

NLRB GENERAL COUNSEL OFFERS GUIDANCE ON EMPLOYER POLICIES AND RULES

On March 19, the National Labor Relations Board (NLRB) made public new guidance governing a number of key areas that have been challenging employers for the last few years. These clarifications could affect employers' policies in the areas of confidentiality, professionalism, social media use, anti-harassment, use of cameras and camera phones, trademark and copyright protection, and media contacts.

All private-sector employers should review their handbooks and policies to ensure compliance with this latest guidance. The NLRB consistently finds rules unlawful when they are deemed overbroad or if they can "reasonably be construed by employees as restricting Section 7 activity."

The guidance provides the following examples of unlawful rules:

Confidentiality:

- You must not disclose proprietary or confidential information about the employer or other associates (if the proprietary or confidential information relating to the employer's associates was obtained in violation of law or lawful company policy).
- Never publish or disclose the employer's or another's confidential or other proprietary information. Never publish or report conversations that are meant to be private or internal to the employer.

Professionalism/Anti-harassment:

- Be respectful to the company, other employees, customers, partners and competitors.
- Be respectful of others and the company.
- No defamatory, libelous, slanderous or discriminatory comments about the company, its customers and/or competitors, its employees or management.
- No disrespectful conduct or insubordination, including but not limited to refusing to follow orders from a supervisor or a designated representative.

PEOPLE

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SERVICES AND INDUSTRIES

Employment and Labor

- Do not make insulting, embarrassing, hurtful or abusive comments about other company employees online, and avoid the use of offensive, derogatory or prejudicial comments.
- Do not send unwanted, offensive or inappropriate emails.

Media Contacts:

- Employees are not authorized to speak to any representatives of the print and/or electronic media about company matters unless designated by human resources to do so and must refer all media inquiries to the company media hotline.
- All inquiries from the media must be referred to the director of operations in the corporate office, no exceptions.

Use of Company Logos, Copyright, and Trademarks:

- Do not use any company logos, trademarks, graphics or advertising materials in social media.
- Company logos and trademarks may not be used without written consent.

Pictures and Recording Devices:

- Taking unauthorized pictures or video on company property is prohibited.
- No employee shall use any recording device, including but not limited to audio, video or digital, for the purpose of recording any company employee or operation.
- All possession or use of personal electronic equipment on company property is prohibited.

All employers should review their handbooks, policies, practices and other workplace rules in accordance with the latest guidance.