

How to Prevent Political Discussions from Becoming Workplace Wars *(and Cross the Line into Harassment)*

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Learning Objectives

- What the law says you can and can't do when it comes to employees expressing political views
- Practical do's and don'ts to keep political discussions in check
- How to prevent political discussions from turning into legal trouble
- Handling time-off requests for voting
- How to develop a political activities policy

First ... a Quick Poll

Have you ever witnessed a political argument between coworkers?



Politics at Work



Politics at Work

- 35% of Americans said their bosses share their political views at work
- 9% felt pressure to conform to the views of their bosses
- 30% said a coworker tried to influence their choice in an election
- 66% say coworkers regularly discuss politics
- 46% have witnessed a political argument between colleagues

Should I Allow Employees to Discuss Politics at Work?

- Federal law doesn't prohibit companies from discriminating based on political affiliation but some state and local ordinances do
- Aside from state or local law, no “right” or “wrong” as each company is different
- It's important for morale to allow employees to express themselves but you should take actions to minimize legal risks and maintain productivity

What Are the Legal Risks?

- Title VII of the Civil Rights Act of 1964 (Title VII)
- Age Discrimination in Employment Act (ADEA)

Neither law covers discrimination based on political affiliation, however discussion about a candidate's race, gender, religion or age may be evidence of a pattern of discrimination in violation of Title VII or the ADEA.

What are the Legal Risks?

- Elections are full of sensitive issues that evoke strong opinions on race, religion, sexual orientation, etc.
- Political discussions can easily shift from pleasant to perceived harassment
- Political discussions should never be allowed to become heated debates over race, national origin, age, gender, sexual orientation or religion

What about Free Speech?

- Employees have a right to freedom of speech but that protection is limited in the workplace
- Private employers are not required to let free speech ring throughout the workplace
- Managers have the right to discipline at-will employees who disrupt the workplace

So What Should I Do?

- **Do** discipline disruptions, but don't punish perspectives
- **Do** adopt a no-solicitation/no-distribution rule
- **Do** allow employees to discuss political views as long as the conversation remains civil
- **Do** step in and end workplace arguments before they become bigger problems
- **Do** communicate your company's policy on political expression

So What Should I Do?

- **Do** implement an open-door approach, encouraging employees to raise concerns as soon as possible
- **Do** be careful when engaging subordinates in political debates
- **Do** enforce dress codes or other limits on employees wearing pro-candidate buttons or pins
- **Do** adopt and enforce a well-crafted and well-communicated anti-harassment policy that explains that harassment on the basis of any protect class will not be tolerated

What Shouldn't I Do?

- **Don't** allow employees to use work time or company resources for political goals
- **Don't** permit employees to use company facilities for political campaign activity
- **Don't** let employees make political statements to customers during work hours.
- **Don't** neglect to train supervisors on company policy and what to do if they observe inappropriate conduct

Time for a Quick Poll

**Does Your Company Allow
Employees to Take Time Off
from Work to Vote?**



Company Voting Guidelines



What About Voting?

- Employers should allow employees to take time off from work to vote if work schedules don't provide enough time before or after work
- Federal law doesn't provide any guidelines or regulations on time off to vote (but many states do)
- State laws vary on the reasons employees may take time off from work to vote, the amount of time they can take and whether you must pay them for this time

What About Voting?

Make employees aware that:

- Requests for leave should be made as far in advance as possible
- They must check local poll operation times and their own work schedules before requesting time off
- The company reserves the right to request proof that a vote was cast before excusing an employees absence or issuing pay for time off

What Guidelines Should I Put in Place?

Remind employees to:

- Excuse themselves from any unwanted political discussions
- Be sensitive to the time and energy they're spending discussing politics on the job
- Leave strong opinions to themselves
- Change the topic if necessary

What Guidelines Should I Put in Place?

Remind employees to:

- Speak up if something makes them uncomfortable
- Agree to disagree
- Know and understand the audience
- Be open-minded to others' differences
- Review company policy if unsure

Time for a Quick Poll

**Does Your Business
Have a Formal Political
Activities Policy?**



Political Activities Policy



What Should the Policy Cover?

Workplace Rules and Prohibited Activities

It is prohibited for employees to:

- Use work time or company resources for political activities
- Solicit or encourage political candidate support
- Use the company's name in any political activity
- Wear any political pins or buttons while in the workplace
- Post any messages supporting or attacking a candidate
- Make political statements to customers during work hours

What Should the Policy Cover?

Restricted Use of Company E-Mail System

E-mail may not be used:

- For personal gain, outside business activities, political activity or fundraising
- To promote personal, political or religious beliefs
- To foster discrimination or harassment

What Should the Policy Cover?

Requesting Time Off for Voting

- Employees generally are permitted to take time off from work to vote if the work schedule does not allow sufficient time before or after work
- Employees should check local poll operation times before requesting time off
- Requests should be made as far in advance as possible
- The company reserves the right to ask for proof that a vote was cast

What Should the Policy Cover?

Political Coercion, Harassment and Retaliation

- The company embraces diversity and respects each employee's political beliefs
- It is against company policy for anyone to harass or discriminate against any employee with respect to political activities
- The company does not permit managers to coerce employees into supporting or opposing any candidate
- Retaliation is against company policy

What Should the Policy Cover?

Employees Running for Public Office

- Employees running for office are expected to keep politics separate from employment and should not interfere with their employment
- It is prohibited to use the company name in association with any political campaign activity
- Employees wishing to run for public office should notify supervisors and/or HR of their intentions

Thank You!

