
NLRB General Counsel Issues Guidance Regarding Confidentiality and Non-Disparagement Agreements With Non-Executives Following McLaren Macomb Decision

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In March 2023, the General Counsel of the National Labor Relations Board (“NLRB”) issued [Memorandum GC 23-05](#), which provides guidance to NLRB Regions regarding how to apply the NLRB’s February 21, 2023 decision in [McLaren Macomb](#), 372 NLRB No. 58 (2023). In *McLaren Macomb*, the NLRB found that an employer offering a severance agreement to a non-management employee containing overly broad confidentiality and non-disparagement provisions violated the employee’s rights under Section 7 of the National Labor Relations Act (“NLRA”). Section 7 rights under the NLRA generally encompass an employee’s ability to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Attorneys

- Geoffrey E. Liebmann
- Mark J. Gelman
- Eric Scher