

Employers Should Be Careful with Confidentiality Policies

News

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Houston partner Kevin Troutman was interviewed in the August 30 *Houston Chronicle* article "Employers Should Be Careful with Confidentiality Policies." The article cited a recent National Labor Relations Board ruling that an Arizona hospital violated federal labor law by asking one of its employees not to discuss its internal investigation of alleged misconduct. Most companies ask employees who are involved in an internal investigation not to discuss it around the office. In this case the board ruled that the hospital's desire to sort out the facts in confidential fashion, so as not to tip off others who may have had critical information, did not outweigh the federal right of employees to discuss their wages, hours and working conditions. Kevin said he advises his clients to evaluate each investigation carefully to determine whether there is an overwhelming reason to ask for confidentiality. That would include whether the employer believes evidence might be destroyed, witnesses need protection, or a cover-up could be prevented. He noted that it's more important than ever to explain to employees involved in an investigation how the process works from beginning to end. "It may tamp down the gossip."

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Related People



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