

Limiting Workplace Political Speech Without Violating Employees' Legal Rights



While it may be an important societal value, free and open political debate can be highly problematic for HR directors trying to maintain a professional, respectful, and harassment-free workplace. But imposing restrictions on an employee's right to talk politics at work can get you into serious legal trouble. A Québec company learned this lesson the hard way when terminating an employee for offending his English-speaking colleagues by "strongly expressing" his political views during the 2012 provincial election. CNESST ruled that the employee's conduct wasn't unduly disruptive and ordered the company to pay over \$90,000 in lost wages, moral and punitive damages.

Don't let this happen to your company! Here's what HR directors need to know to establish and enforce legally sound restrictions on political expression and activity in the workplace.

Debunking the Myth of Free Speech in the Workplace

You don't have to go to law school to know that freedom of expression is a protected right under the Canadian Charter. But there are also common misconceptions about what Charter free speech rights mean. What the Charter protects is the right of individuals to express their views without fear of reprisal from the government. Such protections don't apply to the workplace of private employers. More precisely, employees' rights to express their political views at work are subject to the employer's equally legitimate right to regulate how employees behave in the workplace.

But it's not just the Charter you need to worry about. There are 9 provinces and territories (BC, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Northwest Territories, PEI, Québec, and Yukon) where the human rights law ban on employment discrimination includes discrimination on the basis of political belief, association or activity. But like Charter rights, human rights politically-based discrimination protections must be balanced against the employer's right to manage workplace speech and conduct for legitimate purposes.

When Employers Are Allowed to Regulate Political Speech

in the Workplace

In balancing these competing rights, courts have consistently upheld employers' right to impose limitations on employees' rights to say, write, email, post, or otherwise communicate things that harm or have the potential to harm the company's employees, reputation, or business. Forms of expression that it's reasonable for employers to ban and/or discipline employees for making include:

- Hate speech.
- Harassment.
- Deliberate provocations and other communications that offend others at the company, especially if they lead to conflict that compromise the employee's effectiveness or productivity, such as by making coworkers unwilling to work with the employee.
- Those purporting to represent the company's views or policies without authority to speak on the company's behalf.
- Things that have the reasonable potential to harm the company's reputation or business.
- Unauthorized disclosure of a company's trade secrets or other confidential and proprietary information.

In addition to serving a legitimate objective, the rule or policy limiting political expression must be reasonably necessary to achieve that objective and fairly enforced. Thus, the reason the Québec company that we mentioned above was hit with a \$90,000 damages award was that it behaved abusively in imposing discipline and listed an untruthful reason for termination on the employee's Record of Employment.

Off-Duty Conduct & Social Media Count as Workplace Conduct

It's also important to understand that the employer's authority to regulate political and other forms of expression at work isn't confined to the 4 corners of the physical workplace. The above parameters for reasonable regulation also apply to off-duty conduct, including the things employees say on private social media sources, even if they make these communications after work hours and from their own home.

Exhibit A: Many companies reportedly disciplined employees for social media posts both celebrating and condemning the 2025 assassination of controversial U.S. conservative activist Charlie Kirk.

Exhibit B: ESPN anchor Jemele Hill was suspended for posting political commentary on Twitter, now X Corp., calling for fans to boycott the NFL and calling President Trump a "white supremacist".

Best Practices

Based on court cases and government guidelines, there are certain Best Practices companies should follow to properly regulate employee political speech and expression:

- Implement an [HR Policy](#) to ensure that political discussions and debate at work remain are carried out in a professional and respectful way that doesn't engender undue conflict, disruption, or compromise an employees' rights to a respectful and harassment- and discrimination-free work environment.

- Include restrictions on political speech in your [Off-Duty Conduct Policy](#) and [Social Media Use Policy](#).
- Monitor and consistently enforce your workplace political expression rules and hold violators accountable via discipline up to and including termination.
- Ensure that your monitoring and enforcement activity is politically neutral—target the harm the speech does rather than its content or the political views of the speaker.