

Unequal Enforcement of E-Mail Policy May Violate Law

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Unequal Enforcement Of E-Mail Policy May Violate Law. Does your organization have a policy regulating your employees' use of e-mail messages? Do you enforce the policy equally? The U.S. Court of Appeals for the Fourth Circuit recently held that a company's unequal enforcement of its email policy violated the National Labor Relations Act.

Media General Operations, the company that publishes the Richmond Times-Dispatch, had an official policy restricting the use of e-mail for "company business". Beginning in mid-1999, Media General advised a union representative that the union could no longer use the company e-mail for communicating union messages. Employees also used company e-mail for personal messages and charitable announcements. The company made no attempt to stop these uses.

The union complained to the National Labor Relations Board that the company enforced its e-mail policy in a discriminatory manner against the union. The NLRB agreed and the company appealed the decision to the Fourth Circuit. The court found that the unequal enforcement of the company's email policy against the union was an unfair labor practice as Media General discriminated between union messages and other non-company messages in the workplace.

The ramifications of this decision go beyond the specific facts involved. Unequal enforcement of policies, particularly those involving the use of e-mail, Internet or other technology, is problematic and can interfere with your intended results. For example, reprimanding or disciplining an employee for violating the company's Internet use policy is susceptible to challenge if other employees are allowed to freely engage in similar conduct. To avoid enforcement problems, official policies on the use of technology should reflect the actual practices of your organization.