

Protest March Planned for Monday, February 13, Could Affect Employers

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A “Day Without Latinos, Immigrants, and Refugees” march is planned for Monday, February 13, 2017, at 11:00 a.m. in Milwaukee, Wisconsin. The march, organized by [Voces de la Frontera](#), is in protest of Milwaukee County Sheriff David Clarke’s plan to participate in a federal program that allows local law enforcement to perform some of the same duties as U.S. Immigration and Customs Enforcement (ICE) agents, including duties related to identifying, processing, and detaining undocumented immigrants.

March organizers plan to provide busing for individuals who wish to participate in Monday’s event. Buses have been confirmed for the Racine, Waukesha, and Madison areas to transport individuals to Milwaukee, and buses are also planned for the Appleton and Green Bay areas. A similar protest occurred in opposition to two legislative bills related to immigration issues last year in Madison, drawing approximately 20,000 protestors.

While Monday’s march is not anticipated to be as large as the protest in Madison last year, it could be large enough that employers will feel impacted. Employers are encouraged to consider how their staffing needs may be impacted by Monday’s march.

Marches and other protest events can spark disputes and litigation between employees who leave or miss work to attend the marches and employers seeking to enforce attendance and other policies. There is no “one-size fits all” approach to the variety of issues associated with employee involvement in immigration marches or protests. We urge employers to review their existing policies, consult with legal counsel about their rights and responsibilities, and map out a common sense approach consistent with their workplace culture.

Employers should address employee time-off requests in a manner consistent with their employee handbooks, other unpaid and paid leave and attendance policies, and labor agreements (if

applicable). Any communication to employees should be carefully considered, professional, and free from any bias that could invite claims under state or federal discrimination laws or violate any labor agreements. Be careful to avoid any retaliation against employees who may be engaged in “protected concerted activity.” Any disciplinary action should be carefully considered with the input of experienced legal counsel.

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