

## Q&A – Political Fights at Work

Q: With the impeachment behind us and as we approach the presidential election, we've noticed employees engaging in very heated conversations about politics. Given how polarizing these conversations can be, can I prohibit employees from talking about politics at work?

A: Actually, you may be surprised to know that while the First Amendment protecting free speech exists for public companies and government agencies, it does not generally extend to private companies. And while *some* speech is protected under the National Labor Relations Act (NLRA), such as discussions about pay and working conditions, political conversations are not protected under federal law at all.

So, yes, if you would like to establish a policy keeping politics out of conversations at work, you can do so. Should you choose to do this, you may want to establish that you are doing so to prohibit conversations that may become aggressive, threatening, disrespectful, or worse. You may choose to prohibit public-facing employees from wearing political paraphernalia. And you should remind employees of your policies around code of conduct and workplace safety such as non-harassment and discrimination.