



# Yet Another Acrimonious Election Year: The Challenge of Political Talk at Work (and on Social Media)

Presenter

Erika L. Leonard (Ogletree Deakins, Austin)

1

## Why Is This Topic So Important?

- ▶ People don't just talk any more.
  - ▶ They friend, post, blog, comment, like, etc.
  - ▶ They chat, slack, IM, DM ...
    - ▶ Privately, ... and at work.
- ▶ And they have opinions. A lot of opinions.
- ▶ All of these communications have practical and legal implications for our workplaces.

2

## Why Is This Topic So Important?

- ▶ Whether “real” or not, we *perceive* our society, communities, and workplaces are more polarized than ever.
  - ▶ Race, color, national origin, and ancestry
  - ▶ Gender, gender identity, and expression
  - ▶ Religion
  - ▶ Socioeconomics
  - ▶ Politics and political issues
  - ▶ Personal belief systems

3

## Why Is This Topic So Important?

- ▶ Polarization (real or perceived) has workplace consequences.
  - ▶ Operational challenges, including safety
  - ▶ Results in policy violations and legal exposure
  - ▶ Antithesis of respectful, collaborative, and engaged workforce most companies trying to create and support

4

## What's an Employer to Do?

- ▶ The laws that apply
- ▶ Employer policies
- ▶ Other, non-legal considerations
  - ▶ Employee morale
  - ▶ Corporate culture
  - ▶ Public perception/relations
- ▶ Special considerations of lawyers' speech

5

## “Free speech”

- ▶ U.S. Constitution, First Amendment:
  - ▶ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Yet Another Acrimonious Election Year: The Challenge of Political Talk at Work (and On Social Media)

Also available as part of the eCourse

[Workforce Challenges and Solutions \(2024\): Pregnancy Accommodations; Political Talk; and Remote Work](#)

First appeared as part of the conference materials for the  
31<sup>st</sup> Annual Labor and Employment Law Conference session

"Yet Another Acrimonious Election Year: The Challenge of Political Talk at Work (and On Social Media)"