



Creating a Safe Space at Work for Discussing Social Justice Topics

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Social justice and racial equality are more than just hot topics on social media. Employees are talking about these issues in the workplace, and employers can bolster their diversity, equity and inclusion efforts by providing a safe space for workers to have respectful and honest conversations.

The Society for Human Resource Management's (SHRM's) recent report, *The Journey to Equity and Inclusion* (https://togetherforwardatwork.shrm.org/wp-content/uploads/2020/08/20-1412_TFAW_Report_FNL_Pages_V2.pdf), found a need for more awareness in the workplace about racial inequality. Significantly, almost half of Black HR professionals (47 percent) said they do not feel safe voicing their opinions about racial justice issues in the workplace, while only a little more than one-quarter of white HR professionals (28 percent) say the same. Black and white workers generally agreed, however, that discussions about race can be uncomfortable.

"But by thoughtfully cultivating these discussions and implementing what is learned, HR and other business leaders can guide our workplaces into a new era of honesty, respect, understanding and inclusion," said SHRM President and Chief Executive Officer Johnny C. Taylor, Jr., SHRM-SCP, in the report's foreword.

Leading the Way

Creating a safe space for workers to have candid discussions starts at the top of the organization. Tyree Jones, an attorney with Reed Smith in Washington, D.C., said companies should establish a culture where leadership is held accountable to the commitment they made and the principles that they are instilling in employees.

"Senior leaders can no longer sit on the sidelines and ignore social justice issues in the workplace," said LaToi Mayo, an attorney with Littler in Lexington, Ky. Historically, certain topics, such as race, religion and politics, were deemed off limits in the workplace, she said, but conversations on these topics are now prevalent, particularly because of the widespread use of social media.

"The fact is that employees are engaging in these discussions, and what happens outside the workplace does impact morale," Mayo said.

Employers can help steer the conversation in a positive direction. Luther Wright, an attorney with Ogletree Deakins in Nashville, said employers can provide healthy opportunities for respectful workplace dialogue by hosting town halls, listening sessions and facilitated conversations. "Clearly articulate your company values and take stances and support causes that are consistent with your core values."

Developing Sound Policies

Employers will have an easier time responding to current events when they already have a standard communication policy. "Do your homework beforehand to make sure your policies are in place before you get hit with the next issue," Mayo said.

When developing communication policies and facilitating conversations about racial inequity, political activities and other sensitive topics, employers should be mindful of certain laws and regulations that protect employee speech both in and outside of the workplace.

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Although the First Amendment does not cover employees at private businesses, public employees have some free-speech protections at work. Still, private employers should consult state laws, which may provide protection for political expression and off-duty conduct. In California, for example, employees cannot be discriminated against based on their political affiliation or political activity.

As employees discuss social justice issues, they also have the right to discuss possible unlawful conduct in the workplace. Under various federal laws, employees may complain about harassment, discrimination, workplace safety violations and other issues. Under the National Labor Relations Act, private-sector employees in both union and nonunion settings have the right to discuss wages and working conditions.

"If an employee's political activity or speech has a nexus to the terms and conditions of their employment and does not create a hostile work environment based on a protected class, the activity or speech may be protected under federal law," Jones said.

However, employers can prohibit speech that is profane, defamatory or malicious against the company or its managers, he noted. Employers should ensure that disciplinary actions are consistent and applied objectively and uniformly to every employee.

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Creating a Culture of Trust

SHRM's research found that employees' fear of saying the wrong thing often prevents them from having honest conversations about race relations, especially with people of other backgrounds.

So the organization must build a culture of trust among senior leaders, managers and employees. "A culture of trust must be institutionalized and operationalized through the policies and practices of the company," Jones said. "The company should establish a culture of feedback that is reliant on employee suggestions for continuous workplace improvement."

When creating opportunities for workers to discuss social justice issues, Wright suggested that employers take the following steps:

- Make sure employees feel healthy and safe. This includes helping employees deal with the emotional impact of what's going on in the country, offering a robust employee assistance program and providing outlets to discuss emotional societal issues in a positive way.
- Take time to review policies and practices and scrub them of any bias or disparate impact on people of color and other minorities or vulnerable populations.
- Consider what the organization can do to support social justice initiatives in its industries and communities. Employers are members of the community and are impacted by unrest just like other community members.
- Ensure all employees, especially supervisors, are well-trained on respect in the workplace; diversity, equity and inclusion; and in de-escalation techniques.

Mayo noted that affinity groups—which are formed around a shared interest or common goal—can share valuable information about engaging in safe dialogue and help establish a forum to talk about allyship and ways to tackle racial injustice in the workplace.

A true leader will tackle these issues head-on by demonstrating an active commitment to the core values of the company, Mayo said, and creating a diverse group to develop a social justice strategy to address key issues that are important to the organization.