

How to Balance Diverse Views in the Office

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger, both attorneys Offit Kurman, and today we are talking about workplace communications around controversial topics. So obviously you probably have a lot of different types of folks from different backgrounds and different belief systems and everyone in a workplace typically does not have the exact same view on probably a lot of things.

And, might have stronger views than others on maybe religion or in politics or something going on in the community. And if those topics come up at work, it can definitely lead to discomfort among employees depending on what the situation is and the dynamics between the employees.

So what are some things that employers should be keeping in mind when these controversial topics come up? I know that we have seen an increase in some of these issues over the last couple of years, just [00:01:00] given the dynamics of things in the world. So what should employers be keeping in mind when it comes to these types of things?

Russell Berger: Yeah. The place where I really start is, number one, there are certain types of conversations that are going to be subject to the anti-discrimination, anti-harassment laws. And in those cases, you should comply with the law and figure out a way to navigate through them in a lawful manner.

But, if you're not implicating those laws and you're not implicating the laws on workplace communications about the workplace among employees. Pretty much have a lot of latitude as to how to regulate it. For example, a topic that jumps to mind is gun control.

That's not a protected classification in the workplace context, but, talking about guns might make people feel uncomfortable in the workplace. So you can imagine a scenario that would be true. As an employer, you have an ability to regulate that conversation and there are better practices for how do you handle that. And, you make everyone feel heard and that you appreciate their view and their position. But, [00:02:00] ultimately, the goal of the workplace is to operate the business. And, some side conversations that make people feel uncomfortable may cause problems, are things that can and oftentimes should be managed.

Sarah Sawyer: It can feel very sticky because managing it in both directions can be a little bit sticky and feel a little bit challenging to find a way to neutralize these issues without making someone feel the people who want to talk about it feel uncomfortable.

But, I think it's always important to make the distinction that it's not that you're trying to shut down what they're talking about or what they believe in, or what they care about. It's really is around that productivity, the business sense of things and a sense of community amongst employees ultimately.

People spend a lot of time working more time working sometimes than they do at home with their families and friends. And to your points about, productivity, ultimately you have to have an environment where people feel like they're focused on work, they're focused on what they need to get done and that they're not distracted by those [00:03:00] issues as well. There's a time and

place for those types of conversations. It's not to say that an employee can't talk to people about that outside of work and when they're with their friends and have those views.

And you're not trying to shut down the view itself. It's more, well, what is the impact and what's the time and place for those things?

Russell Berger: Yeah. That's right. It's redirecting. You might agree with the comments that are being made. It's not about alignment on the comments. It's about alignment on, how we spend our time in the workplace.

And, recognizing that, the purpose of the workplace isn't to try to evangelize everyone to a common set of thoughts or views about the world. It's to get the job done and things that interfere with getting the job done are things to be avoided and managed out from a business perspective.

Sarah Sawyer: And then there is the category of things that are obviously protected as well. So then you start to really wade into the things that are more risky as a business, even beyond productivity and making sure everyone's comfortable at work.

it's an area that can be challenging, but [00:04:00] definitely is worth paying attention to. And, doing the hard work of saying, "Hey, we want to have some policies around this. We want to make sure that we're keeping an eye out for this. And addressing stuff when it does come up. " These types of conversations when they do come up and someone might be uncomfortable.

Russell Berger: Yep, that's right.

Sarah Sawyer: Well, thanks Russell. We'll see you next time.

Russell Berger: Thanks, Sarah.