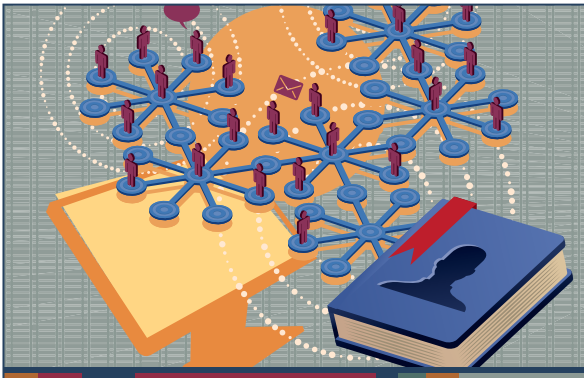

The National Labor Relations Act and Employee Use of Social Media

February 2011

On February 8, 2011, a settlement was reached in a National Labor Relations Board ("NLRB") case that had received some attention in the media because of its timely topic. The case involved the firing of an employee for her Facebook page postings that included negative comments about her boss. The postings violated the employer's policy prohibiting employees from making negative remarks on the Internet about the company or its employees. The employee filed a charge with the NLRB, alleging that the policy and the discharge unlawfully chilled the employees' right to engage in the protected, concerted activity of sharing complaints about working conditions with fellow employees. In the settlement, the employer agreed to revise its policies to eliminate improper restrictions on the protected right of an employee to discuss wages, hours and working conditions with co-workers. The settlement precluded an opportunity for the NLRB to provide any further guidance on its position on the use of social media. The case, similar to recent NLRB actions against employment policies which declare discussions of wages and other employment terms as confidential and "off limits", is a reminder that the National Labor Relations Act ("NLRA") applies to union and non-union employers alike. Social media provides another forum for employees to exercise their protected collective activities. Employers must take care that newly developed social media policies give due consideration to employees' protected NLRA rights. Employees should also remember that neither the NLRA nor any other law permits them to defame their employers and that there are limits to their social media posting just as there are to other more traditional avenues of publication.

For more information regarding your employees and Facebook, or other information concerning the firm's Employment Law Group, please contact Antoinette Oliver at 412.456.2851, or aco@muslaw.com.

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News from Meyer, Unkovic & Scott LLP Employment Law & Employee Benefits Group is a general report on recent developments in employment law for the information of our clients and friends. Space does not permit comprehensive treatment of all legal issues and, therefore, the contents are not and should not be considered as legal advice.

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