

NLRB Approves E-Mail Policy Prohibiting "Non-Job-Related Solicitations"

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Declaring that employees have no statutory right to use an employer's e-mail system to engage in protected concerted activities, the National Labor Relations Board (NLRB or Board), in a 3-2 decision, recently held that an employer lawfully maintained a policy prohibiting employees from sending any "non-job-related solicitations."

The Board further found that the employer legally enforced the policy against an employee/union president who sent two e-mails soliciting support for the union but that it unlawfully disciplined the employee for sending a third e-mail which simply clarified facts surrounding a prior union rally.