

NLRB Ruling Bans Work Email for Union Organizing

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The National Labor Relations Board continues to trend pro-employer in its December rulings, with the latest blow to unions coming in the form of a ban on using a company email account for union purposes.

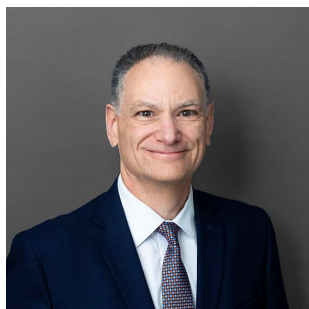
In the recent *Caesar's Entertainment* decision, the NLRB held that employees have no legal right to use the company's computer equipment for union and other organizing purposes. The NLRB specifically overruled the Obama-era decision in [*Purple Communications*](#) that held that if an employer provides an employee with access to its email system, it cannot prohibit the employee from using the email system for union and organizing purposes. The board's decision in *Caesar's Entertainment* [continues a trend](#) of the NLRB overturning Obama-era pro union decisions.

In *Caesar's Entertainment*, the company had an employee handbook that included general restrictions on the use of the company's computers. Employees were prohibited from sharing non-business information. The board held that "an employer's communication systems, including its email system, are its property. Accordingly, employers have a property right to control the use of those systems." Company policies that prohibit employees from using a company's email system for non-work purposes do not violate the National Labor Relations Act. The only exception to this rule is when a company's email system furnishes the only reasonable means for employees to communicate with one another. This decision takes effect immediately.

In light of this decision, employers who changed their computer policies because of the *Purple Communications* decision, should immediately review those computer policies and once again prohibit employees from using the company's computer systems for non-business purposes. Furthermore, employers should feel confident that they can enforce these policies without violating the NLRA.

If you have any questions about this ruling and what it could mean for your rules governing use of company email, please reach out to me or any member of the [Barley Snyder Employment Practice Group](#).

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