Facebook Firing Unfair Labor Practice Charge Settles!

7. February 2011 By Steve Palazzolo

The National Labor Relations Board announced that it had reached a settlement in its unfair labor practice charge against a Connecticut ambulance company. According to the News Release issued by the Board, the company has agreed to revise its "overly broad" blogging policy, agreed to not fire employees for engaging in online discussions of wages and other terms and conditions of employment and agreed to not threaten to fire, or fire employees for asking for union representation. The employee and the company settled in a separate financial agreement and it has been reported that the employee will not be returning to work at the company.

So, should you run out and change your policy? That is up to you. I suppose it depends on how risk-averse you are and how broad your policy is. According to the Board:

"An NLRB investigation found that the employee's Facebook postings constituted protected concerted activity, and that the company's blogging and internet posting policy contained unlawful provisions, including one that prohibited employees from making disparaging remarks when discussing the company or supervisors and another that prohibited employees from depicting the company in any way over the internet without company permission. Such provisions constitute interference with employees in the exercise of their right to engage in protected concerted activity."

Is your policy this "broad?" Does it prohibit "disparaging remarks when discussing the company or supervisors?" While the settlement may be nice news for the NLRB, it does not provide much useful guidance for employers with blogging policies. We will have to wait for a charge that does not settle and goes to hearing then ultimately to court for useful guidance.