

## Don't Cast Too Wide a Net When Restricting Blogging

Publication

9.07.07

You might be thinking that the best way to deal with blogs is to prohibit all employees from blogging about their workplace. Although this solution may be appealing, it raises issues under the National Labor /relations Act (NLRA), which entitles private-sector employees (whether or not they belong to unions) to engage in "concerted activity" relating to their wages, hours and working conditions. Where employees use a blog or chatroom to discuss "concerted activity," an employer that monitors and comments on such communications may be engaged in unlawful surveillance.

Employers do have the right to place limitations on employees' blogging activity, and many employers are now implementing blogging policies. Warn employees that they will be subject to disciplinary action, up to and including termination, for violation of the blogging policy, and that current and former employees may also be sued for damages by the company for misappropriation of trade secrets or tortious interference with business relationships, and they may be sued by individuals for harassment, defamation or invasion of privacy.

---

This article appeared in the September 7, 2007 issue of the *Daily Journal of Commerce*.

### ***Related People***



**Richard R. Meneghello**  
Chief Content Officer  
503.205.8044  
Email

