

Duff on Hospitality Law

## **Politics and the Workplace: Can They Mix?**

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In case there was any doubt the political season is well upon us, an increasing number of companies have been letting their employees know that if the owners had their way, everyone would vote for the candidates backed by the owner. Westgate Resorts, ASG Software Solutions and the Koch brothers of Georgia Pacific have all let their employees know that they are supporting the Republican slate, both nationally and locally. While this may be a savvy campaign strategy started by Mitt Romney in a virtual town hall meeting with the National Federation of Independent Businesses last June, the tone of the letters are seen as threatening by some. The letters have been carefully crafted to walk the thin line between a threat about the future of the company and a reflection of what the authors perceive the economic impact on business will be if the Democrats prevail. All of these letters have people wondering just how much political talk can be controlled by an employer, and just what can be said in the workplace.

The federal laws do not include political views or political affiliation in the laundry list of protected classes, but many states have taken such steps. The real risk of such public endorsement (and perceived veiled threats) in the workplace is the inherent tension and negative atmosphere that results. It is tougher to keep your employees from discussing politics (and the resulting heated discussions), if the Company president has already made a very public statement regarding his/her political views. The statements that imply the Company will close, reduce the workforce, or otherwise be impacted if the desired political party is not elected can create a lot of fear for the employees. If your employees are concerned about their jobs, you may lose some top talent. They aren't going to want to stick around a Company that may or may not be in existence in a year. The bigger impact, though, can be on employee morale.

So, what can you do? First, be aware of your state laws. In California, for example, a neutral policy that says no political discussions of any kind is problematic. California employers are prohibited from (1) making, adopting or enforcing any rule or policy forbidding or preventing employees from participating in politics; (2) controlling or directing the political activities or affiliations of employees; and (3) coercing or influencing the political activities of employees. Not all states have this level of protection, but you need to know how your state feels about regulation of the discussion of politics before you implement any policy regarding the discussion of politics in the workplace.

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Second, enforce your policies on mutual respect. It is fine to say that any and all discussions must be respectful and within the code of conduct that you expect from your employees. Third, you can remind your employees that no matter the topic of personal discussions, they cannot interfere with the job that is to be done. Dealing with the political discussions that go with the elections does not have to create an atmosphere of fear for either you or your employees. Instead, you can require any discussions to remain professional and respectful and not interfere with the employees' work.

**Tags:** politics, protected classes, Westgate Resorts