

Can, or Should, Employers Prohibit Employees from Wearing Political Gear in the Office?

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Jeremy Glenn was quoted in a SHRM article discussing how employers are reconsidering policies amidst the upcoming presidential election. Employers must dictate what is appropriate regarding issues such as civility among employees, rules for political discussions, and clarifying dress codes. Jeremy noted that private-sector employees typically don't have First Amendment rights to express their political views through office decorations or apparel; however, the current climate has expanded the definition of what is considered political. If employees are protesting their working conditions regarding gender, race, or religious discrimination, then wearing political apparel could be protected speech under the National Labor Relations Act.

Jeremy shared, "The difficulty for an employer in defining what is meant by political speech means that the employer risks being overbroad, which creates a bigger problem than was present with the original decoration or clothing." He suggested focusing on existing anti-harassment and respectful workplace policies instead. Employers are advised to establish clear guidelines, such as prohibiting names and images of politicians or political slogans, to reduce tensions. With many employees uncomfortable discussing politics at work, employers are encouraged to communicate and enforce consistent policies regarding political gear, even for remote workers. Jeremy emphasized, "The employer has to be diligent about enforcing the same restriction when it comes to charitable causes, community events, religious organizations, and even favorite sports teams or entertainers."

To read more, [click here](#). (subscription required)

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