

# Freedom of expression in the workplace

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## Freedom of Expression in the Workplace

The First Amendment of the United States Constitution guarantees the freedom of speech (Amend I, US Constitution). Applied however in the workplace, public sector setting is different from the private sector (Sutherland, 1). Sutherland explains that those employees working in the public sector, have First Amendment rights in the workplace, which ofcourse are subject to certain restrictions (Sutherland, 1). It is different however in the private sector the First Amendment does not apply (Sutherland, 1). In the private sector, the employer may hire and terminate an employee for a speech done in the workplace (Sutherland, 1). This however does not mean that there is no adequate protection for employees. The Anti-discrimination laws provide for a level of protection for certain types of expression made in a workplace setting, which is not necessarily a First Amendment right (Sutherland, 1).

Despite these laws, there is still a problem as to amount of power that employers hold as regards the freedom of expression or expressive activities of employees which may hinder employees' rights (Whitaker, 1). To address this problem, Bruce Barry in his book entitled " Speechless," suggests that there must be changes made as to the laws and to management practice that would expand or develop the expressive rights of employees without however jeopardizing or compromising the interests of the employer (Barry, 1).

Businesses should also have a code of conduct where there should be respect for expressive activities of employees, which may pertain to respect for an employee's religion or expressions which tend to discriminate or

harass a person's race or sex (Whitaker, 1). In order to ensure the free expression of workers without however jeopardizing employer's interests, there must be some monitoring or constant evaluation on the laws and guidelines of business establishments addressing the problem.

#### Works Cited

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