



LEGAL Q&A

Q Can an employer ban its employees from making any comments about it on social networking sites (Facebook, MySpace, Etc)?

A With the rise in popularity of Facebook and other social networking sites, employers have begun issuing policies that seek to hold employees accountable for statements they make regarding their employer on social networking sites. This has drawn the attention of the National Labor Relations Board ("NLRB"), an independent federal agency which has begun to investigate employer practices in this area.

Recently the NLRB filed a complaint against a company for terminating an employee who allegedly violated the company's social networking policy which prohibits depicting the company "in any way" without the employer's permission. The employer eventually settled the matter, promising to revise the company's policies to ensure that they do not improperly restrict the rights of employees to discuss wages, hours, and other working conditions on social media sites. The company also agreed to refrain from disciplining or terminating employees for engaging in such activity.

While some limits on employee speech are lawful (employee may not make abusive, libelous statements, discuss confidential/trade secret information, etc), it seems clear that employers may not ban their employees from all work related speech on social networks without inviting litigation.



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