

Amazon Settlement With NLRB A Reminder For Employers -- "Confidential" Wage Policies Violate The NLRA

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Last week in a settlement with the NLRB, online retailer Amazon agreed to allow its largely non-union workforce to discuss pay and working conditions with each other without fear of discipline. The settlement, [as reported by Bloomberg News](#) which obtained a copy, required Amazon to rescind certain work rules that prohibited workers from sharing information with one another, although Amazon did not admit any violation of the NLRA. Amazon's work rule was considered too broad by the NLRB because it prohibited discussion of wages and working conditions, considered quintessential "protected concerted activity" under the NLRA. In Amazon's case, the NLRB got involved when an employee was disciplined after voicing concerns about security in the employee parking lot. The employee apparently filed a charge with the NLRB protesting his discipline and this led the NLRB to examine not only the circumstances of the employee's discipline, but to scrutinize Amazon's policies as well. This settlement serves as a reminder to all employers, both union and non-union, that policies which prohibit discussion of terms and conditions of employment are on their face unlawful under the NLRA. It is tempting for employers to require that wages or other benefits be kept "confidential" for a variety of reasons, but enforcing such policies is an easy way to draw unwanted attention from the NLRB, especially given the Board's current focus on protected concerted activity

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