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It's Time to Review Your Social Media Policy

On September 7, the National Labor Relations Board struck a blow to Costco by finding that, through its social media policy, the company engaged in an unfair labor practice. One of the offending provisions of the company's social media policy (there were several) warned employees that posting on electronic message boards or discussion groups messages that "defame the company or any individual or damage any person's reputation" may subject the employee to discipline or termination. The NLRB, overturning an Administrative Law Judge's decision, found that the provision would reasonably chill the employees' exercise of their rights under the National Labor Relations Act to engage in "concerted activities for the purpose of collective bargaining or other mutual aid protection." The decision has implications for all employers, regardless of size and irrespective of whether employees are unionized or are attempting to organize. Regular review of employment-related policies is good practice. This decision provides important guidance for the review of existing social media policies and for drafting new policies. Contact us for more information about the decision and its implications.

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