



# THE HOSPITALITY LAW CONFERENCE: SERIES 2.0

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Washington, D.C.

# Stop Talking and Get Back to Work!

Legal Limitations in Restricting Employee Speech

2018 HOSPITALITY  
LAW CONFERENCE:  
WASHINGTON D.C.

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- Labor and Employment Law
- Trusted legal advisor for general business matters
- EEO, Wage & Hour, Compensation, Contracts
- Litigation



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# What Can Employees Talk About

- Wages, Working Conditions, Politics
- Investigations
- Discrimination
- Harassment
- Whistleblower type issues
- NLRA
- Federal Agencies (EEOC/ DOL/DOJ)
- Equal pay laws
- Other State and Federal laws



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# To Who and When

## Who?

- Other employees
- Media
- Customers, vendors, investors, suppliers, advertisers

## When?

- Outside of work
- On working time (comparable to other speech)



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# Limitations on Conduct

- No protected category
- Violation of other workplace policy  
(discrimination, confidentiality, representations)
- Otherwise illegal (  
defamatory , untruthful, threatening)



# Protect Yourself

- Review handbook policies
  - Confidentiality, employee conduct, social media, media communications, etc.
- Train leadership team (managers, supervisors)
- Think before you discipline (comparators)
- Culture and counsel

