



Politics at Work -- The Employer's Responsibilities

In every election cycle, politics in the workplace can create a highly-charged environment. The coronavirus pandemic has created one more subject on which people can disagree -- sometimes heatedly. It's the employer's responsibility to manage a risk exposure that's sometimes misunderstood.

Establishing Workplace Policies Concerning Political Activity

In a survey conducted prior to the 2016 presidential election, the law firm Gordon & Rees discovered that almost half of the surveyed employees planned to discuss politics with coworkers. Nearly 25 percent of workers responding to the survey indicated that their politics conversations turned into heated exchanges. There's no reason to believe 2020 will be much different.

In a polarized political environment, even friendly discussions can devolve into angry arguments. To stem the possibility of such unpleasant behavior and the potential for claims of harassment or discrimination, organizations need strict policies governing what actions or speech are, and are not, acceptable. [Written policies on politics at work](#) should include:

- Language prohibiting 1) political solicitation in the workplace, including the use of the organization's electronic communications to disseminate political information to others; and 2) display of political paraphernalia.
- Prohibition of harassment or discrimination of any kind, including harassment or discrimination based on political views.
- Policy language forbidding managers and supervisors from participating in any political discussions with workers or volunteers. Such participation may be misinterpreted as discriminatory.
- Policies prohibiting employees or volunteers from engaging in discussions of politics, or legally protected characteristics (gender, religion, age, etc.), during work hours. However, be careful not to restrict speech related to labor or working conditions.
- A reporting mechanism for employee/volunteer complaints about political solicitation or discrimination. If a complaint is filed, investigate

Once you have drafted your policies on workplace speech, have an attorney review them. Communicate your policies to all employees and volunteers, and enforce them evenly. Some of your staff might be surprised to learn that the First Amendment does not give them the right to say anything they want. Indeed, employers generally have the right to regulate speech if it is disruptive or negatively affects business operations and objectives.



Is This Really Necessary?

There are two primary factors that make political speech/political activities policies so important in the workplace. The first is the risk associated with claims of discrimination or harassment. Preventing claims is your first line of defense. Even so, a directors and officers liability policy that includes employment practices liability is essential for most nonprofit organizations. Volunteers Insurance Service offers a very broadly written and competitively priced policy. Please contact Aaron Jones by email or at 800.222.8920.

The second factor is that your tax-exempt status can be a risk. The Internal Revenue Service (IRS) strictly regulates political advocacy. The [IRS has published a video](#) entitled "Political Campaigns and Charities: The Ban on Political Campaign Intervention".

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