

Facebook Parexel Comparison

Student's Name

Institutional Affiliation

Facebook Parexel Comparison

Parexel and Facebook are two big companies working worldwide. The cases under analysis show how each company managed the issues about the protected concerted activity (PCA). This paper discusses the similarities and differences between Facebook and Parexel, defines the term protected concerted activity and describes how human resource management (HRM) ensures that they do not violate the employees' protected concerted activity rights.

The first case is about Parexel. The company fired an employee after she complained about the differences in payment for the same amount of work done. The employee lodged a complaint against an unfair labor practice and addressed the National Labor Relations Board (NLRB) for resolution. Initially, the NLRB stated that the unfair dismissal did not violate Section 7 of the National Labor Relations Act (NLRA). However, after reviewing the case, the NLRB reversed the judgment finding that dismissal was a pre-emptive strike. They decided to prevent any future execution of protected concerted activity by the employee (Obermayer, Rebmann Maxwell & Hippel LLP, 2011).

The second case centers on an employee who recorded a meeting between the management of the company and its employees. In fact, the purpose of the meeting was to discuss issues related to an upcoming union election (Bolt, 2013). Management of the company expressed its desire to be union free. They encouraged its employees to consider both sides of the issue and act accordingly during the meeting. The recording of the proceedings created a conundrum regarding the validity of the action according to protected concerted activity. Moreover, the National Labor Relations Board offered no clear precedence regarding the protection of that type of conduct by the National Labor Relations Act (NLRA). The NLRB ruled that the conduct of this illegal type depended on the unique circumstances of the dispute.

Thus, if an employer thinks that any records by employees are objectionable, he can prohibit such actions providing legitimate extenuating reasons for the injunction. The Facebook and Parexel situations are similar because both cases involve complaints against dismissal by the employer filed by employees to the NLRB.

Employees of the two firms based their suits on Section 7 of the NLRA that guarantees workers protection from unfair and discriminatory labor practices. Another similarity is the ruling of the labor board on the conduct engaged by the employees. It is under the protection of concerted activity. In the case related to Facebook, the NLRB ruled in favor of the employee to engage in public discussion on the matter with her supervisor comprising the public display of protected concerted activity (National Labor Relations Board, n.d). In Parexel, the use of pre-emptive strike retaliation was deemed acceptable by the labor board. This decision was about the failure to prove that the employee's conduct involved the welfare of other workers. However, the board recognized that a firm violates the Act by retaining explicit orders denying employees the right to complain. Parexel dismissed the employee due to perceived future activity.

Protected concerted activity is a labor concept designed to protect the rights of workers to lawfully assemble, discuss and associate for their own benefit. The NLRA governs the relationship of private companies that meet a set revenue threshold with their employees. Under the Act, employees are free to form or join a union for collectively asking for better terms, working conditions, and payment (Castagnera, 2015). The word concerted implies that participation in an activity must be within a group rather than on an individual basis. To benefit from the protection, activities should relate to the matters of working conditions, hours, salaries, conditions and terms of other services. The Act protects the activities that might consist of

complaints, picketing, walkouts, protests, and strikes. However, protected concerted activity excludes incidences of property damage, threats, and violence.

An employer's retaliation or discipline against concerted activity is deemed illegal and unlawful. Therefore, when employees follow the protected activity, it is imperative for the management to deal with it cautiously (Castagnera, 2015). Obviously, it is better that the employer has no business interfering with the exercise of protected activity. In union, protected concerted activity sets the guidelines defining the limitations conduct and rights of workers. Under the auspices of the NLRB, the term enforces the National Labor Relations Act. Enforcement of this Act provides the employees with a chance to initiate processes aimed at improving the terms, conditions, quality of pay, and working conditions. In addition, protected concerted helps union in dispute resolution. Moreover, the exercise of this concept establishes the rules that union workplaces should adhere to when dealing with its members.

Protected concerted was established by the National Labor Relations Act. It influences non-union workplaces in a variety of ways. Non-unionized members are guaranteed labor rights as well as the unionized members. Section 7 of the NLRA applies to both union and non-union members (Trotter, 2015). This aspect curtails the employer's ability to deny employees the basic rights of the National Labor Relations Act. Thus, according to Section 8(a) (1) of the NLRA, it is an unfair labor practice to jeopardize the welfare of employees if they engage in protected concerted activity. It is not allowed to reject unionization, incite employees against unionization, discharge or demote employees (National Labor Relations Board, n.d).

To ensure non-violation of protected concerted activity rights, Human Resource Management can adopt a number of strategies. From the very beginning, the employers should recognize the employee's rights to engage in protected concerted activities via social media

platforms, for example, Facebook (Osland & Clinch, 2015). This requires a comprehensive examination of company's social media policy in relation to employee activity. Secondly, HRM should notify its employees of their legal rights under the National Labor Relations Act. Notices should be available in the right place listing the specific rights under the NLRA, classifying the forms of protected and non-protected concerted activity, indicating mechanisms for dispute resolution and contact details of the National Labor Relations Board. Thirdly, HRM should conduct an in-depth analysis of the company's NLRA compliance strategy. This review is critical because NLRB keeps changing the main aspects of the mandate. Besides, human resource department should also review the terms and conditions involving the signing of class action waiver forms as a precondition for employment (Rosen, 2012).

In addition, the management should reconsider communication policies that correspond to the needs of both stakeholders and workers. A company that does not want to violate PCA should analyze its collective bargaining policy from an employer's perspective and create an effective strategy. Furthermore, HRM should ensure that senior management knows labor laws. It will help the company to respond effectively to PCA in compliance with the Act. Another strategy focuses on the adoption of an integrated labor relation program. In fact, the labor relations sphere is constantly changing. Therefore, according to NLRB, the management should assess its present labor relationship guidelines in collaboration with the company's legal and human resource departments to address potential and existing best practices and policies (Strecker, 2016). Moreover, due to the National Labor Relations Board recent rulings, human resource departments should stay informed and consider every aspect when resolving disputes and assessing a company's labor relations strategies and policies (Rosen, 2012).

Employers should thoroughly evaluate decisions of the Labor Board in order to adopt, modify, and review their policies accordingly. Employers and employees need to know the most recent changes and practices in labor laws. For unions and non-union members, it is highly important that employees and HRM departments refrain from infringing the protected concerted activity.