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You've Got Mail: NLRB Rules That Employees Can Use Company Email During Non-Work Time For Section 7 Communications

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Recently, in Purple Communications Inc., 31 NLRB No. 126 (2014), the National Labor Relations Board entered a decision holding that employees can access their employers' email system during non-work time to engage in protected communications under Section 7 of the National Labor Relations Act ("NLRA"), such as discussions regarding selforganization, the terms and conditions of employment, and other workplace issues. In a strongly divided 3-2 decision, the Board overruled a previous decision, Registered Guard, 351 NLRB No. 1110 (2007), which held that employees had no statutory right to use their employers' email system for activities covered under Section 7 of the NLRA.