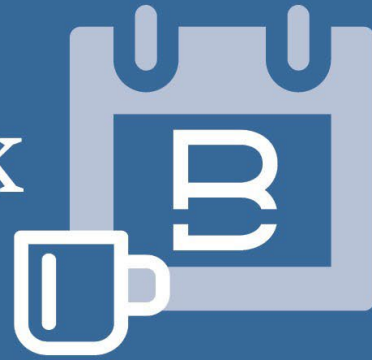


# The Work Week

Bassford Remele Employment Practice Group



**November 4, 2024**

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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## **Votes, Views, and Office Truces: An Employer's Guide to Election Season and Political Talk**

[Beth L. LaCanne](#)

While many voters have already cast their vote, many more will vote on Tuesday. And even though the votes will be cast on Tuesday, the election will likely have long-lasting effects. Employers must be prepared to balance their employees' rights to vote and express their political views with the employers' ability to operate their business and foster a respectful and productive workplace. Knowing how to handle voting during election season and political conversations all year long is essential for creating a fair, inclusive, and minimally disruptive workplace.

### **Voting Day Logistics**

A recent edition of *The Work Week* provided [guidance for employee-voting logistics](#). Employees eligible to vote must be permitted to leave work to vote. Whether an employee decides to cast their vote during the early voting period or at the polls on election day, employers cannot impede the employee's ability to vote. Certainly, employers can ask employees to provide notice regarding when they intend vote to coordinate with other employees to mitigate disruptions to the business operations.

### **Political Expression**

We discussed employees' political expression in the workplace in another recent edition of *The Work Week*. As a reminder, private employers can implement policies that restrict political discussions in the workplace. The First Amendment does not give employees unfettered rights to discuss their political views with their peers and colleagues. However, employers must tread lightly when attempting to tamp down political discussions. For example, the NLRA prohibits restrictions on speech or actions, including politically

motivated speech or action, when the speech or action is “concerted activity” that is for the “mutual aid or protection” of peers and colleagues.

### **Captive Audience**

In addition to carefully navigating employee political discussions, employers must also ensure that they are not sponsoring mandatory meetings or events that seek to convey political (and religious) messaging. Employers are also prohibited from disciplining employees who do not attend political- or religious-themed meetings. Like many other states, Minnesota has promulgated a “captive audience law” that prohibits employers from disciplining or threatening to discipline employees who do not attend meetings where political topics are covered.

### **Policies and Enforcement**

Policies can be an effective way to manage voting and political expression in the workplace. Having a clear and comprehensive workplace policy can set expectations and mitigate misunderstandings. Developing and implementing policies may also mitigate the risk of allegations of impropriety. However, policies are only as good as their content, their availability to employees, and the uniformity with which they are applied.

Policies should contemplate local, state, and federal laws. Where an employer has employees in several states, policies should incorporate all applicable state laws. Assuming an employer has a policy, it must be accessible to employees, so they know not only their voting rights but also any limitations on political discussions. Providing training or resources that outline acceptable political discussions and voting-related policies during election season is a good annual reminder.

Even with clear policies, conflicts can still arise, especially if political issues are tied to deeply personal beliefs or values. It’s crucial to address these situations sensitively and in alignment with company policies and values. Perhaps most important is that the policy is uniformly applied.

### **Conclusion**

Employers play a significant role in maintaining a productive and respectful workplace while respecting employees’ rights and encouraging civic participation. Through clear policies, respectful communication, and a commitment to inclusivity, employers can navigate election periods and political talk effectively, creating a supportive environment for all.

At Bassford Remele, we constantly monitor case law and legislative updates to keep our clients apprised of new developments in employment law. Please feel free to reach out to our team with any questions!

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