

CLIENT ALERTS

Employer Asking Employees Not To Discuss With Co-Workers Employment-Related Matters Under Ongoing Internal Investigation Violates The NLRA

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In this issue:

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Section 7 of the National Labor Relations Act (NLRA) protects the right of employees, both union-represented and nonunion, to engage in "concerted activities" for their mutual aid and protection. Discussions with co-workers concerning matters related to terms and conditions of employment is protected concerted activity.

In a case entitled Banner Health System, decided July 30, 2012, the National Labor Relations Board (NLRB) ruled that the employer's policy of asking employees not to discuss employment-related matters under ongoing internal investigation with co-workers violates Section 7 of the NLRA.

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