

'Occupy Wall Street' Protest Is a Reminder For HR of Pitfalls of Politics in the Workplace

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Lonnie Giamela, a partner in both the Los Angeles and Irvine offices, contributed to the November 14 *BNA HR Report* article "Occupy Wall Street' Protest Is a Reminder For HR of Pitfalls of Politics in the Workplace." The article reported that recent "Occupy Wall Street" protests are a hot-button political phenomenon that can spill over into the workplace. Lonnie said that HR practitioners need to be aware that a political conversation in this climate can easily veer off into the type of talk that leads to a hostile workplace claim. He noted that while the concept may come as a surprise to many private sector employees, they have no First Amendment right to engage in "free speech" in the workplace. Private sector employers are entitled to adopt policies to ensure that employees are working "and not politicking" during paid work hours. "The tip I give employers constantly is that employers should remind managers not to enter into political discussions, particularly with subordinate employees, particularly if they know the employee has a differing viewpoint." All too frequently, these discussions lead to conflict and the employee may later use that in a retaliation, harassment, or discrimination complaint.

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