

Hope Eastman Provides Commentary for Law360 article “Lawyers Weigh In On NLRB Employer Email Ruling”

Hope Eastman provides commentary for Law360 article, “Lawyers Weigh In On NLRB Employer Email Ruling” (December 11, 2014). The article is a roundup of attorneys discussing the National Labor Relations Board ruling on Thursday that workers have a right to use their employers’ email systems for non-business purposes, including communicating about union organizing, and why the decision in Purple Communications Inc. is significant.

“The NLRB’s decision in Purple Communications should come as no surprise to anyone who has watched the evolution on the board’s decisions on employee use of social media to exercise Section 7 rights. The board’s decision, over strong dissents, expands the scope of these rulings. The board members passionately argued among themselves about the centrality of email for employee communication. Finding it key, the board ruled that the law protects non-working time use of the company’s email by employees who have been given access to their company’s email system. Influenced by the fact that email use is widespread and that most employers permit some personal use, the board saw itself as adapting the NLRA to ‘the changing patterns of industrial life.’ Employers retain the right to deny any expectation of privacy and monitor.”

The full article, “Lawyers Weigh In On NLRB Employer Email Ruling,” can be found at Law360.com (subscription required/free trial available).