



Social Media, Household Staff and Privacy

Negligent management of household staff may lead to huge financial risk.

A busy family in Texas has four small children under the age of eight, two of which have special needs. This family requires around-the-clock assistance from three full time nannies and two full time housekeepers.

Due to the parents' heavy travel schedule, the children are routinely left in the care of the nannies. The parents have instructed each nanny that "if anything special happens today, please send us photos or videos. We want to see all of the little things our babies are doing. Nothing is too silly."

TO COMPLY WITH THE PARENTS' REQUEST

The staff use their personal cell phones to send images of the children to each parent, grandparent, and other family members on a regular basis. The family is so impressed with their staff's creative ability to take natural 'daily life' images, that they tell the staff to use their cell phones whenever they wish.

The nannies and housekeepers excitedly post images of the children on all of their social media accounts. The employees also create work photo albums, which include images of the employer's children, family and household. The employees' work photo albums are used for

future employment opportunities through staffing agencies as well as prospective employers. The family is unaware that their staff is partaking in this practice.

FAST-FORWARD THREE YEARS

The father of the family is in the process of launching an impressive IPO. Suddenly, various media sources and press hounds are relentlessly tracking the father and the family. The public is absorbing every bit of information about him, including his personal and family life. Unexpectedly, the whole family becomes easily recognized. How can this be? Why did this happen?

Who would you call upon?

Do you know a subject matter expert to help navigate a quick solution?

Who could provide a low-key peaceful resolution without risking panic, staff turnover, and expensive employment fines?

Who can you call to provide an immediate resolution without risking huge financial assets?



Why does it matter?

- **EMPLOYEES AND THEIR FRIENDS AND FAMILY,** can post information and images about their employer on all social media pages.
- **WHILE TRYING TO CONTROL EMPLOYEES'** cell phone use on the job, employers may inadvertently violate employees' privacy rights.
- **IT IS THE EMPLOYER'S RESPONSIBILITY TO** be compliant with current state and federal employment laws affecting household employees, e.g.: right to privacy, overtime, and payroll records.
- **CONFRONTATIONS WITH EMPLOYEES WHO** may possess personal family information can cause the employee to self terminate and flee with the family's information.
- **NON-DISCLOSURE OR CONFIDENTIALITY** agreements provide protection for the family and their personal information; all household staff must sign one.
- **HUMAN RESOURCES POLICIES MUST BE** updated and changed according to new state and federal employment laws.
- **REMAIN AWARE OF HOUSEHOLD STAFF** utilizing cell phones and social media to showcase your personal information and household inventory.
- **JOB DESCRIPTIONS THAT CLEARLY DEFINE** expectations, responsibilities and hours will clearly communicate to household staff what is expected of them and maintain professional boundaries on the job.
- **HOUSEHOLD EMPLOYEES ARE LESS LIKELY** to put a family's reputation at risk when they know they are part of a cohesive team created by a professional Human Resources program.
- **UNDESIRABLE PERSONS ON SOCIAL MEDIA** may now possess intimate information regarding the children's schools, daily activities and home life.

Negligent management of household staff can endanger your financial assets and personal privacy. Find a subject matter expert now.

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Social Media, Household Staff and Privacy Identifying Financial Risks

- **THE STAFF WAS PAID WITH PERSONAL CHECKS** from the family's many different checking accounts.
- **THE PAYROLL RECORDS WERE NOT** accurately kept to show hours worked for the amount paid. Federal labor law requires employers to keep payroll records.
- **I-9 FORMS WERE NOT AVAILABLE TO SHOW** the legal status of current employees.
- **TWO WORK-RELATED ACCIDENTS HAVE** occurred, resulting in time off from work as well as medical care, all undocumented.
- **ONE PAST EMPLOYEE HAS COMPLAINED** about not receiving pay for the hours worked.
- **OVERTIME HOURS AND WAGES OWED** were not paid to any employee.
- **OVERNIGHT CARE OF THE CHILDREN WAS NOT** compensated and no agreement was made. Three of the employees have recorded hours worked on their phone calendars, including overnight care, for a time period of six months.
- **STATE AND FEDERAL EMPLOYMENT TAXES** were not reported, not paid, and not withheld from any employee in six years.
- **W-2'S WERE NOT SENT. DUE TO THE FAMILY'S** wealth, the staff assumed that the checks presented to them had employment taxes withheld and that they were given net wages.

- **SENSITIVE INFORMATION WAS NOT SECURED.**

Nine employees, past and present, have detailed family information on their personal cell phones, including various photos containing naked children at play, home videos of mother, father and children, family addresses, family birthdays, security gate codes, security entrance codes, list of favorite places, other home addresses and contacts, worker contacts, doctors, and all emergency information.

When charging their phones, each employee had the ability to sync their phones to a personal computer and the iCloud storage. All photos and videos were transferred to the PC and uploaded to their iCloud accounts. This allows their friends and family to have access to the family's information as well.

- **NON-DISCLOSURE OR CONFIDENTIALITY** agreements were not offered or signed by any employee; leaving the family and their information unprotected.

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