

Q&A

Employment Practices



Courtesy of Meridian Benefits Consulting

Q

Can I discipline or terminate an employee for using the company email system to send disrespectful messages about the company?

A

Under the federal National Labor Relations Act (NLRA), employees are permitted to engage in “protected concerted activity,” regardless of whether they are part of a union. Protected concerted activity is defined as planned activity for the “purpose of mutual aid or protection” (NLRA §7). This protects statements made about wages, benefits and other terms and conditions of employment, especially when the purpose of the statements is to initiate group action.

However, statements that are “truly insubordinate or disruptive of the work process” are not protected and are grounds for disciplinary action or termination. Also, discussing private company affairs with outside parties through email is not protected activity.