

Welcome!

The webinar will begin shortly...

3:00

minutes

until the webinar starts

While you wait, here are some fast facts about HR outsourcing:

Companies that outsource HR to a professional employer organization (PEO) are **50% less likely** to go out of business.



The webinar will begin shortly...

2:00

minutes

until the webinar starts

While you wait, here are some fast facts about HR outsourcing:

Companies that use a professional employer organization (PEO) are **28% more satisfied** with their available selection of employee benefits.



"PEOs: Taking Outsourcing a Step Beyond Pays off for Small & Mid-Sized Companies" Aberdeen Group, 2011

The webinar will begin shortly...

1:00

minute

until the webinar starts

While you wait, here are some fast facts about HR outsourcing:

G&A Partners has an average Net Promoter Score (NPS) that is **35x higher** than that of the HR outsourcing industry.



"NPS Benchmarks for B2B" Inavero, 2014



Political and Personal Expression in the Workplace

Tracy Winn, G&A Partners



Before we begin...

- We are recording this webinar. The on-demand recording will be available on our website by the end of the week.
- This webinar has been pre-certified by the Human Resources Certification Institute (HRCI) for one hour of HR general recertification credit.
- If at any time during the presentation you have a question you'd like us to answer, please send it to us using the "Questions" tab in the GoToWebinar menu bar.

About G&A Partners

G&A Partners delivers world-class HR solutions that help build thriving businesses and make a difference in the lives of the clients and employees we serve.

G&A Partners has a local presence in the following markets:





**Tracy Winn,
Senior HR Advisor,
G&A Partners**

- Protections under the law
- National Labor Relations Act (NLRA)
- First Amendment
- Off-duty activities
- Public displays in the workplace
- Voting time
- Harassment/respect policies & trainings
- HR's role



Poll Question

Have you noticed an increase in political or personal discord among your employees or staff in the past three months?

- 82% of Republicans believe the Democratic party has been taken over by socialists.*
- 80% of Democrats believe the Republican party is being controlled by racists.*
- 45% of Democrats would be unhappy if their child married a Republican.*
- 35% of Republicans would be unhappy if their child married a Democrat.*

With statistics like this, is it any wonder we can't get along?

- 42% of employees have a had a “political” disagreement at work.*
- 12% have experienced political affiliation bias.*
- 34% say their workplace is not inclusive of differing political perspectives.*
- 56% say politics and the discussion of political issues have become more common in the past four years.*
- 32% of U.S. workers felt that they needed a mental-health day after the 2016 election.**

*SHRM poll (10/2019)

**Reflektive survey (2016)



Protections Under the Law



Civil Rights Act 1964 – Title 7



- Race
- Color
- Religion
- Sex (gender)
- National origin
- Sexual orientation

Other protections



- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)
- Pregnancy Discrimination Act (PDA)
- Genetic Information Nondiscrimination Act (GINA)
- Many other state and local protections

Even more protections

- Some states explicitly prohibit employers from making job decisions based on an employee or applicant's politics.
 - CA, OR, WI
- Some states have laws that prohibit employers from making job decisions based on an employee's off-duty conduct (as long as it is legal).
 - CO



National Labor Relations Act (NLRA)





NLRA guarantees the right of ALL non-public employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity.

But I'm not a union employer...

- All employees, regardless of union status, may discuss wages, benefits, or working conditions without fear of retaliation from their employer if the intent is to improve the terms and conditions of their employment.
 - This is called “concerted activity.”

But I'm not a union employer...



- You don't have to allow employees to use company property, resources, etc., for concerted activity.
- You may have a "no-solicitation" policy that prevents employees from soliciting and/or distributing literature on behalf of another organization.
 - Girl Scout cookies
 - School fundraisers
 - Weekly bowling league

BE CONSISTENT!



First Amendment

First Amendment



Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

How does the First Amendment affect the workplace?

- It does not apply to private workplaces. There is no constitutional right to free speech in the workplace, regardless of what employees think.
 - Employers have a wide latitude to limit speech that might be offensive to others.
 - Employers can discipline or discharge employees for legitimate, business-related purposes.
 - Does the behavior interfere with business, disrupt others, or affect productivity?

How does the First Amendment affect the workplace?



Employers generally have the authority to control how employees express themselves **on the job** and may discipline and terminate those who act unprofessionally or create disturbances – even if it's political in nature.



Off-Duty Activities

Can I restrict my employees' off-duty activities?

Employers should be careful to avoid taking actions against employees for engaging in protected political activities.

However, employees who participate in political activities may still be subject to discipline if their conduct violates their employer's legitimate policies.

- Policy should clearly state that employees can, in no way, appear to represent the opinions of the employer when posting.
- Employees cannot harass coworkers on social media.
- Employees cannot share confidential company information.
- Employees cannot publish false statements.
- Employee statements and comments on social media can be bad news for their employer!



Public Displays in the Workplace



Prohibited political activity

Make a clear policy that the actions noted below may not be done on company time (be careful not to discourage them from participating on their own time):

- Demonstrating
- Counting/recounting votes
- Circulating petitions
- Soliciting votes or contributions
- Conducting or participating in opinion polls
- Any other activities not part of the employee's normal duties

What types of personal employee displays are OK?

Employers must reasonably accommodate an employee's religious practice:

- A picture of Jesus in a private cubicle/office
- That same picture at the front desk where clients and all employees enter
- A Bible on a desk
- Handing out invites to Bible study classes

It depends on what is offensive, what is widely accepted, and who is affected.

Dress and grooming policies

Your dress-code policy should address what is and what is not acceptable.

You'll likely have to address shirts, buttons, pins, hats, etc. in hot-button political and personal movements and ideologies such as:

- #MeToo
- Black Lives Matter (BLM)
- Gun control
- Immigration
- Climate change
- LGBTQIA+

Masks now pose a new challenge when it comes to dress-code policies.

BE CONSISTENT!



Voting Time

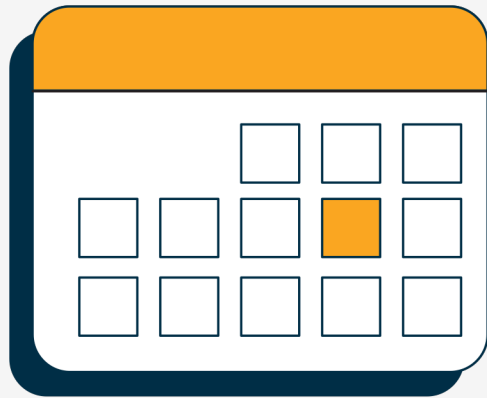




Poll Question

Do you feel like your policies concerning time off for voting are flexible?

What are the rules?



- Do you have to give employees time off to vote?
- Do you have to post a notice about your state's voting rights?
- What if I deny someone the right to vote during business hours?
- Do I need to give an employee time off to work the polls?
- What is my policy?

State-specific examples of voting laws

- Utah* – up to two hours at start/end of shift, unless employee has at least three consecutive nonwork hours while polls are open – PAID
- Colorado – up to two hours, unless employee has at least three consecutive nonwork hours while polls are open - PAID
- Texas – must allow and may not set a time limit unless employee has at least two consecutive nonwork hours while the polls are open - PAID
- Nevada – only if there is not enough nonworking hours before/after shift (time off is based on how far away from the polling place) - PAID
- California* – up to two hours at start/end of shift - PAID
- Arizona* – up to three hours, unless employee has at least three consecutive nonwork hours while polls are open – PAID

*Require employers to notify employees of their voting rights.



- More than 800 companies have signed on to the "Time to Vote" pledge to allocate time for employees to vote during the workday.
- Old Navy, Target, Under Armour, and Patagonia will pay store employees to work the polls on Election Day in November.
- BCBS of Minnesota will make Election Day a paid company holiday in even-numbered years (to coincide with federal and state elections).
- Best Buy will not open its stores until noon on Election Day.



Harassment/ Respect Policies and Trainings





Poll Question

When is the last time you held respect/harassment training with your employees and staff?

Employee trainings

- It's all about RESPECT!
- Don't completely focus your trainings on just political or social issues.
- Employees need to buy in on the statement that differences make us unique and valuable – they should not divide us.
- A disagreement should not be or turn into a way to harass others.
- We need to be respectful of others' views:
 - Political
 - Geographical
 - Anything that can be considered different
- It should never get to the point where it's a hostile work environment.
- Learn to disagree respectfully.

Trainings should include:

- Real-life scenarios
- Guidance on gray-area situations
- Current trends and culture issues
- Q&A with presenter
- An acknowledgement that the employee attended the training and agrees to abide by the employer's policy

Manager/supervisor trainings

- Respect comes from the top down, through agents of the company.
- Managers and supervisors are responsible for fostering a respectful culture.
- Understand when there is a need to act and how to act appropriately.
- Be fair and consistent and do not show favoritism.



HR's Role



What should HR do?

- HR should be neutral!
- Monitor the work environment for signs of discord.
- Treat everyone the same.
- Enforce policies equally – be consistent.
- Have a policy that limits the use of company equipment and resources for nonwork-related purposes.
- Create a culture of respect long before things get out of hand.
- Decide beforehand what will and won't be tolerated.
- Steer conversations in meetings away from politics.
- Take progressive steps with certain issues.
- Act promptly.
- Don't overreact.

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Answer: Don't assume malice.

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An employee notices a colleague in a group of protesters and tells other coworkers about it. The protestor complains to HR that he is now being harassed.

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Answer: Don't assume malice.

An employee notices a colleague in a group of protesters and tells other coworkers about it. The protestor complains to HR that he is now being harassed.

Answer: Remind employees that it is not OK to harass others based on their beliefs and/or nonwork activities.

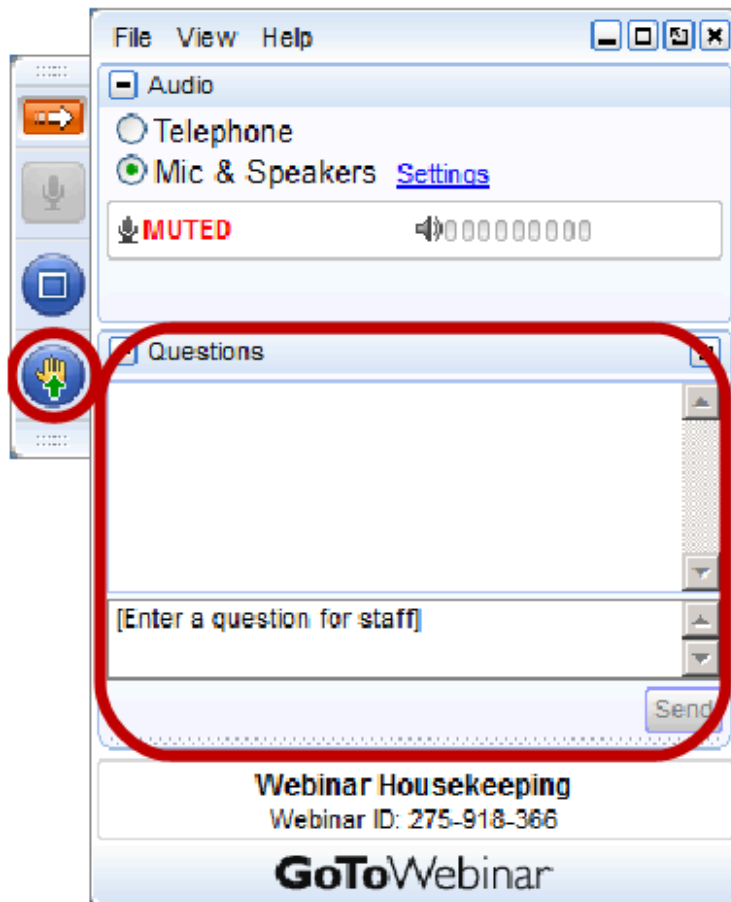
- “You cannot legislate what people think. You can legislate how people behave in particular circumstances.”
– Mark Marsen, HR Director, Allies Health & Wellbeing
- “Respect and seek to understand the diverse opinions and perspectives of others in the workplace. Our diversity makes our organization stronger. However, behavior that seeks to diminish that strength will be held accountable under our policies and practices.”
– Jackie Trujillo, Senior HR Advisor, G&A Partners
- “Diversity is a fact, but inclusion is a choice we make every day. As leaders, we have to put out the message that we embrace—not just tolerate—diversity.”
– Nellie Borrero, Managing Director Global Inclusion and Diversity, Accenture

Remember...

“We recognize that what unites us is greater than what divides us.”

– JFK, 1957

Questions



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