

News & Insights

Amber Taylor Welock Quoted in *Dallas Business Journal*

Offers Perspectives on Recent NLRB Social Media Policy Report

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In a recent article published in the *Dallas Business Journal*, Amber Taylor Welock, a member of Dykema's Litigation Practice Group who specializes in issues related to social media, offers her perspective on a recent National Labor Relations Board (NLRB) report that tries to provide guidance to employers looking to create social media policies for their employees.

Welock notes that while this latest NLRB report—the third in a continuing series—attempts to clarify what issues are appropriate for inclusion in a social media policy, the NLRB's stance on such policies is “evolving” and there remain “many shades of gray” in what should or shouldn't be included in a social media policy.

Welock observes that some of the NLRB's recommendations favor employers. One such example: employers can require employees who refer to the employer (either directly or indirectly) on their social media site to post a disclaimer, such as “These postings are my own and don't represent (the employer's) positions, strategies or opinions.” Other NLRB findings, such as the judgment that an employer's social media policy condemning “offensive, demeaning, abusive or inappropriate remarks” was overly broad, favor employees.

With social media now accounting for one of every six minutes spent online, employers would be wise to enlist outside counsel to develop a social media policy for their employees (if they don't have one already) and to revisit it frequently, to ensure it's compliant with the latest guidelines.

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