

Acting General Counsel releases report on social media cases

Article By:

NLRB National Labor Relations Board

The National Labor Relations Board's Acting General Counsel today [released a report detailing the outcome of investigations into 14 cases](#) involving the use of social media and employers' social and general media policies. In releasing the document, Acting General Counsel Lafe Solomon said, "I hope that this report will be of assistance to practitioners and human resource professionals."

Each case was submitted by regional offices to the NLRB's Division of Advice in Washington, DC. In four cases involving employees' use of Facebook, the Division found that the employees were engaged in "protected concerted activity" because they were discussing terms and conditions of employment with fellow employees. In five other cases involving Facebook or Twitter posts, the Division found that the activity was not protected.

In one case, it was determined that a union engaged in unlawful coercive conduct when it videotaped interviews with employees at a nonunion jobsite about their immigration status and posted an edited version on YouTube and the Local Union's Facebook page.

In five cases, some provisions of employers' social media policies were found to be unlawfully overly-broad. A final case involved an employer's lawful policy restricting its employees' contact with the media.

© Copyright 2025 National Labor Relations Board

National Law Review, Volume I, Number 231

Source URL: <https://natlawreview.com/article/acting-general-counsel-releases-report-social-media-cases>