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Confidentiality Policy Barring Employee From Discussing Pending Complaint With Coworkers Found Unlawful By NLRB

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Employers beware: blanket policies prohibiting employees from discussing ongoing investigations into employee misconduct have recently been found unlawful by the National Labor Relations Board (the "Board"). In *Banner Health System d/b/a Banner Estrella Medical Center and James A. Navarro*, Case 28-CA-023438 (July 30, 2012), the Board found that a hospital's policy of routinely asking employees making complaints not to discuss them with their coworkers during the investigation violated Section 8(a)(1) of the National Labor Relations Act ("Act").