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### Thin Skin? Discharge Of Employee For Criticizing Executive's Salary Was Unlawful

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Employees commonly make complaints in the workplace – about anything from compensation to temperature control. When employees comment on their terms and conditions of employment, however, companies need to keep in mind that such comments may be protected by the National Labor Relations Act (NLRA). [A recent case](#) from the National Labor Relations Board (NLRB) offers an important reminder on this front.

In a decision issued on May 23, 2019, the board ruled that a company violated the NLRA when it terminated an employee for criticizing an executive's salary. The employee at issue was an engineer. The employee believed that his and other engineers' workloads were excessive. At an engineering "team building lunch," the employee remarked to a company director that the organization should focus on hiring more engineers to alleviate workload rather than paying a new executive \$400,000 annually. Several of his coworkers expressed agreement with these sentiments. The employee subsequently was discharged.

The NLRB found that the employee's discharge was unlawful because, in the agency's view, it was based on the comments made at the team building lunch regarding the executive's salary. Section 7 of the NLRA vests employees with the right to engage in concerted action for their "mutual aid and protection." Accordingly, the board determined that the employee's comments expressing a group concern related to working conditions were

protected by the act.

Companies need to be mindful of the NLRA when evaluating whether [employee statements or actions](#) in the workplace can serve as legitimate grounds for discipline, especially when complaints about their terms or conditions of employment are at issue.