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DETRA HICKS, AND DIANA HOWE ARE THE MOST AMAZING
INDIVIDUALS... I HIGHLY, HIGHLY RECOMMEND GIVING
THEM A CALL.” - S.L.

CAN YOU RECORD HARASSMENT AT WORK?

Dealing with workplace harassment can be an incredibly stressful and isolating experience. Whether it's verbal abuse, discrimination, or other forms of inappropriate behavior, documenting incidents is often a critical step toward addressing the problem. But can you record harassment at work to protect yourself and strengthen your case?

Recording conversations might seem like an effective way to collect evidence; however, not all recordings are legally or ethically permissible. The workplace harassment attorneys at Barrett & Farahany will explore the legal guidelines, ethical considerations, employer policies, and best practices for navigating this delicate situation.



Legal Guidelines For Recording Conversations

Before hitting the record button, it's crucial to understand the laws governing the recording of conversations. These laws differ from state to state and can largely be broken into two categories: one-party consent states and two-party (or all-party) consent states.

A Word of Caution

Laws can be nuanced and complex, especially when intersecting with federal laws or specific workplace policies. The details shared here are for informational purposes only. To ensure compliance, consult an attorney in your state for tailored legal advice.

Ethical Considerations for Recording Workplace Harassment

Even if recording is legal in your state, ethical questions often accompany the practice of recording someone without their knowledge or consent:

- **Impacts on Trust and Relationships:** Covert recording of conversations can erode trust in the workplace, potentially harming relationships with colleagues and supervisors. Even those supportive of your situation might view the act as invasive if discovered.
- **Transparency and Honesty:** Where possible, transparency is often a better route. For example, consider letting others know when you feel the need to document a conversation or concern in a way that aligns with organizational policies.
- **Balancing Ethics and Safety:** Remember, ethical standards should not come at the cost of your safety. If you feel at risk, trust your instincts and prioritize your well-being.
- **Employer Policies on Recording:** Apart from state laws, many companies

have policies specifically addressing the recording of conversations in the workplace. These rules can vary widely depending on the organization and industry.

- **Reviewing Your Company's Policies:** Most employee handbooks include details about recording policies. Be sure to review these sections carefully or ask your HR department for clarification if needed. Policies may prohibit recordings entirely or allow them under controlled conditions.
- **Consequences of Violating Employer Policies:** Ignoring or violating workplace recording policies can result in disciplinary actions, including termination. Always weigh the potential repercussions before proceeding.

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