

NLRB Tosses Employer's Investigation Confidentiality Rule

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An employer's rule that employees who make complaints should not discuss those complaints with co-workers during an on-going investigation violates the NLRA according to the National Labor Relations Board. Specifically, the Board found that the employees' Section 7 rights outweighed the employer's generalized need for confidentiality during an investigation. Accordingly, the rule (which was arguably a practice) was found to violate the law. The Board also did not modify the ALJ's determination that the employer's written confidentiality agreement - which prohibited employees from discussing their co-workers' discipline or salaries unless disclosed by the co-worker - violated the NLRA. The decision can be [found here](#).

The Board's determination in this matter is similar to their social media decisions which also struck down policies that contained broad prohibitions yet lacked specific caveats and/or and compelling needs for the policy. The Board's most recent memorandum on social media issues can be [found here](#).

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