



UPDATE: Can You Prohibit Employees From Using Cell Phones At Work?

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While the remote work revolution continues and more and more people work from home, there are many people who still regularly go to their sites of employment. This is especially true for those employees working in a manufacturing setting or other manual labor. One legally dicey issue that often arises for people working in an office or “on the floor” is whether or not a company can [prohibit the use of personal cell phones](#) by employees during working time. The National Labor Relations Board (NLRB) recently issued a decision indicating companies may have more flexibility to proscribe these devices going forward.

At issue in [the case](#) was a beverage manufacturer with operations in multiple states. The employer maintained policies and procedures that proscribed various personal items, including personal mobile devices, from being on the production floor. An unfair labor practice charge was filed against the company alleging the prohibition of cell phones was an infringement on workers’ rights under the National Labor Relations Act. The NLRB dismissed the unfair labor practice allegations and upheld the policies.

The Board evaluated the stated reason for the prohibition on cell phones, namely safety and beverage contamination concerns. It also took into account that the proscription only applied to the manufacturing floor. In other words, if employees needed to use the phones for “protected activity” away from working areas they could retrieve them and so. Based on those factors,

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the rule was deemed to be lawful.

This follows another case from earlier this year where the NLRB upheld a company's policy that [prohibited drivers from having cell phones](#) in the cabs of commercial vehicles. This is a welcomed trend given the NLRB routinely was striking down these types of policies previously. It may be time to revisit your policies and procedures on this issue.