



Company Phones Now a Union Tool

News

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Steve Bernstein was quoted on *The Washington Free Beacon* on December 16, 2014. The article “Company Phones Now a Union Tool” discussed how the technology that companies provide their employees can now be used to aid unionization campaigns under new federal labor rules.

Steve was quoted on how the board’s decision will affect employers moving forward.

Steve said that the board’s decision gives companies an incentive to roll back the use of technology in the workplace. The board overturned a seven-year precedent that gave companies “the latitude to control their electronic systems,” since they paid for the technology and network capacity for business purposes.

“The agency chose to take this moment to declare new doctrine ... basically telling the working world that emails are a form of speech, that it’s not fair to allow businesses to curtail that speech,” Steve said. “If an employer makes email and electronic devices available then employees can use that with free rein.”

Since employers will no longer be able to regulate how work computers and cell phones are used, they may back away from giving them to employees. The NLRB has complicated the use of technology in business, according to Steve.

“Businesses are starting to take hard look at whether to make these systems available at all when they can’t control them as they once did. Pandora’s box has been opened,” Steve said.

“Unions have been working harder than any other interest group to overturn” existing rules on contact information, Steve said. “Unions organize through communication. Employers until now have controlled access to their company systems, so this becomes an access issue.”

The new rules when taken together with the Purple Communications decision will make it easier for labor organizers to win elections, according to Steve. Pro-union employees will be able to use their company servers and email addresses to advance the union cause without fear of regulation from the company.

“Unions are less inclined to invest resources unless it’s going to achieve a good rate of return. This is perfect storm. Unions will have unprecedented access directly to the working populace while

knowing they can enjoy representation elections within a limited timeframe,” he said.

Steve said the email rules could have a “slippery slope” effect on future NLRB decisions regarding union access to the workplace. If employers are no longer entitled to control of their technological private property, they also cannot expect to protect their property rights over company grounds under the board’s logic.

“The bigger picture is ultimately equal access not just electronically, but physically. We’ll lose the right of an employer to safeguard its premises from trespass and see unions demanding access to employer facilities to campaign,” he said.

To read the full article, please visit [*The Washington Free Beacon*](#).

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