

## When a Company's Public Positions are in Tension with Employees' Beliefs



### INTRODUCTION

Especially in this age of social media, diverse employees passionately hold a wide range of views on public policy and legislative issues. So, when a company takes a public position on a particular broad social cause outside the scope of normal business operations, some employees may be disappointed. The matter becomes especially personal when the issue touches employees' core faith and beliefs.

We'd like to suggest some guidelines for navigating these tensions. In doing so, our premise is that the workplace offers forums for civil discourse in which people can lean against larger social trends toward division, fear and rancor. While it's impossible to please everyone in a diverse community, our workplaces can be arena where people can find ways to disagree and yet respect, value and love one another.

### GENERAL CONSIDERATIONS

As a starting point, the law provides some useful general guidance here. (The following is not intended to serve as comprehensive legal advice... companies should consult legal counsel for that).

- Under Title VII of the 1964 Civil Rights Act and many state and local laws, employers must not discriminate against employees (or applicants for employment) differently on the basis of their religious beliefs or practices, or lack of religious beliefs or practices. Employees cannot be required to participate or refrain from participating in an activity that would violate their religious conviction as a condition of employment.
- Laws also require that employers try in good faith to accommodate the religious needs of their employees upon request, unless it would cause an "undue hardship" to the employer. Title VII prohibits harassment because of religious beliefs or practices and forbids an employer from retaliating against an employee for asserting rights under Title VII.

Even if the company is not forcing its employees to say they agree with its public position on a public policy issue, it should consider the effect of taking a public position on its stakeholders across the spectrum. Naturally, the Company wants its employees to be proud to work for them; to work wholeheartedly to advance its business. Especially if the company has expressed and demonstrated a commitment to religious diversity and freedom of conscience, it will want to go beyond what's strictly legally required to accommodate people of faith.



## STRATEGIES TO RESPECT RELIGIOUS DIVERSITY

With that in mind, employees and employers in many companies have successfully found common ground by using the following five strategies:

### 1. Be proactive

- Waiting for a problem to arise increases the risk of strife in the workplace, mistrust and legal challenge.
- A company that anticipates objections and develops and adopts clear mechanisms in advance for taking them into account can minimize problems and even avoid many of them altogether.

### 2. Include all stakeholders

- Policy decisions should only be made after appropriate involvement of those who will be affected by the decisions, including due consideration of those holding dissenting views.
- Faith – oriented employee resource groups and company chaplains can be a hugely valuable resource in policy-making that may have religious implications. Giving them a voice helps demonstrate the company’s sincerity about religious freedom and will enable wiser decisions.
- Consideration should also be given to the possible impact of the policy on the company’s recruitment and retention.

### 3. Listen respectfully to all perspectives

- In order to build trust, the company culture must encourage leaders to humbly acknowledge valid critiques of policies and practices. This is especially important when dealing with issues touching employees’ core values and religious convictions.
- Each participant in policymaking should acknowledge that the rights of multiple stakeholders are important.
- The exchanges of ideas should be conducted in a way that is constructive. Personal attacks, name-calling, ridicule, and similar tactics destroy the fabric of corporate culture and undermine the success of any enterprise.
- When their faith traditions have been taken into account, employees will be more understanding and accepting even when decisions go in a direction they don’t personally favor.

### 4. Commit to follow up and “close the loop”

- The opportunity to express and discuss differing views on important issues is vital to a healthy corporate culture. But talk is cheap. Without consistent and equitable follow-through, the discussions will erode management credibility.
- In many cases, it’s important to reach a conclusion. Unending debate can be counterproductive.
- Engage your company’s communications experts in delivering the message.

### 5. Seek help from people who have successfully traveled this road

- Benchmark best practices of companies that have promoted religious freedom in business (such as those celebrated in the REDI Index).
- Consult with other experts, like the Religious Freedom & Business Foundation, Johnny Parker, and others.



## ADDITIONAL CONSIDERATIONS

This guidance is not intended to discourage companies from taking public positions on matters of importance to the larger community (though sometimes, the process may lead to a company choice not to have the company speak on a particular issue). It simply seeks to help companies engage broader social issues in a sensitive way.

Consistent with this philosophy of promoting diversity, freedom and mutual respect, the Religious Freedom & Business Foundation encourages companies to consider integrating their religious inclusion and freedom policy as part of their larger corporate social responsibility program, and perhaps even make religious freedom part of their disclosures in annual reports.

- A company may choose to make religious freedom protections part of contracts for organizations that are part of the supply chain.
- A company may choose to pull direct foreign investment out of countries that abuse human rights, including the right to freedom of thought, conscience and religion.
- A company may provide resources and fundraising for non- governmental organizations that promote religious freedom.
- A company may approach governments about creating social or political situations that are more favorable to expatriate employees who will be religious minorities.
- A company may consider making religious freedom initiatives part of its disclosures in its annual statements.

## OPEN DISCUSSION, QUESTIONS AND ANSWERS

It's admirable for companies to take public positions on broad issues affecting society. When doing so, we have found that these strategies are highly successful in companies that are building a culture of civility in diverse workforces. In this same spirit, we'd like to hear your questions and thoughts on the subject. Also, see the great suggestions from Dr. Johnny Parker at right.

**CREATING A SAFE SPACE FOR COURAGEOUS CONVERSATIONS**

TURN THE PAGE

CREATING A SAFE SPACE REQUIRES BECOMING A SAFE PERSON. COURAGEOUS CONVERSATIONS CAN BE MESSY. YET, GROWTH IS ON THE OTHER SIDE.

**HEART**

- HUMILITY+HONOR**  
What are my intentions?  
Am I willing to honor others who have a different view than mine?
- EMPATHY**  
Am I willing to view the situation from a different perspective?  
Am I willing to ask, "What do you want me to hear that I am not hearing?"
- AWKWARD**  
Am I willing to be curious and lean into the awkward?  
Am I willing to ask, "When you say \_\_\_\_\_, what do you mean?"
- RECEPTIVE**  
Am I willing to be more interested in hearing your story rather than insist that you hear my story?
- TRUE+TRUST**  
Am I willing to build (or rebuild) trust by believing the best about your heart?  
Am I willing to be slow to speak by asking three questions - Is it true? Is it kind? Is it necessary?

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