

TALKING POLITICS AT WORK: WHERE CAN EMPLOYERS DRAW THE LINE?

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As the November election approaches, so too does the unavoidable political discourse. Invariably, the discussion reaches the water cooler, creating a politically charged environment potentially rife with disruption. Most people are accustomed to a measure of division between co-workers come election season, but this year could see a marked rise in workplace tensions due to a hotly-contested gubernatorial race, mid-term election fever and Tea Party dramatics. Workplace friction caused by emotionally contrasting viewpoints often leads to a corresponding decline in morale. As distractions increase, productivity inevitably suffers.

Does an employer have the right to regulate political discussions on the clock? Can they be forbidden entirely? If so, what are the legal and practical concerns? Fortunately, private employers generally retain the right to maintain a cohesive working environment, and can restrict political discourse that threatens to undermine that environment. The good news is that lawsuits resulting from political activity and speech are rare, even in charged election years such as this one. While employers should be vigilant in addressing controversial subjects, the bigger problem may just be the inordinate time that employees spend talking about non-controversial topics.

To strike a proper balance between open dialogue and operational efficiency, I recommend that employers deal with the impact on productivity rather than the specific content of the underlying discussion. Also, monitor any subsequent exchanges, particularly in response to employee

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complaints, and strive to maintain consistency in policy application and enforcement.

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