

P I T T S B U R G H

# BUSINESS TIMES

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## ask the LEGAL ♦ PROFESSIONALS



### SOCIAL MEDIA

**Q** Can employers prohibit employees from discussing the company on social media sites?

**A** Yes and no. Employers have a right to protect their legitimate business interests, including prohibiting employees from making disparaging statements about the company.

However, employers may not prohibit employees from using social media to discuss the terms and conditions of their employment. Such discussions are considered to be concerted activity protected by the National Labor Relations Act (NLRA). A recent decision by the National Labor Relations Board held that an employer violated the Act when it fired an employee who was “discussing” the employer with co-workers on Facebook. The Board found that the company’s blanket prohibition of communicating with co-workers using social media was overly broad and restrictive. In light of this decision, employers should review their social media policy to ensure that it does not interfere with an employee’s right to engage in protected concerted activity.

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