

8 Tips When Facing Virginia Employment Law Problems

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Our law firm represents employees in the Commonwealth of Virginia when they face disciplinary, discrimination, retaliation, sexual harassment, contractual/executive agreement and other issues covered by Virginia employment law.

We often advise employees on how to best handle their employment difficulties at work either while they are developing or after an employment action has been taken. It is important for employees who are experiencing workplace problems to keep focused while issues are developing and to follow some general guidelines. Here are 8 tips:

1. Remain Calm.

When facing employment issues, don't get visibly upset in the workplace. As difficult as it may seem at the time, it is important to stay calm while at work even when dealing with significant employment issues. It generally is not helpful to argue with a supervisor over an employment issue that arises. Doing so can put an employee at risk for discipline, placement on leave or even retaliation.

2. Don't Discuss Employment Issues on Social Media.

It is highly recommended that an employee not post his/her employment problems on social media (e.g., Facebook, Twitter). Employees often forget who they have friended in the social media realm. Our firm often sees insubordination or misconduct cases involving posts that employees have placed on their social media accounts about issues in their employment (or about a particular supervisor) that have somehow been forwarded on to the employer or supervisor involved.

3. Keep Your Legal Plans Private.

Employees often get understandably upset with supervisors about a particular employment situation (e.g. Letter of Warning, Suspension, etc.) and infer that they are going to take legal action. Do not let your supervisor or employer know about your legal plans prior to consulting with an attorney. It is important to keep your plans private. We have seen many occasions where an employee informs a supervisor that he/she is seeking legal assistance on an employment issue, which then causes retaliation by that supervisor. It is important not to clue in a supervisor as to your legal plans early in the process until an employee has sought legal advice.

4. Be Wary of Your HR Department.

Don't necessarily trust your Human Resources (HR) department. Employees may think that HR is a neutral forum to raise employment issues, but this is generally not the case. Any employment issues that are raised by an employee may be forwarded back to your

supervisor and can lead to retaliation. HR departments work for and tend to be loyal to senior level supervisors as opposed to working to properly enforce company policy. It is important to be careful in bringing issues to HR's attention without first consulting with an attorney.

5. Don't Use Your Work Email Account for Workplace Issues.

Our firm generally recommends that employees not use their employer's email account to send personal or private information, especially related to their employment issues. It is often very easy to use an employer's email account for private or workplace issues, but it can hurt an employee's employment claims later. When an employer begins to notice or suspect problems with an employee, one of the first steps taken is to review the contents of the employee's work email account. Employers often archive old emails for each employee, so it is very important to be careful in what an employee sends out on his/her work email accounts. Otherwise, the information can potentially be used against the employee. The employer can potentially claim misuse of a work email account or obtain private information related to employment claims.

6. Be Wary of Using Your Employer's Computer for Employment Issues.

Along with work email usage, it is important to be careful about using your employer's computer or Internet browser for non-work-related issues. In cases in Virginia and elsewhere, we have seen a number of instances where an employer disciplines an employee for spending personal time at work on the Internet or allegedly misusing company resources for maintaining personal information (e.g., photos, resumes, personal documents, etc.) on a work computer. Employers can monitor Internet usage and what seems acceptable to an employer one day (or common in the office) can turn unacceptable when employment problems later develop between an employee and the company.

7. Avoid Conversations With Co-Workers About Employment Issues.

It is important to be careful in your conversations about your employment issues with co-workers in the office, even if they are your friends. It is often the case that an employee tells his/her private information to a coworker who then provides it to a supervisor or others at work where it eventually makes its way back to a problem supervisor or HR. We have seen this occur even with close friends who may not intend to turn this information over.

8. Consult With an Attorney Versed in Virginia Employment Law.

This really should be the first step when an employee in Virginia starts to have employment problems with an employer. Consulting with an attorney gives an employee peace of mind as to his/her legal options without the employer becoming aware of the specific employment issues at hand.

Contact Us

When facing employment issues in Virginia, it is important to obtain the advice of counsel where potential issues might arise at work. Our law firm stands ready to advise individuals with respect to their Virginia employment issues. We can be contacted at www.berrylegal.com or by telephone at (703) 668-0070.

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Practice Areas

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