

GUIDANCE FOR MAINTAINING A FRIENDLY AND SAFE WORKPLACE

Edward Trent, Labor & Employment Law

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It may be impossible for an employer to completely rid the workplace of all horseplay, practical jokes, or other “joking” behavior. In fact, it is highly unlikely that such a work environment would even be desirable. It is important to both the morale and productivity of a workforce that employees be free to, at least occasionally, enjoy a good joke. A good, harmless practical joke will be the subject of water cooler laughter by the joker and his object. A bad practical joke, however, is increasingly likely to be the subject of a lawsuit. It is important that (employers) communicate clearly that not all types of “joking” behavior are acceptable or permitted.

As such, employers should consider strictly prohibiting:

- 1) communication or conduct that physically harms or threatens to physically harm another;
- 2) reckless conduct that may harm oneself, another, or the property of the company or another (it does not matter how slight the physical contact, it is inappropriate because one cannot accurately determine the consequences);
- 3) unnecessary communication or conduct that is likely to elicit a surprised and frightened reaction by another;
- 4) communication that is likely to reveal the private facts of an employee to the workplace when such a disclosure is not welcomed by the employee;
- 5) communication of a false statement regarding an employee to the workplace;
- 6) communication or conduct intended to undermine the work performance of another;
- 7) communication or conduct which does or is intended to threaten, intimidate, humiliate, or embarrass another based upon his or her race, religion, sex, national origin or any other status by law;
- 8) communication or conduct which does or intends to threaten or intimidate another for any reason; and
- 9) communication that contains offensive, profane, or graphic language

Additionally, employers should also have an e-mail policy instructing employees that e-mails are not private and can and will be monitored to ensure they are not inappropriate or harassing. Offensive employee e-mails, whether intentionally sent to or seen by other co-workers can create liability for employers.

Despite the challenges faced with fun and games in the workplace, employers can maintain a friendly, healthy, and safe workplace if they create, communicate, and enforce policies that clearly define proper workplace behavior.