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## NLRB Issues Third Report on Social Media Policies

Over the past year, the National Labor Relations Board has taken an interest in when employers can limit employee social media activity, such as Facebook and Twitter postings. Continuing that trend, on May 30, 2012, the Board issued a new report analyzing provisions in employers' social media policies. The report is the third in a series -- the others were issued in August 2011 and January 2012 -- discussing the interplay between the National Labor Relations Act (NLRA) and workplace social media policies and practices.

In this latest report, the Board provides numerous examples of social media policy provisions and discusses whether they are lawful or overbroad under the NLRA. The report analyzes policies that include rules regarding defamatory or disparaging postings, disclosure of confidential employer information, media communications, and friending co-workers, among other provisions. An important drafting guideline that emerges from the analysis is that policies that include specific examples of prohibited conduct or disclosures are less likely to be construed by employees as interfering with NLRA rights -- and therefore more likely to survive Board scrutiny.

In addition, the Board has taken the unusual step of including with the new report a sample social media policy that the Board found to be lawful in its entirety. The report and sample policy, available [here](#), are recommended reading for employers looking to implement or revise their social media and related employment policies.

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