

Facebook Firing Case Settled

Last November I noted that the National Labor Relations Board had filed a complaint against American Medical Response of Connecticut, Inc., after AMR fired Dawnmarie Souza for posting negative comments about AMR on Facebook (see *NLRB challenges Facebook firing*, <http://bit.ly/ebpxp7>).

The problems started when Souza posted negative comments about her supervisor on Facebook and then responded to comments her co-workers had also posted. Souza was fired because of her commentary, and the NLRB took the position that firing her violated the National Labor Relations Act because it interfered with her right to discuss with her co-workers the terms and conditions of their employment.

The case has now been settled (see *Settlement reached in case involving discharge for Facebook comments*, <http://bit.ly/gAfETD>). According to the NLRB, the settlement requires AMR to "revise its overly-broad rules to ensure that they do not improperly restrict employees from discussing their wages, hours and working conditions with co-workers and others while not at work, and that they would not discipline or discharge employees for engaging in such discussions." A private and undisclosed settlement was also reached between Souza and AMR.

Although the National Labor Relations Act was enacted long before anyone ever posted anything on Facebook, the *Souza* case shows that the right of employees to discuss the terms and conditions of employment is being extended into the realm of social media. Therefore, the case should cause employers to take a close look at their social media policies to make sure they are not overbroad.

If you have any questions about this post, please contact me at taj@alexandriamnlaw.com.

The comments posted in this article are for general informational purposes only. They are not to be considered as legal advice, and they do not establish an attorney-client relationship. For legal advice regarding your specific situation, please consult your attorney.