

Circuit Court Backs NLRB On Social Media Conduct, Voids Handbook Provision

News

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Steve Bernstein was quoted in *Corporate Counsel* on November 9, 2015. The article “Circuit Court Backs NLRB On Social Media Conduct, Voids Handbook Provision” discussed how The National Labor Relations Board has handed down numerous decisions over the past few years ruling that what may appear to be bad behavior by employees is actually protected concerted activity under Section 7 of the National Labor Relations Act.

Steve was quoted on his take of the *Triple Play* case ruling.

Given rulings like this, deciphering what exactly employees know to be true or false and what comments will then rise to a sufficient level of maliciousness to surpass NLRA protection is tough. Still, Steven said some “bedrock principles” are emerging when it comes to these cases that can be helpful for employers when evaluating what employees say. “Are we talking about discourse that 20 years ago took place around the watercooler and has simply been removed to the digital world?” he said. “If so, I think you have to assume that all things being equal, you have to assume it’s going to be protected.”

To read the full article, please visit [Corporate Counsel](#).

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