



Not-So-Free Speech at Work

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As important national and local elections approach, confusion sometimes develops over just how freely employees can speak out at work in support of their favorite candidate or issue.

Many people think that the constitutional right to free speech found in the First Amendment to the U.S. Constitution applies in private-sector workplaces. Not so. The First Amendment only addresses governmental regulation of speech. Private employers may restrict or prohibit employees' political advocacy at work. Employers may also prohibit employees from using company letterhead, logos or e-mail for political purposes.

Likewise, employers may apply dress and appearance standards that prohibit the wearing of buttons or clothing containing political or other slogans. Employers may prohibit employees from engaging in any political advocacy during working time, so as to prevent distraction or wasted time.

Employers in California are barred by law from coercing or influencing employees to take any political position or engage in any political activity – or to refrain from doing so. Employers may not attempt to control the political affiliations of employees. Employers may not, therefore, require that employees support a particular political party, candidate or ballot issue.

For these reasons, it's best simply to keep politics and work separate.

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