

# NLRB Administrative Judge Finds Employee Facebook Post Was Protected Speech

A recent decision by the National Labor Relations Board attempts to define further the boundaries of protected speech under the National Labor Relations Act, reports Seyfarth Shaw in its **Employment Law Lookout** blog.

Writers **Erin Dougherty Foley** and **Craig B. Simonsen** explain that the initial question in *Laborers' International Union of North America and Mantell* was whether the union restrained or coerced Frank Mantell in the exercise of a Section 7 right. The union member posted comments on a Facebook page that criticized the Union for allowing a Niagara Falls city councilman, running for mayor, to obtain a journeyman's book.

The union tried Mantell and fined him \$5,000, as well as suspending his membership for 24 months. After an appeal, the International Union directed the local to dismiss charges against Mantell.

An NLRB Administrative Law Judge found that Mantell's Facebook posts were protected under the National Labor Relations Act.

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