



Politics In The Workplace: A Practical Approach

Insights

10.01.12

As the 2012 presidential election rapidly approaches, employers must brace themselves for an inevitable spike in political banter in the workplace. Indeed, with social and political issues such as healthcare reform and same-sex marriage on the forefront, political passions are almost certain to flare in the coming months.

If not properly addressed, political discourse can present unique challenges to employers trying to maintain a working environment free from conflict and distraction. Seemingly innocuous remarks regarding any candidate or their political positions may potentially offend some employees, which can lead to an increase in discrimination and harassment claims.

For a discussion of the legal implications of workplace speech, see *"Political Speech @ Work"* elsewhere in this issue. In this article, we'll focus on how speech can create workplace distractions resulting in lost productivity as well as a decline in employee morale. Beyond this, politically charged discussions in the workplace can alienate clients or customers who are offended by or disagree with the opinions expressed by employees.

Cool Down Heated Discussions

Private employers enjoy wide latitude in implementing rules and enforcing restrictions designed to maintain a productive and non-hostile working environment. Given the inherent risks involved, private employers can and should strive to limit political speech in the workplace. While no plan is fool-proof, the following guidelines may help to prevent unnecessary workplace conflict and distractions, and perhaps most importantly, costly litigation.

Refresh and retrain employees on relevant anti-harassment, anti-discrimination, and equal employment opportunity policies. To this end, describe the types of conduct prohibited by these policies, and emphasize that attacking the beliefs (political or otherwise) of other employees can arguably constitute harassment. In addition, encourage employees to promptly report any speech or activity they find to be harassing or in violation of company policy.

If your company policies or employee handbooks don't already contain one, consider adding a code of conduct advising employees that failure to respect divergent opinions, beliefs, and values may warrant disciplinary action. Similarly, because heated discussions may be sparked from political buttons, stickers or other signage worn or displayed by employees, you may want to amend existing dress code and appearance policies to cover political apparel.

Political speech and activity by employers can also be problematic. While you may certainly facilitate and encourage employees to vote, you should not persuade employees to vote for or financially support certain candidates or issues, as doing so may not only be construed as coercion, but may also run afoul of federal or state election laws.

Ice Down The Water Cooler?

Political discussions in the workplace are largely unavoidable. But implementing these guidelines may help to limit the conflict and distractions that such banter can create.

For more information, contact the author at LCornell@laborlawyers.com or 502.561.3990.

Related People



Laurel K. Cornell
Regional Managing Partner
502.561.3987
Email