



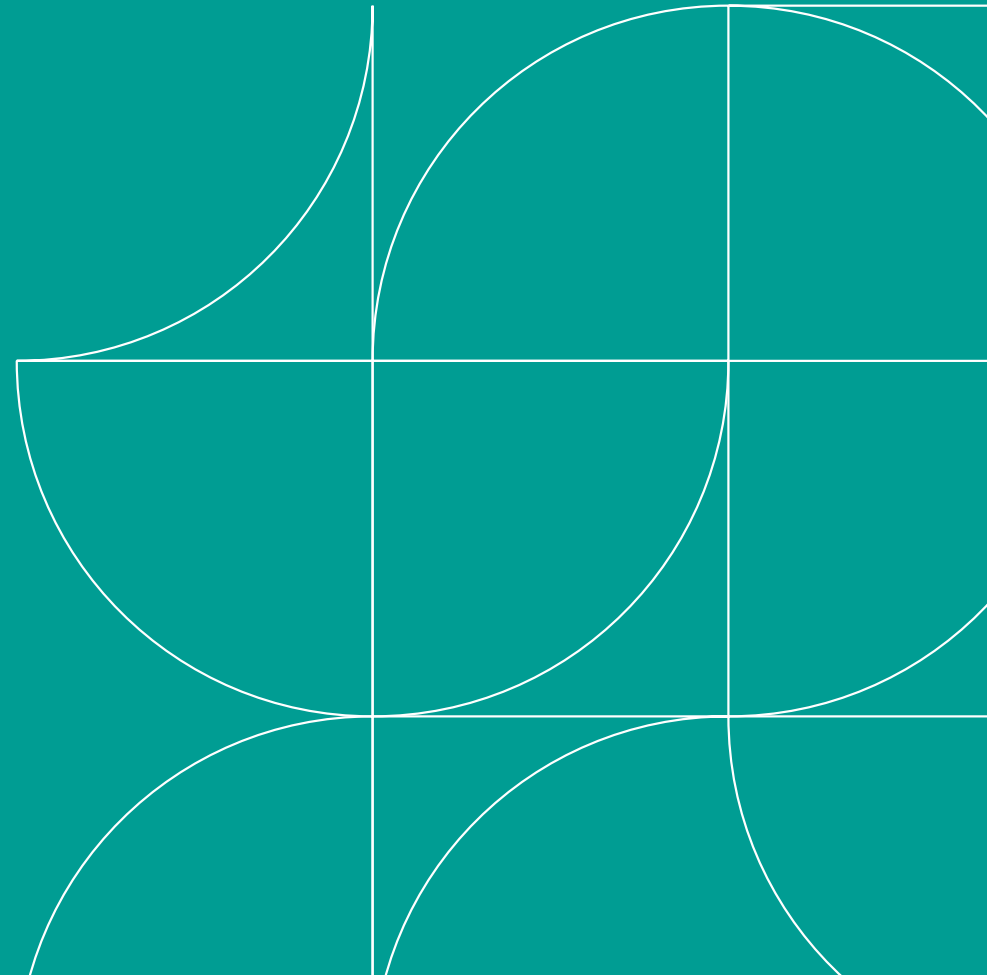
Navigating Cultural Flashpoints in the Workplace from a Legal Perspective

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Dawn Solowey

January 23, 2024

Seyfarth Shaw LLP

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Today's Presenters



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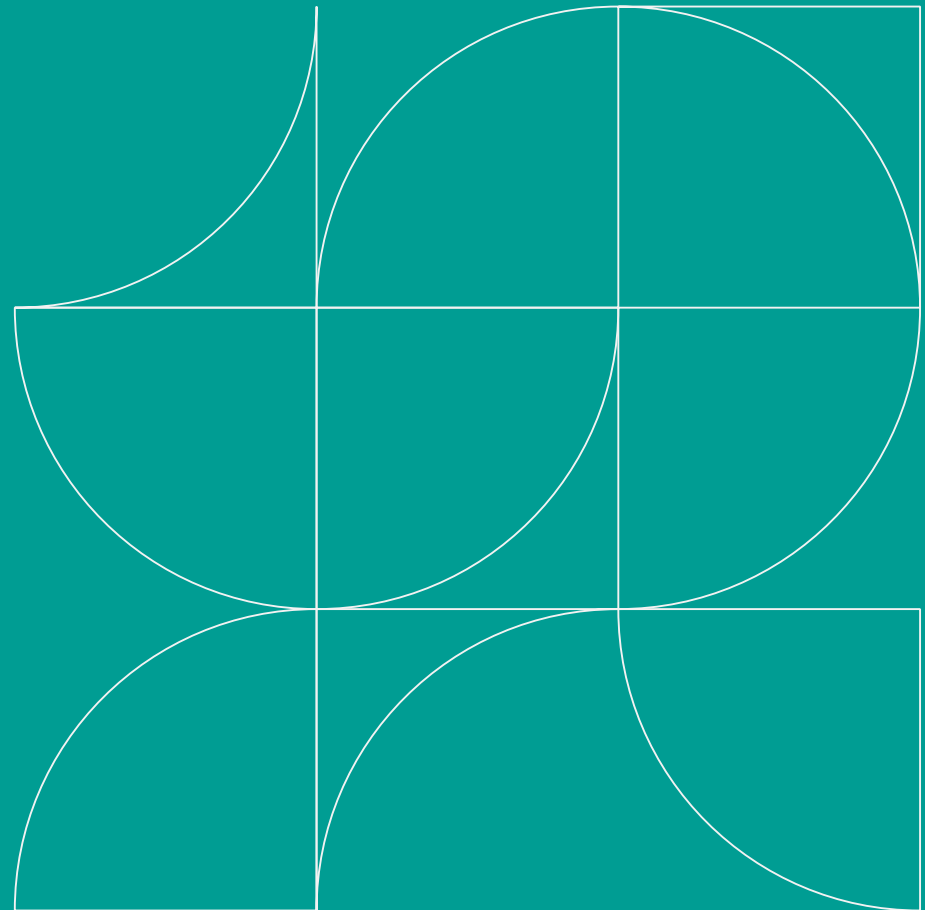
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Agenda

- 1 | What Do We Mean by Cultural Flashpoints?
- 2 | Voice of the Client
- 3 | Common Flashpoints & Best Practices
- 4 | How to Use Policies to Take Down the Temperature
- 5 | Why Training Is Your Secret Weapon
- 6 | Final Recommendations – How We Can Help

What Do We Mean By Cultural Flashpoints?



What Do We Mean by Cultural Flashpoints?

- Workplaces are not immune from polarization in American society
- Cultural conflicts are on the rise
- When cultural flashpoints occur, employers must have effective strategies to:
 - lower the temperature or,
 - if that is not possible, defend against ensuing litigation
- In an election year, these trends will only accelerate
- Clients are asking for help navigating these issues



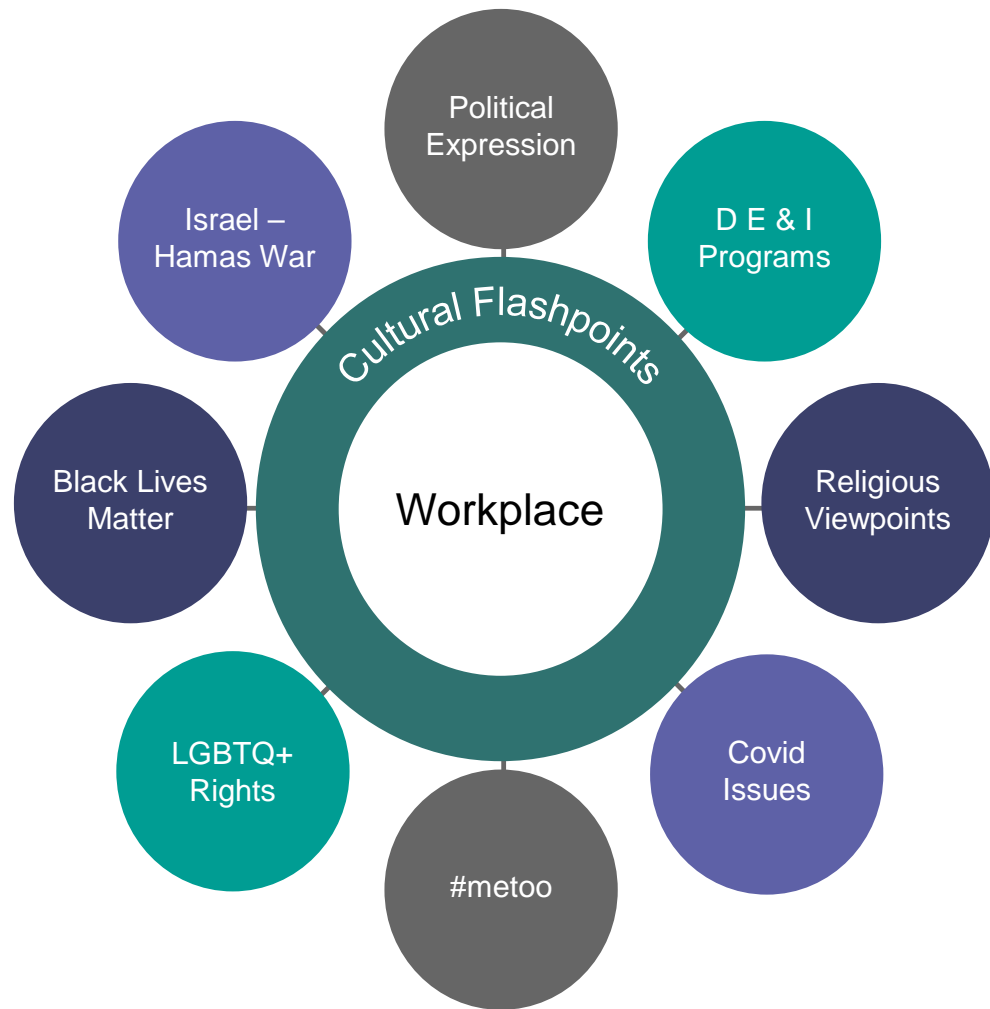
Flashpoints from a Legal Perspective



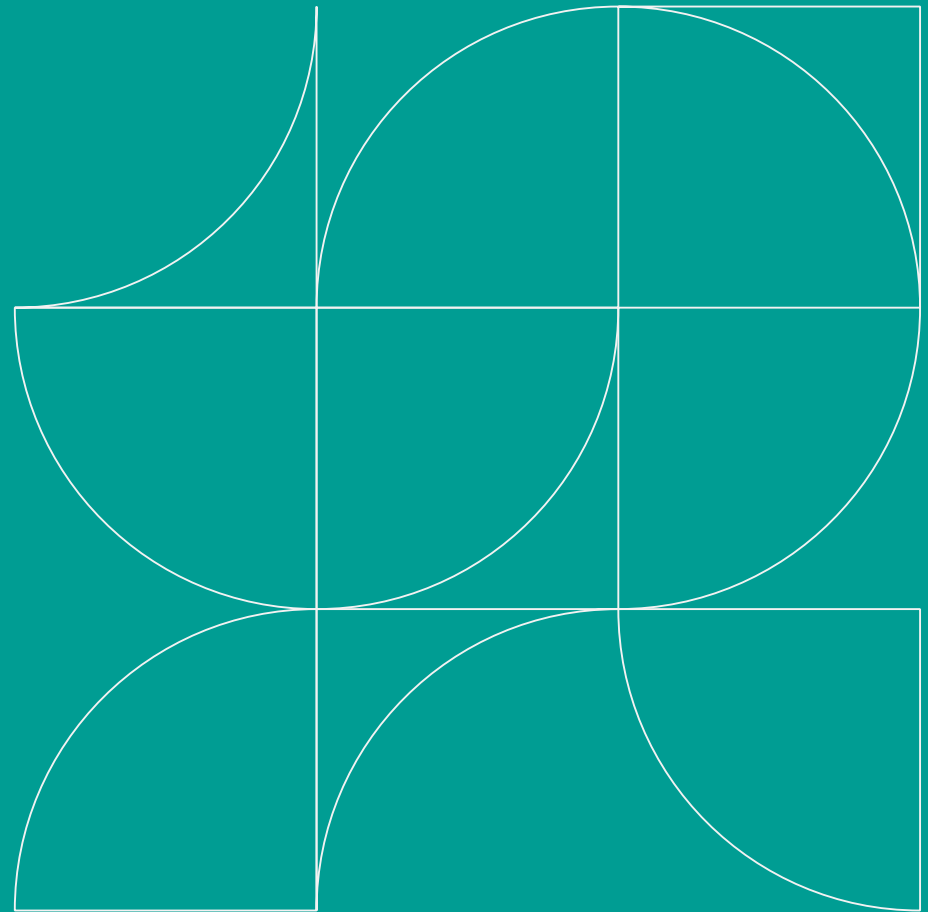
A note about this webinar

- Even talking about cultural flashpoints can be tricky
- Please know that we approach these issues today as neutral legal advisors and business partners in order to help our clients
- The viewpoints we discuss today are examples only and not those of Seyfarth Shaw or the presenters

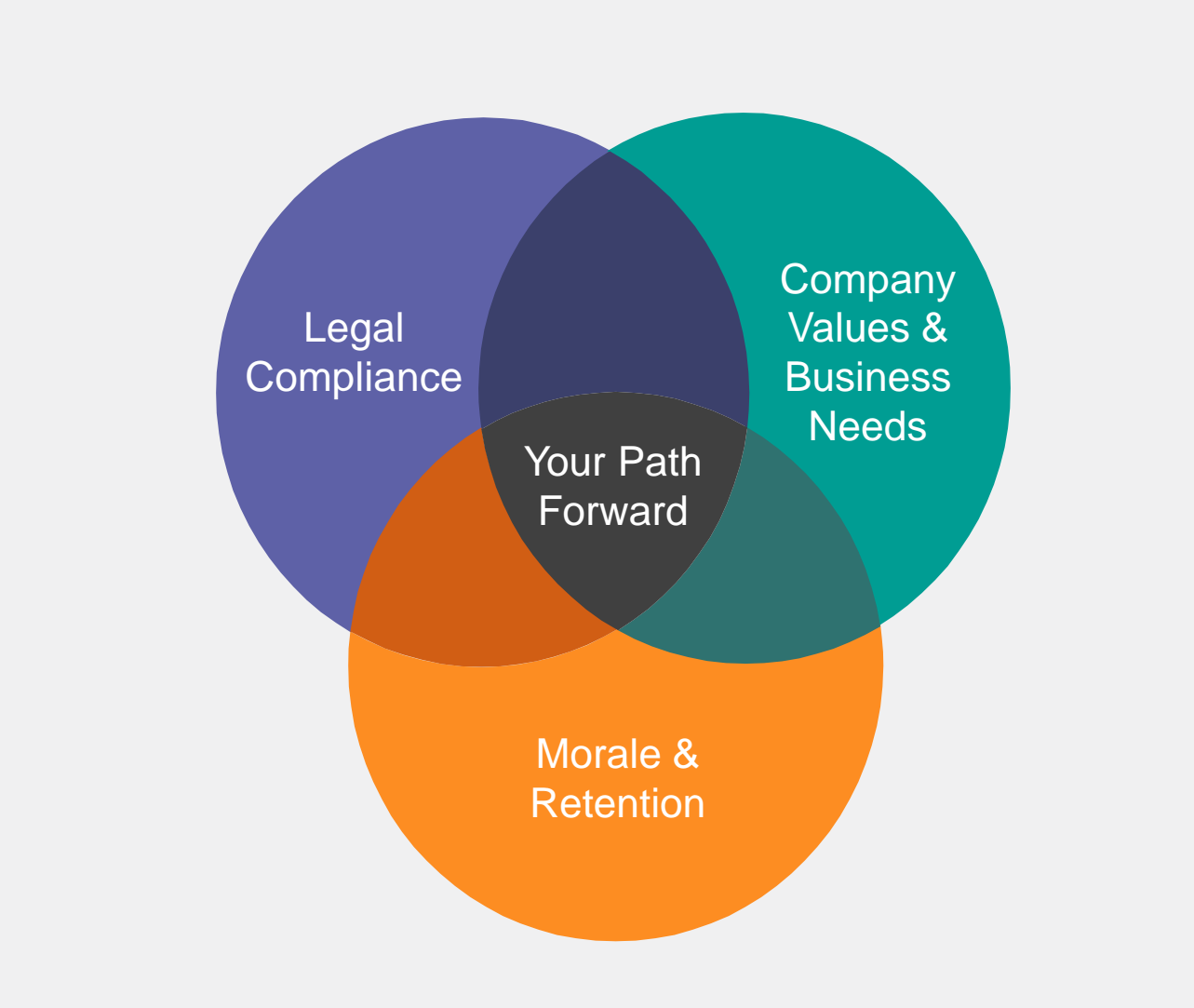
What Do We Mean by Cultural Flashpoints?



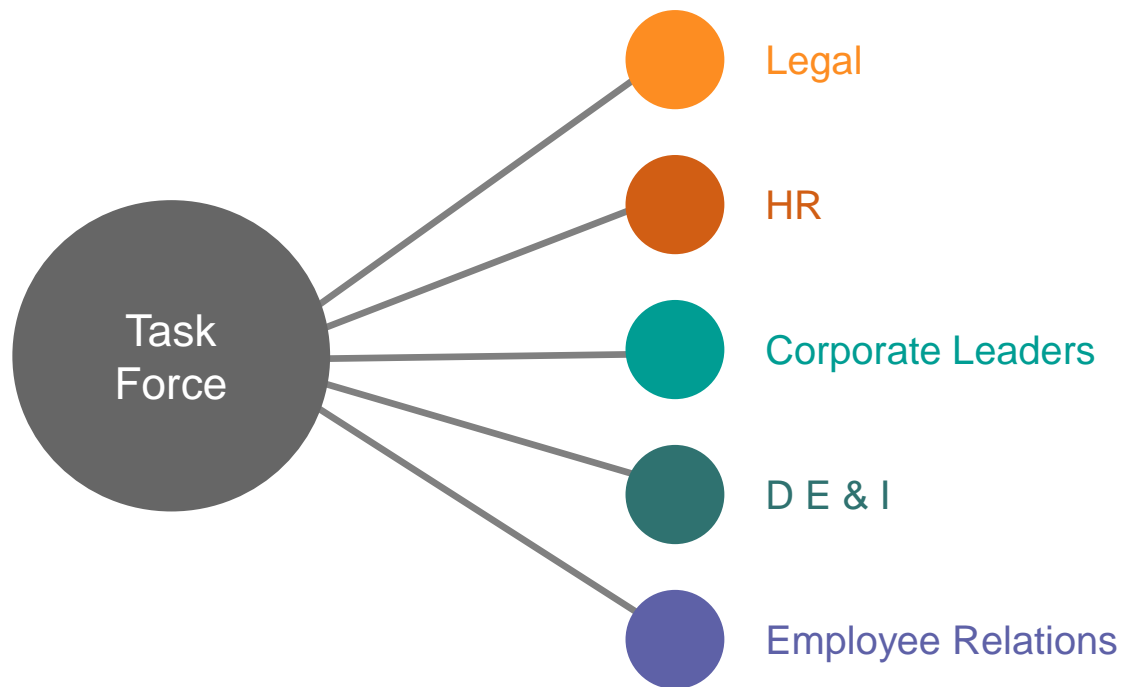
Voice of the Client



Voice of the Client



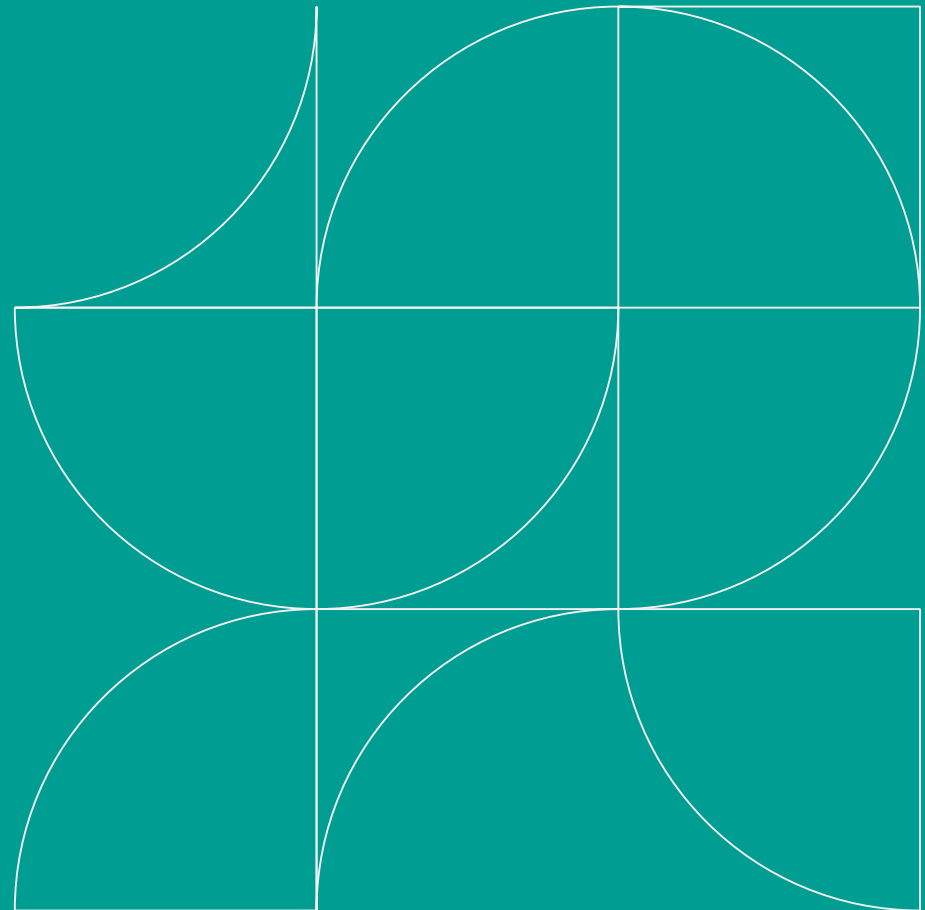
Consider Your Own Internal “Flashpoints” Team



Does the Company Wade Into a Flashpoint Issue At All?



Common Flashpoints & High-Level Best Practices



Religious Accommodation Issues

The Legal Standard

- Standard for religious accommodations
- *Groff v. DeJoy* (SCOTUS, 2023)

Trends



Religious Issues

- More requests for religious accommodation
- Requests for exemption from COVID vaccination
- Requests for prayer space or a prayer room
- Requests to be exempt from, e.g., diversity training, Pride Month, using preferred pronouns
- Requests for religious ERGs
- Requests for training about specific religions

Trends



Discussions of Flashpoint Topics at Work

- Employees may discuss flashpoints from the news or social media that intersect with protected classifications
 - January 6
 - police misconduct
 - confederate statues
 - public trials on rape or sexual harassment
 - abortion rights
 - religious issues
 - LGBTQ+ issues
- Ways in which this may come up?
 - 1:1 conversations between employees
 - Group discussions
 - Offsites / travel
 - Zoom backgrounds
 - Slack / Jabber Disputes
 - Displays in office or cubicle
 - Attire, hats, pins, flags
 - Outside speakers at events

Trends



Off Duty Conduct

- Social media posts that offend coworkers or customers
- Conduct captured in photos or videos

Trends



Diversity Equity & Inclusion Programs

- Every day another headline about attacks on DE&I
- Individual employees may try to challenge DE&I programs
 - may refer to religion, race or other protected classifications
- State or local laws may impact programs

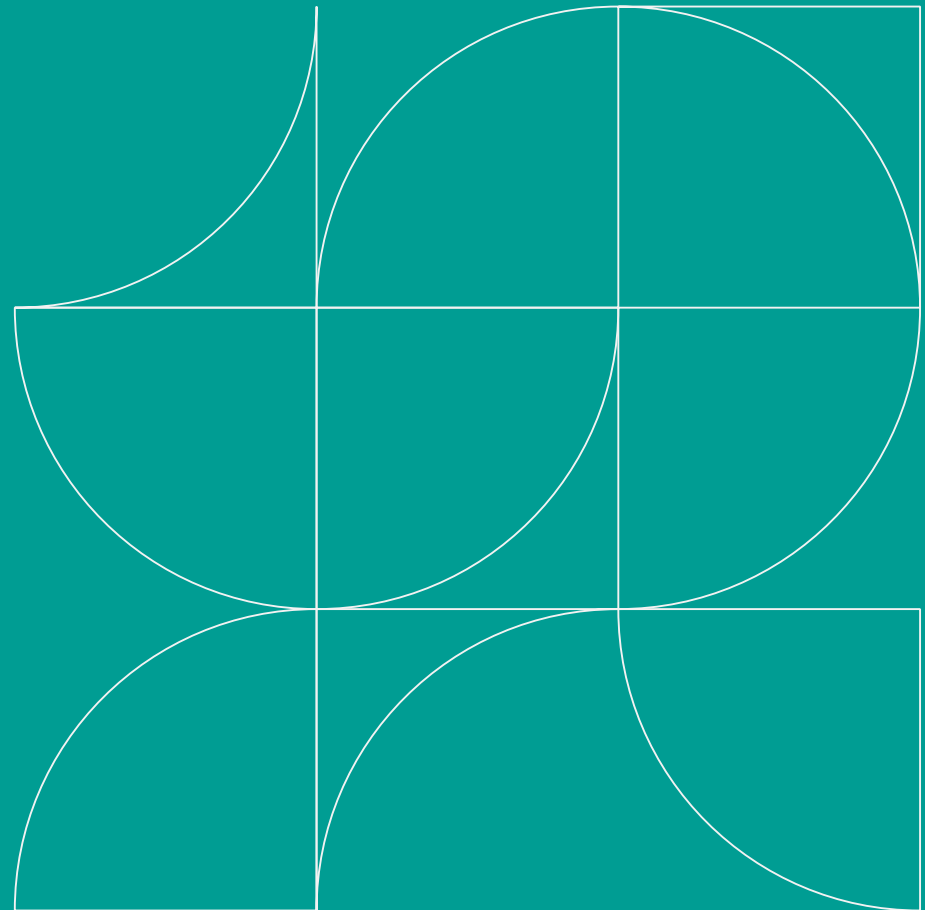
Trends



Resume Triggers

- Resumes may mention groups or organizations that are polarizing
- May be generational forces at play as well
- Hiring manager may be tempted to write candidate off
- Polarizing item on resume may relate to one or more protected classifications

Use Policies to Take Down the Temperature



Use Policies to Take Down the Temperature

**Discrimination
/
Harassment
/
EEO**

Respect

**Political
Expression**

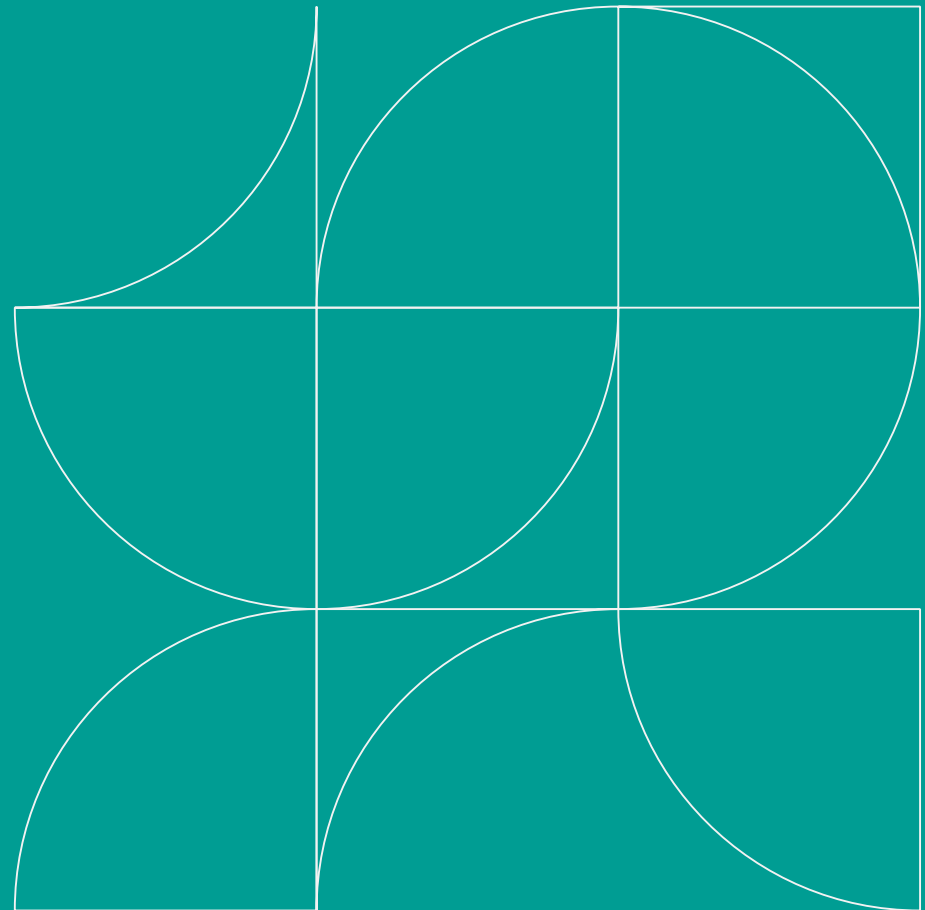
**Religious
Accommodation**

Social Media

Consider Changes to Everyday Policies Too



Training Is Your Secret Weapon



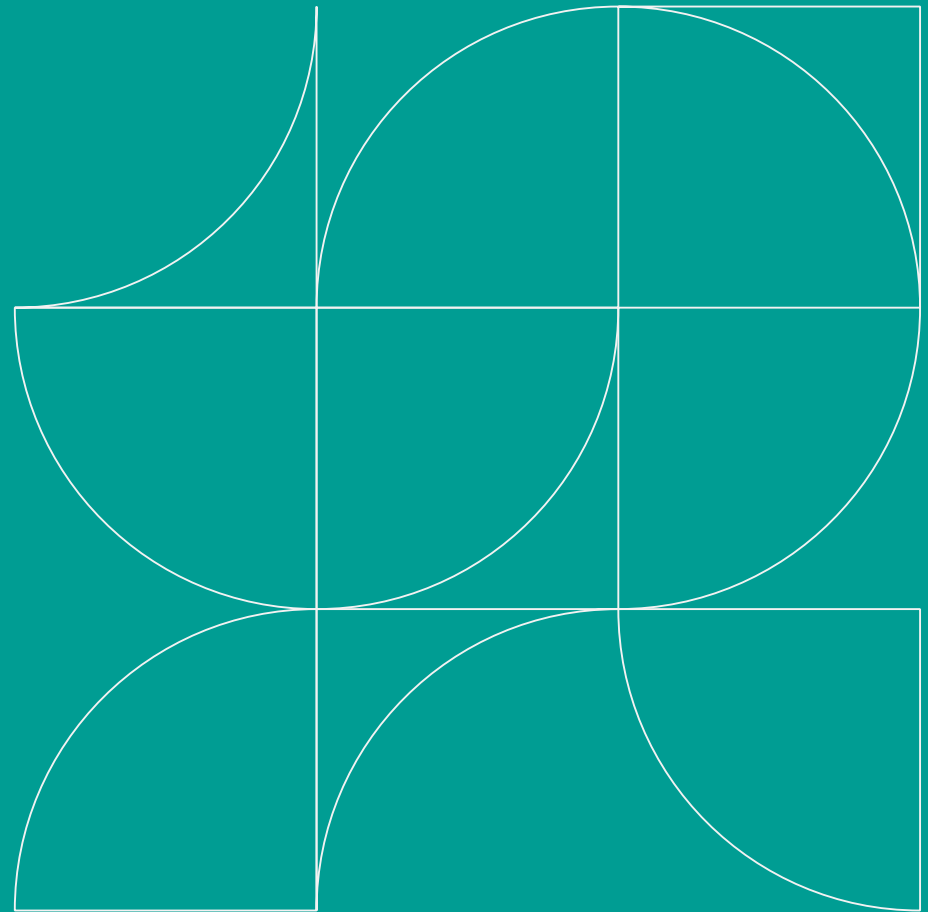
Training Is Your Secret Weapon



It's an investment.

- How to train?
- Who to train?
- Be careful with hypotheticals.

Final Recommendations



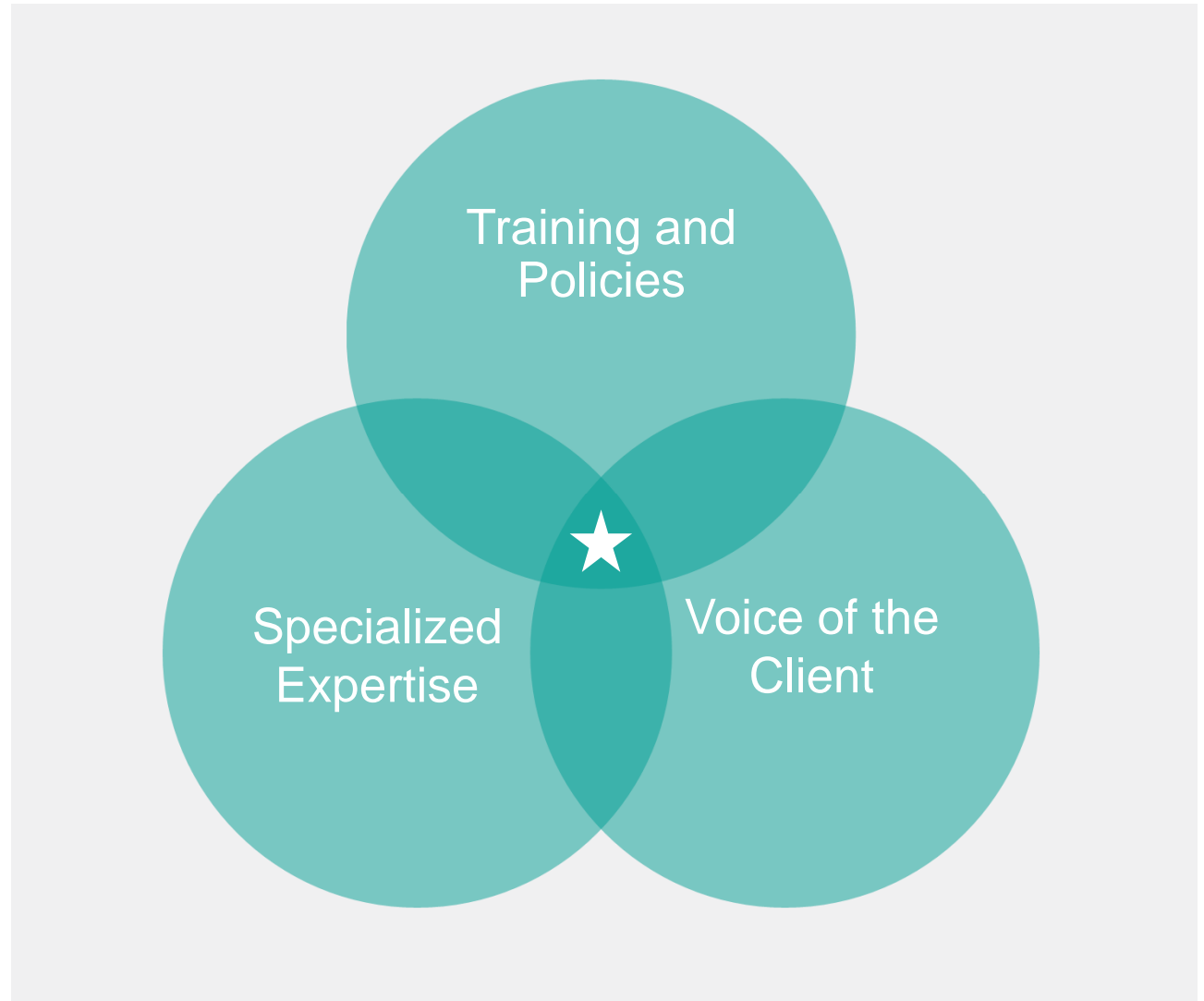
What You Can Do In-House Right Now

✓ Three things:

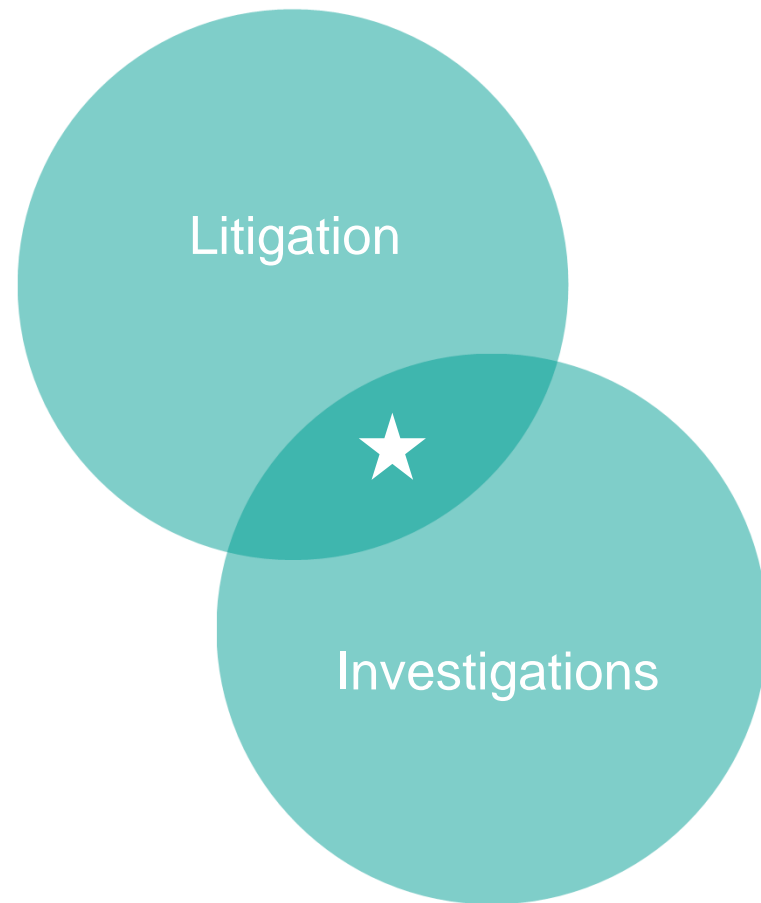


- ✓ Update policies
 - ✓ Audit your trainings
 - ✓ Consider an internal Flashpoints team
-

**Reach out if you
need help --
Counseling**



**Reach out if you
need help**



**thank
you**

contact information

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