



## **Run It By My Lawyer, with Joe Samo**



### **Social Media and Workplace Retaliation: Can Your Employer Fire You for a Post?**

In today's digital age, social media has become an integral part of our lives. Many people use platforms like Facebook, Twitter, LinkedIn, and Instagram to share personal opinions, discuss current events, or even vent about workplace frustrations. However, this raises an important question: Can your employer fire you for a social media post?

The answer depends on several factors, including the content of the post, where it was shared, and whether it falls under protected activity under California and federal employment laws.

#### **At-Will Employment and Social Media Consequences**

California is an at-will employment state, meaning that employers can terminate employees for almost any reason, as long as it does not violate anti-discrimination laws or other employee protections. This means that, in many cases, an employer can fire an employee for a social media post, especially if it:

- Harms the company's reputation
- Violates workplace policies
- Includes offensive, discriminatory, or harassing content
- Discloses confidential company information

However, there are legal protections that may prevent termination for certain types of online speech.

#### **When Social Media Posts Are Protected**

Under California and federal laws, employees may be protected from termination for certain social media activities, particularly if the post involves:

##### **1. Discussing Wages or Working Conditions**

Under the National Labor Relations Act (NLRA), employees (including non-union workers) have the right to engage in protected concerted activity, meaning they can discuss wages, working conditions, or workplace concerns with other employees. If an employer fires an employee for posting about unfair wages, safety violations, or mistreatment at work, this could be considered retaliation and may be illegal.

## **2. Whistleblowing or Reporting Illegal Activity**

If an employee's social media post exposes illegal activities within a company, they may be protected under California whistleblower laws. Employers cannot retaliate against employees who report violations of state or federal laws, whether internally or on social media.

## **3. Political Speech Protections**

California labor laws protect employees from discrimination based on political activities or affiliations. If an employer fires someone solely because of their political opinions or activism shared on social media, this could lead to a wrongful termination claim.

## **How to Protect Yourself on Social Media**

To avoid workplace retaliation due to social media activity, employees should:

- Review Employer Policies – Understand company guidelines on social media usage and workplace conduct.
- Think Before Posting – Assume that anything shared publicly can be seen by employers, coworkers, and clients.
- Adjust Privacy Settings – While not foolproof, setting social media accounts to private can limit visibility.
- Keep Workplace Grievances Professional – If you have concerns about work conditions, consider addressing them through official HR channels before posting publicly.

Navigating social media and workplace retaliation laws can be complex, so always be mindful of your digital footprint and know your rights as an employee. If you believe you were wrongfully fired due to social media activity, consulting an employment attorney can help determine if your termination was unlawful.

## **New Job Positions**

Is this time for a change in your life? There are so many positions available in universities, city and county offices, corporations, and more. The links below provide details for thousands of open positions.

[UCSD](#)

[City of San Diego](#)

[County of San Diego](#)

[City of Chula Vista](#)

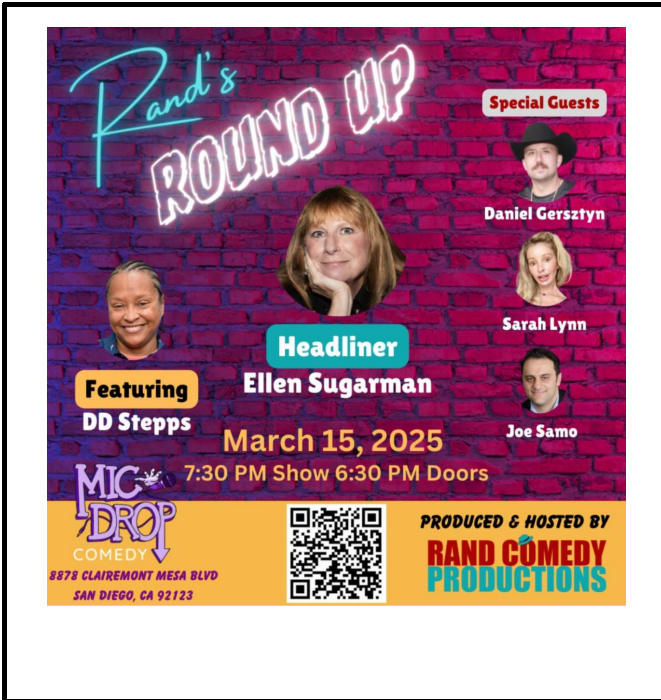
[State of California](#)

[San Diego Unified School District](#)

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## On the Lighter Side

Come join us at a Comedy Show on Saturday, March 15 at Mic Drop Comedy. Our very own Joe Samo will be performing. We love enjoying comedy and drinks with our clients! Buy your tickets [HERE](#).

*Joseph Samo*

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