

'LIKE' APPEAL MAY TEST NLRB PROTECTION FOR FACEBOOK RANTS

News

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David Strock was quoted in the September 12, 2014 *Law360* article "Like Appeal May Test NLRB Protection For Facebook Rants."

The 2nd Circuit was asked to review a recent National Labor Relations Board ruling that said a worker's Facebook "like" was protected by federal labor law, a move lawyers say could result in valuable appellate guidance on when employees' salty social media discussions criticizing their employers may lose legal protection.

On Aug. 22, the NLRB adopted an agency judge's finding that two workers had been unlawfully fired for taking part in a profanity-laced Facebook discussion that ensued after workers owed more in state income taxes than they expected, in what lawyers said appeared to be the first-ever labor board ruling on whether the National Labor Relations Act covered Facebook "likes."

"This would be the first time that a court of appeal would have an opportunity to assess the board's application of traditional labor law principles to the new social media context," said David

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