

WORKPLACE RESOURCE

Protect Employees' Off-Duty Expression and Civic Participation

Companies can protect employees' freedom of speech, religion, association, assembly, and protest while maintaining work-related limits.

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WHY IT MATTERS

Employees may engage in a wide range of lawful personal, religious, civic, and political activity outside of work. Companies can respect that independence while still protecting confidential information, workplace safety, job performance, and legitimate business operations. As a matter of sound workplace policy, lawful off-duty speech or activity generally should not result in employment consequences merely because others object to it or because it generates controversy.

The Core Principle

A strong off-duty civil rights policy does two things. First, it affirmatively protects employees' lawful off-duty speech and expression, religious exercise, association, peaceful assembly, and civic or political participation. Second, it limits company intervention to clear, work-related concerns such as illegality, violence, disclosure of confidential information, direct conflicts of interest, material interference with job performance, or misuse of company resources.

The standard does not require companies to disregard conduct that materially interferes with workplace operations, safety, job performance, or compliance with applicable law. It asks companies to distinguish those concrete harms from vague claims that lawful expression is "offensive," "divisive," inconsistent with corporate values, or damaging to the brand.

What the Index Evaluates

The Viewpoint Diversity Score evaluates both affirmative protection and policy restraint:

- Whether a public workforce policy recognizes one or more off-duty civil rights, including speech, religious exercise, association, assembly, or protest;
- Whether the company avoids broad restrictions on employees' personal expression, including personal social media activity;
- Whether limits are tied to identifiable harms such as unlawful conduct, threats, violence, confidentiality breaches, conflicts of interest, job performance, or use of company property; and
- Whether employees can understand what conduct is prohibited without relying on vague standards such as "reputational harm," "hate speech," "offensive opinions," or "misinformation."

A company may receive partial credit when no public policy affirmatively protects these activities, but its public policies also must not contain any restriction that the Index treats as inconsistent with lawful off-duty expression.

Reasonable Limits and Overbroad Restrictions

NARROW, WORK-RELATED LIMITS

Policies may address unlawful or violent conduct, threats, targeted harassment that violates applicable law or a clear and consistently applied workplace standard, disclosure of confidential information, misuse of company systems, direct conflicts of interest, or off-duty conduct that materially impairs the employee's ability to perform essential job responsibilities.

OVERBROAD OR VIEWPOINT-BASED LIMITS

Policies raise concern when they discipline lawful personal speech because it may embarrass the company, conflict with corporate values, offend others, involve controversial topics, or create possible reputational harm without a clear connection to workplace conduct or job performance.

Why Reputation Clauses Are Risky

A company has a legitimate interest in preventing fraud, false claims made on its behalf, disclosure of confidential information, and conduct that directly interferes with business operations. A broad rule against anything that could “damage the company’s reputation,” however, gives decision-makers broad discretion to impose employment consequences for lawful personal speech based on public pressure or disagreement with the employee’s viewpoint.

The risk is greater when reputation language appears beside undefined terms such as “hate speech,” “insensitive content,” “offensive opinions,” or “inappropriate.” These standards can reach religious or political expression even when the employee speaks personally, outside work, without using company resources.

What the Evidence Shows

Many corporate policies extend workplace rules into employees’ personal lives without clearly defining the connection to job performance or business operations. The examples below illustrate several recurring problems.

The examples below illustrate policies that affect VDS scoring and show how workplace rules may extend into employees’ personal activities. Companies should assess their policies in light of the specific circumstances and applicable law.

Ameriprise Financial

Policy features: *personal life, embarrassment, brand reputation, offensive material*

“Anything that you do, whether at work or in your personal life, that damages our reputation is a serious matter. Be especially careful not to post or say anything publicly or on social media that could embarrass you or damage the reputation and brands we have worked so hard to establish.” (Ameriprise Financial Global Code of Conduct, Our Reputation, p. 16, accessed 03/04/2026).

Why it matters: The policy reaches conduct in an employee’s personal life and identifies embarrassment or possible reputational damage as grounds for company concern without requiring a concrete effect on job performance or business operations.

[View evidence](#)

Booz Allen Hamilton

Policy features: 24/7 application, personal social media, offensive speech, reporting duty

“Q: A colleague wrote an offensive social media post that would violate our policies if they said it at work. Do I have an obligation to report this? A: Yes. We are required to follow company policies at or outside of work, including on social media. ... You are a Booz Allen employee 24/7, whether you are at home, a company or client office, a happy hour, on vacation, or on social media.” (Booz Allen Code of Business Ethics and Conduct, We Protect Booz Allen’s Image and Reputation, p. 38, accessed 03/05/2026).

Why it matters: The statement applies company standards continuously, including at home, on vacation, and on personal social media, and directs employees to report personal posts that would violate workplace policy if expressed at work. This approach may extend workplace speech standards into employees’ lawful personal activity without requiring a separate connection to job performance or business operations.

[View evidence](#)

Dell Technologies

Policy features: personal accounts, brand impact, hate speech, likes and endorsements

“Any social media activity, even from your personal account, reflects on Dell Technologies and could have a global impact (positive or negative) on the Dell Technologies brand. ... [It] will not be exempt from this policy just because it occurred on a personal account.” (Dell Technologies Global Social Media Policy, Purpose and Scope, accessed 03/06/2026). See Also, “[B]e careful with posting, sharing, commenting, liking or otherwise indicating support for or agreement with discussions on social media. Dell Technologies has zero tolerance for racism, bigotry, misogyny, express or implied threats of harassment ..., or hate speech. ‘Hate speech’ includes any speech—or endorsement or promotion of speech—that is derogatory toward a group of people based on a protected classification. ... [S]peech that ... ridicules ... a protected class of people is hate speech.” (Dell Technologies Global Social Media Policy, Be Nice, Have Fun and Connect!, accessed 03/06/2026).

Why it matters: The policy subjects personal social media activity—including likes and endorsements—to company standards based on brand impact and a broad definition of “hate speech,” which may reach lawful personal expression.

1. [View evidence](#) 2. [View evidence](#)

GoDaddy

Policy features: conduct outside work, corporate values, inclusion, business interests

“GoDaddy expects employees to live our values and uphold our standards of conduct at all times—including outside of work—when your actions could directly affect GoDaddy, its employees, customers, or reputation.” (GoDaddy Code of Business Conduct and Ethics, Conduct Outside of Work, p. 10, accessed 03/09/2026).

Why it matters: The policy acknowledges lawful personal activity but permits action based on broad concepts such as respect, inclusion, business interests, and reputation, which may extend beyond concrete workplace harm.

[View evidence](#)

Model Off-Duty Expression and Civic Participation Policy

The model below combines an affirmative protection of employees' lawful off-duty activities with narrow, objective limits tied to legitimate business interests. It recognizes employees' lawful off-duty expression, religious exercise, association, and civic participation outside of work while preserving narrow, objective limits tied to legitimate business interests.

[Company] respects employees' lawful off-duty speech and expression, religious exercise, association, peaceful assembly, and participation in social, civic, or political causes.

[Company] will not take adverse action based solely on an employee's lawful off-duty beliefs, associations, expression, or peaceful activities when the employee acts in a personal capacity, and does not represent that the employee is speaking on behalf of the company, subject to the limited circumstances described below.

[Company] may address off-duty conduct that is unlawful or violent; contains a true threat; constitutes unlawful harassment or targeted harassment under a clear and consistently applied workplace standard that materially affects the workplace; discloses confidential, proprietary, or legally protected information; creates an actual, material conflict of interest; materially interferes with job performance or the company's ability to carry out its operations; falsely represents the employee as speaking for the company; or uses company resources or property without authorization.

Nothing in this policy limits any rights or obligations provided by applicable federal, state, or local law, including protections relating to religious belief or practice and protected employee activity.

Implementation Note: Review the company's code of conduct, social media policy, political-activity rules, conflicts policy, harassment standards, employee handbook, and other policies affecting legally protected employee activity to ensure that no broader provision undermines this protection.

What Companies Can Do

- Affirm protection for employees' lawful off-duty speech, religious exercise, association, peaceful assembly, and civic or political participation;
- Protect lawful personal expression regardless of whether the company or coworkers agree with it;
- Replace embarrassment, offensiveness, vague brand, or values-based clauses with objective standards tied to identifiable harm;
- Define the limited circumstances in which off-duty conduct may affect employment;
- Make clear that personal social media use is not automatically company speech;
- Use reasonable disclaimers, when appropriate, to distinguish personal expression from company speech rather than broadly restricting personal viewpoints; and
- Review codes of conduct, social media rules, harassment policies, political-activity policies, and undisclosed internal guidelines for consistency.

A Five-Step Policy Review

1. Identify every off-duty rule. Review the code of conduct, social media policy, political-activity rules, conflicts policy, harassment standards, and employee handbook.

2. Separate company speech from personal speech. Clarify when an employee speaks for the company and when the employee acts only in a personal capacity.

3. Replace vague standards. Remove or narrow terms such as reputational harm, embarrassment, offensiveness, divisiveness, hate speech, or inconsistency with company values.

4. Tie restrictions to concrete harm. Require a clear and material connection unlawful conduct, violence, confidentiality obligations, actual conflicts of interest, job performance, business operations, or unauthorized use of company resources.

5. Publish the protection. Place the commitment and its limits in a public workforce policy so employees can understand the standard before a controversy arises.

Frequently Asked Questions

Can a company discipline an employee for illegal or violent off-duty conduct?

Yes. An off-duty expression policy does not prevent a company from addressing unlawful or violent conduct, true threats, targeted harassment, or other off-duty conduct when applicable law permits employment action and the conduct has a legitimate connection to the employment relationship.

Can a company protect its confidential information and trade secrets?

Yes. Companies may maintain appropriately tailored restrictions on unauthorized disclosure of genuinely confidential, proprietary, customer, or legally protected information, subject to applicable laws protecting employee communications and concerted activity.

Does the policy prevent a company from addressing genuine workplace disruption?

No. A company may address off-duty conduct that materially interferes with job performance, workplace safety, or business operations. The connection should be specific and demonstrable rather than based only on controversy or public criticism.

Why are terms such as “hate speech” or “offensive content” a concern?

These terms often lack a clear legal or policy definition and may depend on the listener’s viewpoint. A more reliable policy identifies prohibited conduct, such as true threats, unlawful harassment or discrimination, or other clearly defined conduct with a material workplace connection.

May employees identify their employer on personal social media?

Companies may ask employees to clarify that personal views are their own and may prohibit false claims of company authorization. Identifying an employer should not, by itself, convert all personal expression into company speech.

Source note: This resource reflects the 2026 benchmark for respecting civil rights and refraining from undue restrictions on off-duty expressive activity.

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