

## What Would The NLRB Think of Apple's Social Media Policy?

By [Daniel Schwartz](#) on December 6th, 2011

This morning, I had the opportunity to talk with members of the [Greater Valley Chamber of Commerce](#) about social media and the law. My thanks to that organization for the invitation.

We talked for a while about the National Labor Relations Board's stance on broad social media policies — [something which I've discussed many times on this blog as well](#). The topic had particular significance in light of the release last night of [the social media policy of Apple](#). As I talked about today, it was a pretty well written policy (and really, would you expect anything less from Apple?). It covered a lot of the best practices I recommend to employers.

But it seemed open itself up to some questions on its labor law compliance. Here was the line that caught my eye:

It is fine for Apple employees to disagree, but please don't use your external blog or other online social media to air your differences.

I'm not the only one to have picked up on this. [Jon Hyman, over at the Ohio Employer's Law Blog](#) saw this as well in the context of the entire policy.

Why might this be troubling to the NLRB? Because, as noted in the [U.S. Chamber of Commerce report from this summer](#), the NLRB has been cracking down on overbroad social media policies that chill employee speech about terms and conditions of their employment.

There are a variety of ways an employer can handle this, including adding a disclaimer to its policy. [I've discussed other approaches here](#). Will Apple get into trouble over its policy? In the overall context of its policy, perhaps not. But the NLRB's broad stance on these types of policies could open employers — even Apple — up to arguments like these.

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