

HONORING EMPLOYEES' OFF-DUTY CIVIL RIGHTS

How respecting every employee's fundamental freedoms of speech, religious exercise, association, peaceable assembly and protest for the causes they believe in contributes to your company's success.

Overview

Companies have an important responsibility to respect their employees' core freedoms. While business goals often require a corporation to adopt and enforce commonsense policies that protect the company's reputation in the community, proprietary information, or trade secrets, the fact remains that no employee should be asked to forfeit their freedom of speech to keep a job. This is especially true when employees are off the clock and wish to peacefully express their views, including on hot-button issues.

This guide is intended to equip business leaders with the information and insight they need to protect their employees' freedoms of speech, religious exercise, association, and assembly while on their own time.

"Nobody should have to choose between free speech or their religion and working here. That's a choice no company should ever ask you to make."

RECOMMENDATIONS

TRUE DIVERSITY ALLOWS FOR DISSENTING VOICES.

The most innovative people are often dissenters. They drive growth and change precisely because they're not afraid to challenge the *status quo*. But instead of welcoming people who inspire change, some major corporations penalize employees for the opinions they voice in their personal capacity. Former Global Brand President at Levi's, Jennifer Sey, [was forced to resign](#) for opposing school COVID lockdown policies affecting her own children in her personal capacity. Companies win when they accommodate diverse opinions, respect their employees' freedom of speech, and encourage their employees' to exercise their constitutional rights.

DON'T CAVE TO ACTIVIST DEMANDS TO PUNISH EMPLOYEES FOR THEIR VIEWS.

Days after being named company CEO in 2014, Mozilla co-founder Brendan Eich [was forced to resign](#) his post. Eich, creator of JavaScript, was targeted because of his \$1,000 private contribution in support of California's Proposition 8 in 2008, which affirmed by majority vote what was then the *status quo* definition of marriage. Eich's private support for what was then the majority view of California voters was weaponized to boot him from the C-suite, even though his donation had been a matter of public record for at least two years prior to his ouster. In the end, company leaders buckled to the manufactured controversy and [publicly capitulated by casting](#) Eich's views as antithetical to "equality for all." Companies should not cave to activist demands to censor or punish leaders or employees for their peaceably held views.

DISTINGUISH BETWEEN HEALTHY DISSENT AND HARMFUL DISRUPTION.

Most companies adopt and enforce commonsense social media policies that guard the company against damaging posts from employees, including C-suite leaders. Ensure these policies are crafted in a way that achieves this goal without creating an atmosphere of self-censorship and fear among your workforce.

REWARD APPROPRIATE FEEDBACK. DON'T PUNISH IT.

In 2017, Google senior engineer James Damore wrote and circulated among colleagues an essay challenging the presuppositions underlying diversity and inclusion employment policies—particularly among men and women. The essay, "[Google's Ideological Echo Chamber](#)," argued that disparities within the number of men and women software engineers—rather than a result of discrimination—is related to intrinsic differences between the sexes. Damore was [fired shortly after](#) fellow employees shared the paper widely within the company. He later sued Google and [settled](#) out of court. A company with a well-documented [track record of censorship](#), Google leadership missed an important opportunity to reestablish itself as a free speech pioneer by supporting Damore's freedom of speech rather than punishing him for expressing his views. Companies should reward appropriate feedback from employees, especially when it contradicts conventional thinking.

RESOURCES

TAKING STOCK

- **INNOVATION:** Forced conformity to one set of accepted political or religious views will inevitably stifle innovation. A workforce that self-censors for fear of negative repercussions cannot be counted on for creative problem-solving and outside-the-box thinking.
- **REPUTATION:** Corporate leaders are right to protect their brand reputation, including through policies that protect against inappropriate employee conduct and speech online and off the clock. But these policies should be narrowly tailored to ensure that employees cannot be punished simply because of their good-faith religious or political views.
- **OPPORTUNITY:** A company whose employee faces public opposition and hostility for taking a stance on a hot-button issue has an opportunity to demonstrate respect for that employee's core freedom. Corporate leaders who reward courage spark innovation, engender loyalty, and foster a healthy culture committed to tolerance and free speech.
- **CLARITY:** Rather than risking that a controversial cultural moment will catch them off-guard, corporate leaders should be proactive. Companies can implement policies that respect every employee's freedom to peaceably live according to their religious or political views. Companies should extend similar commitments to their customers and prospective clients to ensure that they foster a holistic atmosphere of respect for viewpoint diversity.

TALKING POINTS

- "True tolerance means that everybody's voice is welcome here. We won't demand conformity from any of our employees on important topics like politics or religion. All we require is that every employee respects each other and honors everyone's freedom to peaceably live and speak according to their views."
- "Nobody should have to choose between free speech or their religion and working here. That's a choice no company should ever ask you to make."
- "We encourage everyone here to think outside the box. That means we'll sometimes disagree with each other, including on important issues. That's okay, as long as we all commit to respecting each other and delivering excellence and quality to our customers."
- "We want to surround ourselves with people who care about the world around them. That means we need to make room for each other to peacefully express our own views, including on important political and religious topics."

APPENDIX

KEY DATA

1. The [Freedom at Work survey](#), conducted by Ipsos and released through Viewpoint Diversity Score, found that **54% of employees** are concerned that posting or sharing political content on their personal social media accounts could have negative consequences on their employment.

- **69% of concerned employees** identify as politically moderate (26%), conservative (14%), or very conservative (29%).
- **50% of employees** said their companies should adopt a policy that respects their freedom to engage in political activity on their own time, without having to fear repercussions at work.
- **66% of employees** said a company's commitment to diversity should include respect for a wide range of religious and political beliefs in and out of the workplace.

2. A Harvard Business Review report entitled "[Teams Solve Problems Faster When They're More Cognitively Diverse](#)" found "no correlation between...[gender and ethnic] diversity and [team] performance."

- Researchers instead theorized that greater "differences in perspective[s] or information processing" within teams may increase their effectiveness in solving complex problems.

OTHER RESOURCES

- [Model Policy: Off-Duty Civil Rights Policy](#) (Viewpoint Diversity Score)
 - This resource ensures that a company respects the freedom of all employees to exercise their civil rights of freedom of speech, free exercise of religion, freedom of association, peaceable assembly, and protest, outside of work.

[Model Policy: Viewpoint Diversity Policy](#) (Viewpoint Diversity Score)

- This resource can be used to foster a workplace culture where freedom of thought is welcomed, and all people are valued and respected, regardless of their religious or ideological views.
- [Viewpoint Diversity in Business](#) (Shareholder Equity Alliance)
 - This white paper makes the case that fostering diverse viewpoints sparks innovation and progress in companies. The paper also cites research calling into question the "false proxies" of identity-based "diversity" in business.

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