

NLRB says Google illegally spied on and fired workers in 2019

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13 December 2020

The National Labor Relations Board (NLRB) filed a consolidated complaint on December 2 accusing Google of violating US labor laws by “interfering with, restraining, and coercing” the “protected, concerted activities” of a group of employees who were organizing and participating in workplace activism in late 2019.

The partially redacted complaint states that managers and representatives of Google’s Global Investigations department took the illegal measures against the employees—including electronically surveilling and interrogating, threatening, disciplining and firing them—at the company’s facility in the San Francisco area between September and December 2019.

The submission, entitled “Order Consolidating Cases, Consolidated Complaint and Notice of Hearing,” brings together six prior NLRB complaints against Google, three of which were filed by the Communications Workers of America (CWA) and the AFL-CIO, in order to “avoid unnecessary costs or delays.” The hearing date has been set for April 21, 2021 before an administrative law judge in San Francisco.

The complaint was signed and submitted by Jill H. Coffman, Regional Director of NLRB Region 20, and spells out the specific illegal actions taken by the company and their dates of occurrence. According to Alan Hyde, a labor law expert at Rutgers Law School in Newark, the company will likely settle the case. Hyde told the *New York Times*, “Google is not very popular in Washington right now with either Republicans or Democrats.”

However, company spokesperson Jennifer Rodstrom told the *Times*, “We’re confident in our decision and legal position. Actions undertaken by the employees at issue were a serious violation of our policies and an unacceptable breach of a trusted responsibility.”

Although some of the victimized employees’ names are redacted, the document contains the names of three

Google employees who have been publicly identified previously in media coverage of the incidents. Two managers who are accused of violating the employees’ rights are named, while the identities of nine others are concealed.

The complaint states that on September 3, 2019, and “at various times thereafter,” Google management “virtually surveilled employees protected concerted activities by, on numerous occasions, viewing an employee slide production in support of the HCL union drive.” HCL America Inc is a subsidiary of the global company HCL Technologies based in India.

The firm was contracting 80 tech employees to Google at its Bakery Square facility in Pittsburgh. The tech workers voted to unionize on September 24, 2019 and affiliated with the United Steel Workers, an AFL-CIO union.

The complaint goes on to state that on November 13, 2019 employees were interrogated by members of Google’s Global Investigations department “about their protected concerted activities by asking them about their access of employees’ calendars and MemeGen Takedown Documents.” The interrogations were apparently trying to find out if the employees were accessing a company-wide calendar and the internal communications tool at Google known as MemeGen for the purposes of organizing their legally protected activities.

In a meeting with employees on December 18, 2019, Director of Detection and Response, Heather Atkins, and other Google management personnel “threatened employees with unspecified reprisals by requiring employees to raise workplace concerns through official channels including Code of Conduct alias or go/my-concerns.”

The document then explains that Google’s Data Classification Policy was utilized and enforced “selectively and disparately by applying it against

employees who engaged in protected, concerted activities.” Among these was the implementation of a “Calendar Access rule prohibiting employees from accessing other employees’ calendars without a business purpose.”

The NLRB states that the purpose of the rule is “to discourage its employees from forming, joining, assisting a union or engaging in other protected, concerted activities.” At this point, Google went on an offensive against several employees who were engaged in “concerted activities with other employees for the purposes of mutual aid and protection” by posting workplace concerns on MemeGen and accessing the calendars of others.

Then, on November 6, 2019, Google employees Rebecca Rivers and Laurence Berland were placed on administrative leave for “accessing calendars and documents regarding the MemeGen Takedown Process” and, on November 25, Google fired Berland.

According to news reports Berland was targeted because he had researched the relationship between Google and IRI Consultants, a firm known for aggressive antiunion efforts, and used the internal calendar platform to learn about meetings between the companies.

The company also put employee Katherine Spiers on administrative leave on November 25, 2019 and fired her on December 13 for writing computer code for a pop-up message. Spiers’ pop-up message “would automatically appear when an employee visited Respondent’s Community Guidelines and other web pages” and told the employees about an earlier NLRB case against Google.

Significantly, other unnamed employees had also been disciplined and fired by Google, but the NLRB complaint does not take up their cases and does not consider these actions to be a violation of employee rights.

As explained here on the *World Socialist Web Site* at the time of the firings of Rivers and Berland, the assault by Google on the rights of employees is connected with the growth of political activism and opposition by the staff to the company’s collaboration with the US military in Project Maven in 2018.

A statement released by Berland on the NLRB action said, “This complaint makes clear that workers have the right to speak to issues of ethical business and the composition of management. This is a significant finding at a time when we’re seeing the power of a handful of tech billionaires consolidate control over our lives and our society. Workers have the right to speak out about and organize, as the NLRB is affirming, but we also know that

we should not, and cannot, cleave off ethical concerns about the role management wants to play in that society.”

While Berland has taken a courageous stand against Google and deserves the support of the entire working class, Google employees and other sections of tech workers must be warned about the role of the NLRB and the AFL-CIO in this conflict. That an entire year has gone by since the firing of Berland, Rivers and Spiers—not to mention the fact that the other workers who were caught up in the conspiracy by Google to purge the company of activists have been left high and dry—is an indication that the intervention of the official American unions and the NLRB is to sidetrack and bury in endless litigation the struggle of Google workers.

For more than a half century, the AFL-CIO and NLRB have partnered together with employers and corporations to isolate, strangle and demoralize workers who have taken up the most elementary forms of class struggle in defense of wages, benefits, working conditions and basic rights in the workplace. Time and again, the AFL-CIO has called on workers to put their faith in appeals to the NLRB and courts. The outcome of such appeals has always been bitter defeat and demoralization.

Tech workers—and workers in every industry—must rely upon their own strength. Their allies are not the pro-business NLRB or union bureaucrats, but the working class, both in the US and internationally. The attack on Google workers is an attack on the democratic rights of the working class and must be answered as such. We urge Google employees to form independent rank-and-file committees to uphold their right to speak and organize.



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