

Aggressive New Federal Labor Rules on Employee Speech Leave Companies Baffled

News
4.19.15

Steve Bernstein was quoted in the *Washington Examiner* on April 19, 2015. The article “Aggressive New Federal Labor Rules on Employee Speech Leave Companies Baffled” discussed how businesses across the country are flipping through their employee handbooks trying to determine what has to be changed to comply new federal rules.

Steve said the board began moving toward such regulatory action a few years ago when companies began grappling with how to address employee use of social media like Facebook. The labor board has used cases involving these new company policies to expand its own reach under an existing, if little-used, power.

“The NLRB is breathing new life into an old doctrine that has been around as long as they have called for ‘concerted protected activity,’” Steve said. This concept essentially prohibits employers from limiting employees from speaking out on behalf of their co-workers. The board has interpreted this authority broadly and that lead to its interest in employee handbooks, which codify the company rules.

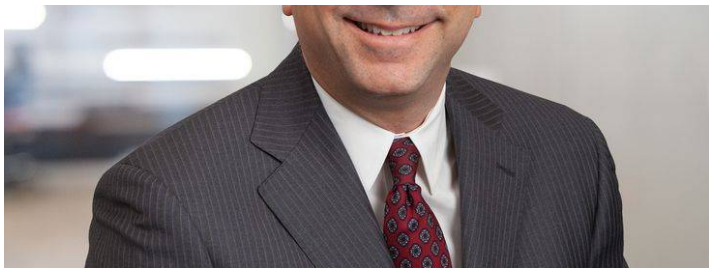
“Employers are being forced to revisit their handbooks and scrutinize policies that years ago never would have raised a question,” he said. “In some cases, my clients are being forced to revisit from soup to nuts a handbook that would have been permissible just three years ago.”

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

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Steven M. Bernstein

Regional Managing Partner and Labor Relations Group Co-Chair

813.769.7513

Email