



## NLRB Report Raises Questions About Social Media Use At Practices

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Chris Mills, a partner in the New Jersey office, was quoted in the *American Medical News* article "NLRB Report Raises Questions About Social Media Use At Practices." The September 26 article refers to a recent report by the National Labor Relations Board on social media and workplace complaints in the wake of court cases and other incidents involving what employers can and cannot do when employees take workplace complaints to the Internet. The report stated that employers may not terminate employees for 'protected concerted activity' carried out through social media. Chris noted that the NLRB report can help guide employers. The guidance starts with three questions intended to answer the most important question: Is this a protected activity? The three questions involve how the comments were phrased, where the conversation took place, and who the audience was. Even if the content of the online discussion is acceptable, if it took place on company time and employee policy prohibits the use of social media on company time, there might be a legal cause for termination. Chris said: "The reality is that employees always will have so-called talks around the water cooler. The difference now is the talks have extended to the Internet. Although the talks may be harmless, or even protected by law, employers still can discipline employees for not doing their jobs."

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