

HOW TO DEAL WITH POLITICS IN THE WORKPLACE

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by Ricardo Cortés-Monroy



Don't you get the feeling that politics is omnipresent? That the political lens has invaded everything and everywhere? Few topics can be discussed without somebody in your entourage looking at it through an ideological -even partisan- prism. Things get complex and delicate of course in a work environment; especially, I would argue, in a Legal Department. After all, we lawyers are meant to be interested and experts in politics, aren't we? Back in 1985 at law school in Chile, I absolutely loved the modules Political Law and

Constitutional Law. And with some friends we founded the center-right party *Renovación Nacional* (currently part of the governing coalition in Chile). My first job was at a law firm which had no less than 20 former ministers, appellate judges and international law jurists. We were living in turbulent political times, under the Pinochet regime. Yet we never had a bad argument, a fallout. It was remarkable how always we could bring in different perspectives and seek consensus. It was more about policy than politics, substance than partisanship.

Today, this seems impossible. For sure, most companies have impeccable Codes of Conduct regulating the matter (I hope you noted my sarcasm here). As a General Counsel, especially in an

international environment, you should welcome a political discussion. I would argue, provoke it. But of course, the difficult part, make it a constructive exercise. Avoiding it is nonsensical and leads to silly situations like one I witnessed a couple of years ago in Spain: the company's purist Code of Conduct forbade speaking about politics. So, imagine the surprise of our very neutral headquarters when one of the executives appeared in the media supporting Catalan independence. Of course, it was claimed that it was "a private matter". Really? (and the internal noise it provoked would answer my question). You wish it was so easy in today's social media driven environment.

Rather than hiding the head in the sand, I am a firm advocate of a proper discussion always. It requires, especially from leaders, a steady hand so discussions are constructive, nonpartisan, civic and polite. At the very least the chances of having a surprise decrease significantly. It is far easier to 'show' (rather than 'tell') what are acceptable and what are unacceptable behaviors.

In many companies, top management will (or should!) always look to the General Counsel and the Head of Public Affairs for political guidance, especially incoming expats who know little about the details of local ongoing politics. External advisors can help certainly but do not delegate the task to them.

Regarding the legal team, I believe that discussing about politics and their impact on your company/clients' business is a must. Not only you'll be thinking collectively and creatively as a team, but you'll be focused in anticipating issues, in contributing to shape regulation (either directly or through industry associations) and in promoting further a civic participation agenda in your own team.

Certainly, there are some issues to deal with. Partisanship and polarized views might easily appear in some discussions. This is where, as General Counsel, you need to show your leadership by steering the discussion and keeping it proper. Your team should understand limits pretty fast.

In the Roman Republic and Early Empire/Principate, citizens interested in the *res publica* needed, by definition, to be trained in advocacy, rhetoric and follow the *cursus honorum*. It was nonsensical, an oxymoron, to be a member of the senate, or a magistrate, or a tribune and not have a legal education. Earlier, in Greece, all citizens of the respective city-state, e.g. Athens, Corinth or Sparta, had to participate in their political assemblies and show an interest in their state's politics. They were quite blunt when referring to someone who did not participate. They would call them *idiōtēs* (i.e. 'private person, layman, ignorant person', from *idios* 'own, private'). Tough eh?

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