



What Not To Talk About At Work

Insights

12.01.14

Managers have a special role for employers because they are your legal agents. What they say, do, and know can be attributed to you as their employer. Depending on the issue, you can even be strictly liable for the conduct of managers, meaning that your good intentions are not a defense.

Several laws come into play here but there are certain things that managers should absolutely not talk about with employees or anyone else at work. This article lists the most significant of these topics, but by no means is this an exhaustive list.

1. Race, Color, Or Ethnicity

Despite the advances since the Civil Rights Era began, racial tensions still exist. Although we have a diverse population and most workplaces reflect that diversity, these tensions can bubble up and cause legal and practical problems for employers. Managers should not discuss anything relating to race, color, or ethnicity or give the impression that any employment decisions are made on the basis of these factors.

2. Sex Or Love Interests

State and federal laws also prohibit discrimination and harassment on the basis of sex. You can be held liable if managers create a workplace that is hostile and offensive based on, or because of, sex. These are compelling legal reasons that managers should not discuss their own sex lives or those of others in the workplace. Likewise, they should not tell jokes, show sexual images, or proposition others in the workplace. In addition, talking about sex at work can be just plain offensive to people and could adversely affect relationships in the workplace.

3. Religion

Employers can be held liable if managers give the appearance of making decisions based on their own religious views or those of their employees. People can be sensitive to discussions of religion in the workplace and managers should shy away from such conversations to avoid legal liability and conflict.

4. Medical Conditions

Employers are prohibited from disclosing medical conditions under various privacy laws and from discriminating on the basis of medical conditions, disabilities or handicaps. Thus, managers should not discuss these protected matters or give the impression or appearance that any employment decisions are being made on the basis of these factors. If it becomes necessary to discuss medical

conditions for job-related reasons such as responding to a request for a reasonable accommodation, such conversations should be kept on a “need to know” confidential basis.

5. Drug or Alcohol Use

Most employers maintain policies that prohibit use of illegal drugs or excessive amounts of alcohol. Many state and federal laws also regulate the use of such substances. Managers cannot be viewed by employees as violating those policies or laws if they are to be respected. To maintain the integrity of your policies, managers must comply with those policies.

Moreover, some employees have prejudices or preconceived notions about the use of these substances that may affect their views of management. For these and other reasons, it is simply not appropriate for managers to discuss their use of these substances at work.

6. Personal Finances

Talking about money or finances at work can trigger all sorts of negative emotions, such as anger, jealousy, and resentment. Finances are a very personal matter and managers should not discuss them at work. This prohibition extends beyond how much money a manager makes, to how much is paid for homes, cars, jewelry, electronics, ex-wives, or other indicators of spending or wealth.

Conclusion

These are just some of the things that managers should not talk about at work. We could add to the list items such as politics, criticisms of the employer or other employees, gossip, inappropriate jokes and other topics.

The bottom line is that, as your representatives, managers set the tone for the workplace and they need to be careful what they discuss at work. They should model good behavior and be leaders in the workplace.

For more information, contact the author at DABrannen@fisherphillips.com or 404.231.1400.

Related People





D. Albert Brannen

Partner

404.240.4235

Email