A Contractual Non-Disparagement Provision May Violate the National Labor Relations Act

While prohibiting disparagement of co-workers, products and services is lawful, prohibiting disparagement generally of the employer, management, or policies is not, according to a memo from the National Labor Relations Board, the Office of General Counsel.

Fiona W. Ong discusses the memo in **an article** for Shaw Rosenthal.

The memo was in part a response to a law firm's employee agreements that contained a provision prohibiting critical comments about the firm. Several former employees posted negative reviews about the firm on various websites, including Glassdoor.com, Indeed.com, Avvo, Yelp, and Yahoo.business. The law firm then filed suit against them for breach of contract and defamation.

Read the article.