Electoral harassment

Economic freedom cannot be used to restrict political freedom

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Since the end of the elections, we have been witnessing a worrying escalation of electoral harassment, reflected in an orchestrated movement whose purpose is to dismiss or boycott voters of President Lula. A considerable number of influencers, politicians and businesspeople have used social media to encourage their followers to retaliate against and punish employees and suppliers on account of their political choice.

A report by Agência Pública presents some recent data that are extremely worrying[1]:

- In just four days after the runoff, there were already 1,817 complaints of electoral harassment. Within two weeks, there were 5,018, which is 1,645 more than in 2022, reflecting an increase of 48.7%;
- Boycott lists were identified, as well as posts inciting the dismissal of President Lula's voters or boycotts of companies or establishments whose owners were regarded as PT supporters (petistas);
- Websites were created, such as "Meu dinheiro não" ("Not my money"), with lists of Lula voters, in a clear incentive for them to be boycotted;
- Countless videos and posts circulated instructing employers to dismiss employees for party-political reasons, but without revealing the true reason for the dismissal, in order to evade fines and sanctions.

[1] https://apublica.org/2026/11/politicos-empresarios-e-a-meta-estao-por-tras-dos-boicotes-a-eleitores-do-pt-nas-redes/

A post by re-elected federal deputy Nikolas Ferreira on his Instagram sums up the motivation put forward for this type of behavior: "We [on the right] have the right to choose where our salary goes. [...] Now we no longer want to buy from or strengthen people who do not match our principles". [2]

In other words, the aim is for political disagreement to be amplified so as to determine choices in the consumer and labor markets as well, in a clear retaliation against all those who think differently. More than that, the idea is being spread that the basis for such a reaction is freedom of contract, as if it were unlimited and could be exercised at the whim of its holder.

However, freedom of contract is not absolute and, by virtue of various constitutional principles and general clauses, such as the social function of the contract and objective good faith, it cannot be exercised in an abusive and unrestricted manner. That is certainly what happens when someone incites collective boycotts or dismissals against people solely on account of their political orientation.

This concern is even more pronounced in relationships which, as is the case with the employment relationship, are characterized by the presumed vulnerability of the employee and by a normative framework that seeks to protect the dignity of work and of the worker. Indeed, there is an important structural dimension to the discussion, since the inequality of power among economic agents can turn freedom of contract into an instrument of coercion over third parties.

As if the basic rules of contract law were not enough, electoral harassment is a practice prohibited by legislation. Although the crime of electoral harassment does not extend to conduct subsequent to the elections, it is unequivocal that it remains prohibited by legislation, of which Law 9,029/95 is an example, and that it can be punished under labor law.

So much so that some of the posts suggest that employers dismiss employees on the basis of political motivation, but without admitting that

[2] https://apublica.org/2026/11/politicos-empresarios-e-a-meta-estao-por-tras-dos-boicotes-a-eleitores-do-pt-nas-redes/

circumstance, so that the case is regarded as a mere dismissal without cause and not as a dismissal on discriminatory grounds. Now, the recommendation to conceal the reason amounts to a confession of unlawfulness, since it is well known that the potestative right the employer has to dismiss without cause does not authorize it to adopt discriminatory criteria.

The practice may also be regarded as prohibited under the LGPD [General Data Protection Law], which makes clear that political orientation is sensitive personal data that cannot be used for abusive discrimination, all the more so when collected from images and statements of voters on their social media.

Moreover, freedom to vote is a corollary of democracy. Especially in a country with a tradition of the voto de cabresto [the "halter vote", cast under the control of local bosses], it is essential to be alert to the contemporary forms of such practices, not least because of their effects on future elections. That is why it is frightening not only that we are faced with this movement, led by important politicians and businesspeople, who should be the first to know and respect not only Brazilian legislation but democracy itself.

Even in the sphere of consumption and of the choice of business partners, political discrimination must not be confused with the current discussion that economic choice can and should be made on the basis of identification with the values and purposes of the economic agent, since such options can only be exercised within the values and purposes required or encouraged by the legal system.

Thus, it is lawful not to buy from a supplier because it does not respect the environment and human rights, not least because such a criterion is backed by the legal system. However, boycotting an economic agent solely on account of its political orientation takes on other proportions.

At the individual level, it may even be defensible for a consumer or an economic agent to decide not to patronize a given establishment because they disagree with the political opinions of its owner. However, the situation is

different when there are organized campaigns to identify, expose, embarrass, exclude or economically harm people on account of their political convictions.

In other words, the freedom of choice of consumers and economic agents, exercised individually on the basis of various criteria, including political preferences, is one thing. It is quite another to imagine that such freedom confers unrestricted authorization to organize campaigns of persecution, embarrassment or economic exclusion of people on account of political convictions, especially when such initiatives involve asymmetries of power.

It is worth recalling, on this subject, that blocking and sabotage conduct is viewed with great suspicion by Competition Law, even when the alleged purposes appear legitimate, given the harmful effects that concerted conduct produces. Thus, such conduct may constitute antitrust violations, depending on the case. All the more reason for it to become a problem when the purposes are unlawful and clearly represent undue discrimination and an attack on democracy.

It is not without reason that such practices, within labor markets, have been mobilizing the Labor Prosecution Service (Ministério Público do Trabalho) and the Labor Courts, so as to demand their immediate investigation and punishment. However, there are other fronts that need to be explored.

One of them concerns the liability of digital platforms which, once again, are at the center of the controversy. The São Paulo courts, in an action filed by the Labor Prosecution Service of São Paulo, ordered Meta to take down all content encouraging businesspeople to monitor, expose and punish employees because of their vote[3].

This takes place in a context in which several digital platforms had already been accused of attempts to manipulate voters since the campaign, with Meta having been fined R$ 7.5 million by the Superior Electoral Court (Tribunal Superior Eleitoral) for providing incomplete information about the accusations of

[3] https://apublica.org/2026/11/politicos-empresarios-e-a-meta-estao-por-tras-dos-boicotes-a-eleitores-do-pt-nas-redes/

distributing biased political content, which would allegedly favor candidate Flávio Bolsonaro in the electoral race[4].

Once again, we see the leading role of digital platforms in informational management, which raises numerous concerns, especially in matters related to the preservation of democracy. In this case, it is not a matter of holding the platform liable for third-party content, but rather for obscure, tendentious and biased informational management.

Therefore, it is essential that the competent institutions be able to give a swift and efficient response to curb electoral harassment, and that citizens, politicians and businesspeople, including digital platforms, understand that the logic of markets cannot corrupt democracy.

What is at stake goes far beyond the protection of workers and economic agents affected by such practices. It is a matter of ensuring the very conditions for the functioning of democracy, which presupposes not only the formal freedom to vote and to express one's political opinions, but also the possibility of exercising those rights without fear of suffering political reprisals.

It is of little use to guarantee constitutionally the freedom to vote and of political expression if the exercise of those rights can result in the loss of one's job, in the exclusion of economic freedoms or in the organization of campaigns of persecution and embarrassment. Economic freedom is essential, but it cannot be exercised in a manner incompatible with political freedom and the preservation of democracy.

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[4] https://agenciabrasil.ebc.com.br/justica/noticia/2026-11/tse-multa-meta-em-r-75-milhoes-por-descumprir-decisao-nas-eleicoes