

Habinsky in Newsday: Employers Should Define Off-limits Worker Activities

September 22, 2017 Jason Habinsky

PRACTICES Employment Litigation, Labor and Employment

When employees are in the workplace, their employer wields significant power over what they can and cannot do. But once they leave work, the line blurs over how much control an employer has over their conduct, *Newsday* [reported](#).

An employee's off-duty behavior could impact or tarnish an employer's reputation, but knowing where to draw the line is also important. ...

New York law specifically prohibits an employer from terminating employees for political activities outside of work hours, says [Jason Habinsky](#), a partner in the New York office of Haynes Boone. These include running for public office, campaigning for a candidate for public office or participating in fundraising activities, he says.

Participating in protests, though, falls into a gray area, say experts. Some participants in a white supremacist march that turned violent last month in Charlottesville, Virginia, reported losing their jobs after employers saw their faces in media reports.

Locally, New York labor law's definition of political activities doesn't specifically include political or other protests, and the law further doesn't protect an employee's actions if they're deemed illegal or create a conflict with the employer's business interest, says Habinsky.

Therefore, it's unlikely that the conduct in Charlottesville would fall squarely under New York's protection of political activities, says Habinsky. However, it remains advisable for an employer to implement either a stand-alone policy, or a variety of policies carefully defining any employee activities that the employer may regulate outside of the workplace, he says. ...

Excerpted from *Newsday*. To read the full article, click [here](#).