
Exercise 12.1: No Union-Related E-Mail

The National Labor Relations Board has ruled that employers have the right to prohibit workers from using the company's e-mail system to send out union-related messages. In a three-to-two ruling, the board held that it was legal for employees to prohibit union-related e-mail as long as the employer has a policy barring employees from sending e-mail for "non-job related solicitations" for outside organizations.

Labor unions argued that e-mail systems have become a modern gathering place where employees should be able to communicate freely with coworkers to discuss work-related matters of mutual concern.

The three NLRB members who voted in favoring of restricting union e-mail stated, "An employer has a basic property right to regulate and restrict employee use of company property. The respondent's communications system, including its e-mail system is the respondent's property."

The two dissenting NLRB members held that the employees' interest in communicating with other employees about union activity and other collective concerns should outweigh the employer's property interest: "The majority erroneously treats the employer's asserted 'property interest' in e-mail—a questionable interest here, in any event—as paramount, and fails to give due consideration to employee rights and the appropriate balancing of the parties' legitimate interests."

Questions

1. Do you agree with the decision made by the National Labor Relations Board in regard to the use of e-mail? Explain your answer.
2. Are there other issues that should have been considered in rendering the decision?

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