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NLRB Decision Restricts the Use of Confidentiality and Non-Disparagement Provisions

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On February 21, 2023, in McLaren Macomb, the National Labor Relations Board (the "Board") held that an employer violates the National Labor Relations Act ("NLRA") by proffering broadly drafted confidentiality and non-disparagement provisions in a severance agreement. Many employers typically propose the types of non-disparagement and confidentiality provisions that the Board found to be unlawful in severance or separation agreements. In light of the Board's decision, employers should review confidentiality and non-disparagement provisions with legal counsel to ensure compliance with the Board's decision. To read more about the McLaren decision [click here](#).

Authored by

[Jared Van Kirk](#)

[Principal|Seattle](#)

[206.816.1372](tel:206.816.1372) jared.vankirk@foster.com

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