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BLOGS

Labor & Unions; Social Media & Technology; Workplace Policies

Whats Going On At the NLRB?: Why You Should Care Even If Your Workforce Isnt Unionized

If you're a non-union employer, you may be under the impression that the machinations of the National Labor Relations Board are not relevant to you and your business. You may be wrong. For one thing, employees have rights under Section 7 of the National Labor Relations Act whether the workforce is unionized or not. The Board has made it clear that it will pursue charges against non-union employers for violating these rights, specifically for policies that interfere with employees right to engage in concerted activities for the purpose of . . . mutual aid or protection. What that means is that employees have a protected right to complain to other employees about the terms and conditions of their employment. Policies that prohibit such communication likely run afoul of the NLRA. As we've noted previously, social media policies in particular have been fodder for Board scrutiny, because some companies policies prohibit employees from posting anything disparaging about the company online. Consider this example: Employee A posts a gripe about the boss on Employee Bs Facebook wall. The gripe has something to do with being asked to work late again or not getting a requested schedule change. Employee A expresses extreme dissatisfaction with this state of affairs. Guess what? Employee A has probably engaged in protected activity. Having a policy that prohibits such communication, even if it is never enforced, might be enough to land the employer, unionized or not, in the Boards crosshairs.

In addition to what trouble may come from having overbroad policies, Ill explain in a future post why non-union employers should take notice of recent rule changes proposed by the Board. You may be thinking: Rule changes? Really? Procedural stuff? THAT should matter to me? Well, yes. Stay tuned.