



Source: Bulletin to Management: News Archive > 2016 > 03/01/2016 > Special Report: Employee Relations > Strategy for Political Speech in the Workplace Advised

67 BTM 70

Strategy for Political Speech in the Workplace Advised



By Caryn Freeman

Feb. 24 — Political discussions in the workplace are always a dicey proposition, but in this contentious presidential election year—where the Republican front-runner said of a protester, "I'd like to punch him in the face"—they can be downright combustible, so employers should be prepared.

"Keeping a calm office during the election isn't easy," Rosemary Haefner, chief human resources officer at CareerBuilder, told Bloomberg BNA Feb. 22. "Talking politics can lead to conflicts among colleagues, getting them distracted from their responsibilities and leading to major rifts among co-workers."

Because political elections can be "the overriding conversation topic everywhere outside of the workplace," many people feel they can "continue those conversations when they're at work," Philippe Weiss, managing director at Seyfarth Shaw at Work, the law firm's compliance services and training subsidiary, told Bloomberg BNA Feb. 24.

Employers should "use the power" of their policies, Weiss said. Non-solicitation policies, dress code policies and most critical of all, your performance policies, give you "safe ways to address these moments before they escalate" into problems that could lead to aggravation and worse, such as litigation or damage to company reputation, he said.

Employers must ensure policies are enforced consistently, and they should "focus on performance" when assessing whether political discussions are a distraction, Weiss said.

"If we wait for some comment to cross a legal line, to become discrimination or harassment—it's too late," Weiss said.

Managers as Defense

Managers need to be trained to recognize a potentially disruptive conversation before it escalates, according to Weiss.

"We always see that if managers fail to step in when it's still a distraction—when they find out it's now become a moment of aggravation or a moment of rage or a moment of retaliation—it's too late," he said.

Still, Weiss cautioned that employers must be aware of employees' labor law rights to engage in protected, concerted activity.

"If people are talking about conditions of their employment, like how much they are being paid or how they are being treated, in tandem with a broader political discussion, there may be additional protections," he said.

Weiss said employer clients have questions and training requests "on the topic of where the lines are in the workplace, because politics has become this sort of echo chamber we're seeing on TV."

Employers should "sensitize employees" so they know there are clear limits, understand the impact of their speech and understand that "in the workplace there's no First Amendment right."

The Case for Wait and See

Still, a management professor asserts that employers shouldn't be draconian in their approach to political discourse.

Bruce Barry, professor of management and sociology at Vanderbilt University in Nashville, Tenn., and author of, "Speechless: The Erosion of Free Expression in the American Workplace," told Bloomberg BNA Feb. 22 that many employees fear that overt expression of their political views may be harmful to them professionally.

"It's bad for democracy if people are chilled from civic involvement because they think it's going to affect their employment. At the same time it's a realistic apprehension a lot of people have," Barry said.

Because we have become such a polarized society on many issues, he said, "if someone harbors a view that is merely oppositional, not in any hostile way, but it's just the other opinion, we attribute bad characteristics to people as a result of that."

Barry recommended that employers develop reasonable practices to accommodate political speech and deal with it "as problems arise."

"I think you have to reinforce norms of civility; conversations are one thing but arguments are another," he said.

Keeping Conversations Calm

Haefner said when it comes to political conversations, employers should consider setting boundaries. "Some companies have rules against party organizing, soliciting campaign donations, posting political signs or holding rallies in work areas," she said. "Others have policies that don't allow wearing campaign gear or clothing with political slogans, and they don't allow employees to express political views in e-mails."

Haefner offered the following tips for coping with political expression in the workplace:

- Recognize that there's a thin line between freedom of expression and a potential source of conflict. Consider providing respect and dignity behavioral training to all employees and emphasize respect for different ideas, beliefs and needs.
- Make sure that your harassment policies and harassment complaint system are posted and that employees are trained on the process. Similarly, make sure employees are aware of any guidelines that prohibit bringing campaign materials into the office.
- Create a culture of open dialogue and mutual respect, but if conversations do turn heated, encourage employees to walk away.

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