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NLRB Faults Company for Firing Workers Over Facebook Posts

By MELANIE TROTTMAN

WASHINGTON—The National Labor Relations Board said Wednesday a nonprofit in organization in Buffalo, N.Y. was wrong to fire five workers for Facebook postings that criticized working conditions, and disclosed that it has more than two dozen cases involving worker complaints aired on the social media site.

The NLRB complaint against Hispanics United of Buffalo reaffirms the agency's position in an earlier case that labor law allows employees to discuss the terms and conditions of their employment with co-workers and others—including postings on social-media sites.

In the latest complaint, an employee of Hispanics United who was scheduled to meet with management about working conditions posted on Facebook a co-worker's allegation that employees didn't help the nonprofit's clients enough, the NLRB said. That post drew responses from other employees who defended their work and blamed conditions such as work loads and staffing issues.

When Hispanics United learned about the postings, it discharged the five employees who participated, claiming their comments were harassment of the employee originally mentioned in the post, the NLRB said. The NLRB said the Facebook discussion was "protected concerted activity" under the National Labor Relations Act.

The earlier case was brought to the agency by a union representing an employee of ambulance company American Medical Response of Connecticut. In that case, the employee posted comments about her supervisor and responded to further comments from her co-workers. That case was settled in February when the company agreed to revamp its rules to ensure they don't restrict workers' rights. A separate, private settlement was reached between the company and the employee, though terms weren't disclosed.

An NLRB spokeswoman said Wednesday that at least three other complaints have been issued from regional offices since the American Medical Response case. All of those appear to have been settled, she said. Some charges that have been investigated have been dismissed.

Hispanics United of Buffalo, which provides social services to low-income clients, couldn't immediately be reached for comment.

The complaint against Hispanics United of Buffalo is scheduled to be heard before an NLRB administrative law judge on June 22 in Buffalo, unless the parties involved settled by then.

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