



NATIONAL LABOR RELATIONS BOARD

Complaint issued against New York nonprofit for unlawfully discharging employees following Facebook posts

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The National Labor Relations Board has issued a complaint alleging that Hispanics United of Buffalo, a nonprofit that provides social services to low-income clients, unlawfully discharged five employees after they took to Facebook to criticize working conditions, including work load and staffing issues. The complaint was issued May 9 by Rhonda Ley, NLRB Regional Director in Buffalo, New York.

The case involves an employee who, in advance of a meeting with management about working conditions, posted to her Facebook page a coworker's allegation that employees did not do enough to help the organization's clients. The initial post generated responses from other employees who defended their job performance and criticized working conditions, including work load and staffing issues. After learning of the posts, Hispanics United discharged the five employees who participated, claiming that their comments constituted harassment of the employee originally mentioned in the post.

The complaint alleges that the Facebook discussion was protected concerted activity within the meaning of Section 7 of the National Labor Relations Act, because it involved a conversation among coworkers about their terms and conditions of employment, including their job performance and staffing levels. Unless the case is settled, the complaint will be the subject of a hearing before an administrative law judge on July 13, 2011, in the Buffalo office of the NLRB.

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