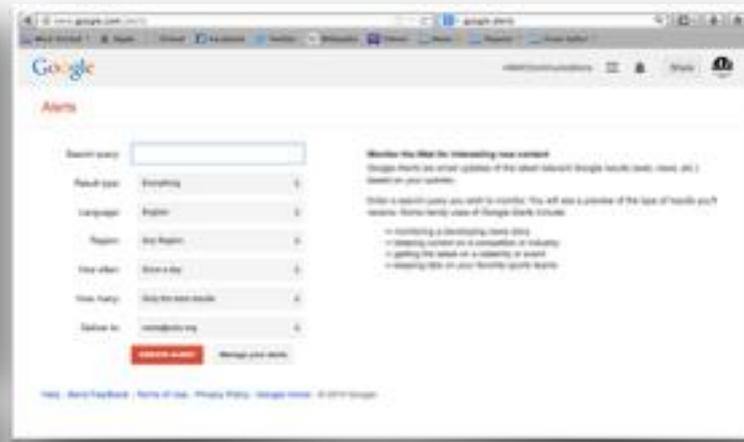
# Tactics/Audiences



## Car Accident Checklist



# Watch. Search. Measure.



Tools: Google-alerts | TweetDeck | NewsWire | Social Searcher



# Dos & Don'ts

- **Do:** Stay on message across **ALL CHANNELS**.
- **Don't:** Engage with trolls & comment-jackers: *Set boundaries. Trolls actively hijack messages and audience for their own use.*
- **Do:** Engage incrementally: *It's better to do one channel well, than several channels poorly.*
- **Don't:** Start then abandon: *Watch, then engage. Stay disciplined to the plan and schedule.*



RESEARCH SOURCES

**PEW Research Internet Project:**

<http://www.pewinternet.org/>

**2016 U.S. Cross-Platform Future in Focus:** <http://www.comscore.com/Insights/Presentations-and-Whitepapers/2016/2016-US-Cross-Platform-Future-in-Focus>

**Finding Simplicity in a Multi-Device World:**

<https://www.facebook.com/business/news/Finding-simplicity-in-a-multi-device-world/>

[socialmedia.org](http://socialmedia.org)

**USAF:** <http://www.af.mil/Portals/1/documents/SocialMediaGuide2013.pdf>

**DELL:** <http://www.dell.com/learn/us/en/uscorp1/corp-comm/social-media-policy>

**Editorial Calendars:** <http://writtent.com/blog/how-to-create-an-editorial-calendar-for-your-business-in-4-easy-steps/>



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## SOCIAL MEDIA CONTENT SOURCES

[NAIC.org](#) & [InsureUonline.org](#) (Newsrooms, CIPR, White Papers, Publications and Consumer Guides) Using advanced search allows you to search all the state sites.

**Google Alerts** and Daily Briefs: NAIC Newswire, PIA News Center, Insurance Information Institute ([III.org](#))

**Wikipedia:** Commemorative Months (also Library of Congress Commemorative Decrees):

[https://en.wikipedia.org/wiki/List\\_of\\_commemorative\\_months](https://en.wikipedia.org/wiki/List_of_commemorative_months)

Awareness Days: [https://en.wikipedia.org/wiki/List\\_of\\_awareness\\_days](https://en.wikipedia.org/wiki/List_of_awareness_days)

Free-commercial-use **images:**

<https://search.creativecommons.org>

<https://pixabay.com>

***Be sure to select assets licensed as:***

**CC0 Public Domain - Free for commercial use No attribution required**



# Regulatory and Legal Risks of Social Media

**Sue Stead**

Bailey Cavalieri, LLC



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# Topics

RISKS OF USING SOCIAL MEDIA  
IN INSURANCE



WHO REGULATES  
YOUR USE OF SOCIAL MEDIA

CAUTIONS AND BEST PRACTICES



# Risks of Social Media

**ENFORCEMENT ACTION**

**REPUTATION**

**E & O EXPOSURES**

**PRIVACY**

**INTELLECTUAL  
PROPERTY  
INFRINGEMENT**

**LIBEL / DEFAMATION**



# Who Regulates Your Use of Social Media

**INSURANCE REGULATORS**

yes

**FEDERAL TRADE COMMISSION**

no, with possible exceptions  
significant influence



# Social Media

**Advertisement** includes social media - “Social media sites including networking sites, blog postings and smartphone applications created by or for a Carrier, Insurance Producer or other entity for presentation to or use by the insurance buying public.” *(Mass. A&H rule)*

*(A&H: IL, MA, OK; Life: OK,VT; title: UT) ; See, tit. 211 Mass. Code Regs. § 152.02*



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# Insurance Advertising

*General rule:*

Do not make false, deceptive or misleading statements, by affirmative statement or by omission.

*Some lines of business have specific advertising rules:*

- Life/annuities
- A&H
- Medicare supplement
- Long-term care
- Surplus lines



# Insurance Advertising

- Disclosures
  - States where licensed
  - Product availability
- Keep it current - ratings, rankings, statistic
  - Identify sources
- Testimonials / Endorsements
- Rebates/inducements
- Avoid colors, titles, words, symbols suggesting government approval, endorsement or relationship.



# FTC – Effective Disclosures

- Prominent
  - In front of or above ad headline.
- Appears on any focal point that is an image, graphic, video.
- Conspicuous & close to the ad
- Disclosure should remain if ad republished.
- With multimedia, may need disclosure in middle and close in time to time of ad delivery.
- Unambiguous language.
- Easy to read font color.
- On screen long enough to be noticed, read & understood.
- Audio cadence is easy to follow



# Disclosures via Hyperlinks

- **Are hyperlinks sufficient?** In early internet days, insurance regulators said “yes.”
- **SEC guidance**
  - The social media communication prominently displays active hyperlink to required statement and states that important or required information is provided through the hyperlink.
- **Federal Trade Commission guidance**
  - make the link obvious;
  - label the hyperlink appropriately to convey the importance, nature and relevance of the information it leads to;
  - use hyperlink styles consistently so that consumers know when a link is available;
  - place the hyperlink near relevant information and make it noticeable;
  - take consumers directly to the disclosure on the click-through page;
  - assess the effectiveness of the hyperlink by monitoring click-through rates and make changes accordingly.

*SEC Compliance and Disclosure Interpretations for Rule 134 (June 23, 2016)*

*Federal Trade Commission “.com Disclosures” (2013)*



# Disclosures via Hyperlinks

But...hyperlinks and info-hovers may be inadequate...more to come...



shutterstock · 154087103

In pending action against Direct TV, FTC alleged:

- Disclosures made in hyperlink and info-hover would be seen only if consumer clicks on it.
- Consumers could navigate purchase without seeing the disclosures.
- Hyperlinks & info-hovers were deceptively labeled.



# FTC - Endorsements

*Standard: When there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience), such connection must be fully disclosed.*

Endorsement must reflect honest opinion or experience of the endorser.

Ad must disclose “material connection” between advertiser and endorser.



# Testimonials & Endorsements Under Insurance Law

*NAIC model law (A&H):*

Compensation, direct or indirect, makes the person a “spokesperson” ...**ad must state “Paid Endorsement.”**



# Intellectual Property

IP infringement is the unauthorized use of intellectual property belonging to another.

- Logo
- Trademark
- Tradename / brand names
- Written material
- Video / movie clips
- Music
- Photographs
- Art



# Privacy

*Using or disclosing the following without permission can risky:*

- Customer names and other information
- Statements of “satisfied clients”
- A person’s photo or likeness
- Celebrities’ names, photos or likeness



# Third- Party Content

Re-tweeting and re-posting are not without risk

Entanglement thec



Adoption theory



# Social Media Policies

- Put it in writing
- Assign responsibility
  - Restrict authority to post
  - Consider second set of eyes on content
- Content guidelines
- Take-down criteria (written)
  - Appoint decision-maker(s)



# Social Media Policies

- Monitor
  - Assign responsibility
- Update – don't be stale
- Post notice of agency social media terms & conditions
- Ownership, use and access to business-related accounts (and followers)
  - Include in employee manuals, employment agreements



# Internal Social Media Policies

## *National Labor Relations Act*

*General rule:* employees have the right to self-organization, to form, join or assist labor organizations and to engage in other concerted activities...(“Section 7 rights”)...

Section 7 rights include the right to discuss/criticize employer, terms & conditions of employment....

...including on their personal social media.

Employer rules that “reasonably tend to chill” such rights violate the National Labor Relations Act



# Contact Information

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Susan Stead [sstead@baileycav.com](mailto:sstead@baileycav.com)



Any  
questions



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