

Can Your Employees Use Your Company's E-Mail System To Solicit Support For A Union? The NLRB Is Going To Weigh In...

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On April 30, 2014, the NLRB signaled it may overturn a 2007 Bush-Board decision, *Register Guard*, that generally allows employers to prohibit employees from using work e-mail systems for non-business purposes, including union organizing purposes. In a pending case in California involving allegations against employer Purple Communications, Inc., an Administrative Law Judge noted the NLRB's decision in *Register Guard* and ruled Purple Communications did not violate the NLRA by having a policy that prohibited employees from using its electronic equipment and email systems for any non-business purpose. The NLRB General Counsel and the Communication Workers of America, AFL-CIO have appealed the Administrative Law Judge's decision, however, and are seeking to have the *Register Guard* decision overruled. The General Counsel and CWA specifically want the NLRB to adopt a rule that allows employees who are permitted to use their employer's email for work purposes to use it for "Section 7 activity" (*i.e.*, union organizing) as well, "subject only to the need to maintain production and discipline." The NLRB has invited the parties and interested *amici* to file briefs related to the issue by June 13, 2014. This decision has potentially far reaching effects not only on union organizing tactics, but on many employer e-mail policies currently in place that have blanket prohibitions on employees' use of e-mail for non-business purposes. Stay tuned to the blog to keep abreast of developments regarding this important case. A copy of the NLRB's invitation to file briefs in the case can be found [here](#).

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