Fisher Phillips Attorney Discusses Taming Political Talk in the Workplace with SHRM

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Sacramento attorney Katherine Sandberg spoke with *SHRM* about what employers can and cannot do to quell political tensions in the workplace that could lead to lawsuits as the midterm elections draw near. According to Katherine, Section 7 of the National Labor Relations Act provides that "employees shall have the right … to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." Section 7 protects actions that involve work terms and conditions. The NLRA applies even if the workforce isn't unionized, and it applies to employees' communications on social media. "So be cautious that any civility rules are not so sweeping that they prohibit the kind of activity that the NLRA protects, such as the discussion of wages or working conditions," Katherine said. But, according to Sandberg, the National Labor Relations Board general counsel has given employers more leeway than they once had, writing in a memo earlier this year that employee-handbook civility rules generally will be held to be valid under the NLRA. The memo stated that lawful civility rules might provide, for example, that "behavior that is rude, condescending or otherwise socially unacceptable is prohibited."

To read the full article, visit *SHRM*.

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