



Preparing for Difficult Conversations About Politics in the Workplace

For many of us, difficult political discussions are having a negative impact on team cohesion within our businesses. Employees are struggling to collaborate effectively because some are unable to communicate civilly about politics.

Emotions are running high with Election Day coming and we're struggling to balance our desire to express ourselves with the desire to maintain functional relationships at work.

What should we say? How should we say it? What type of speech is protected at work? In order to answer these questions, we must first understand the levels of communication and how-to set-up a positive foundation.

There are two levels of communication:

Level 1: Seeking understanding in order to maintain or strengthen the relationship maintenance and group cohesion.

Level 2: Seeking to persuade in order to change behaviors or beliefs.

Utilizing Level 1 communication makes it more likely to meaningfully engage in a less combative manner. In the workplace, in most circumstances, we're not trying to evangelize or flip votes, we're usually trying to keep the peace in order to maintain group cohesion so the team can continue to function.

The danger of using Level 2 communication in the workplace is that it often triggers defensiveness. It makes people stop listening and it makes it more likely that they will shut down, disengage, or become combative. But how do we make our intentions clear to avoid the individual shutting down?

Framing Conversations

With framing, we are sharing the story line for the conversation. We clearly articulate why we are having the conversation and what we hope to accomplish during the conversation. Your goal here is to frame the conversation as positively as possible, from beginning to end.

One of the most important things for us to do as we frame the conversation is to let them know that this is Level 1 Communication because if you don't explicitly tell the other person that, they will assume that it is Level 2 Communication. People



are often going to assume the worst when they feel threatened and so they will assume in this conversation that you disagree with what they believe or what they are doing, and it will make them defensive early in the conversation.

Essentially in these early stages of the conversation, we are negotiating the terms of engagement. Make your intentions clear and try to create an atmosphere of psychological safety where they

feel more comfortable engaging wholeheartedly in the discussion. This creates a trusting environment where meaningful dialogue can occur.

Mobilize Empathy

With empathy, the goal is to try to understand how the other person sees, thinks, and feels about the situation.

Don't mistake empathy for endorsement. Just because we empathize with someone and accept their emotions doesn't mean that we accept or endorse their beliefs or behavior.

Empathy requires humility. In order to listen and learn effectively in a way that generates true understanding, we need to genuinely believe that we don't have all the right answers. Arrogance prevents us from listening because we already think we have all the answers. In order to be truly empathetic we need to have the right mindset. It will give us a deeper understanding of the other side, their perceptions, and what they hope to accomplish.

Focus on Values, Not Ideology

We need to learn to distinguish between a political position and the values that explain the position. This is difficult to do because our political positions might be so far apart that it doesn't seem to be any common ground. If you utilize genuine curiosity you can discover why somebody believes what they believe and usually there is some common value even between opposing political views.

Once we get an understanding of why they believe what they believe, we can reflect that understanding back to them so they can feel validated, heard, and understood. Humans have a deep psychological need to be understood. If you can give the other person that during the conversation, they will be less defensive and more open.

Utilize the Compassionate Curiosity Framework to Manage Difficult Emotions

When we talk about sensitive issues like race and politics, emotions are inevitable. We cannot eliminate emotions from these conversations, but we can do two things — we can create an atmosphere that is more conducive to respectful

communication and we can use the Compassionate Curiosity Framework to manage problematic emotions when they arise.

The 3 Steps of the Compassionate Curiosity Framework are:

Acknowledge and validate emotions. There is no point in saying something if the recipient isn't in a mental state to receive it. With the step of validation, we're letting them know that it makes sense. We're not necessarily agreeing with them but we're letting them know that based on their perspective, we can understand where they're coming from.

Get curious with compassion. Your secret weapon in these difficult conversations is curiosity. When you ask great questions, you can move the conversation forward and make it more likely that you'll get what you want. Make sure your questions are both compassionate and open-ended.

Focus on questions that start with "who," "what," "where," "when," and "how." Avoid "why," because that is often associated with judgment. Remember: your goal is to further the conversation, not put the other person on the defensive.

Joint Problem Solving. Once you've acknowledged and validated the other person's situation and asked questions, you can transition to joint problem-solving. The keyword here is joint—invite the other person into the process so it feels like a brainstorming session. You may ask: "What do you think it is that we can do as a company to make sure that we are holding true to our commitment to diversity and inclusion?"

The goal is to communicate that the other person has something to contribute, that you have something to contribute, and that you want to work together to find a solution that works.

Is Political Speech Protected at Work?

Even with the best of intentions, sometimes discussions get heated at work when it comes to politics and other extremely sensitive issues. The best way to prevent any sort of argument at the workplace is of course, to avoid discussing politics at work altogether. But, what if an employee expresses a political opinion that is contrary to their employer's? Or perhaps one that is

particularly unpopular with their coworkers and/or supervisors? Can that employee lose their job for making political statements at work?

As with many employment law matters, the answer depends on where that employee is located and who is the applicable employer, i.e., is the employer public or private. A public employee will typically have more protection at their job when it comes to political speech, as the First Amendment applies to protect individuals from the federal government's punishment or limitations. Generally speaking, these protections simply do not exist in the private workplace unless the individual lives in a state that specifically prohibits an adverse employment action on the basis of an employee's political beliefs. Additionally, even without a state law to that effect, employers should always evaluate any decision to reprimand or terminate an employment based on political beliefs to make certain the action is not actually based on that employee's sex, race, national origin, religion, or other reason protected by laws that apply to both the private and public workplace. At all times, however, employers can require employees to behave civilly and respectfully in the workplace and conduct that violates workplace behavior standards is generally subject to discipline and/or termination depending on its severity. Although utilizing the techniques described in this article should keep such workplace interactions well in line with any workplace conduct policy.

If you have questions about workplace conduct, please do not hesitate to contact your Carlile Patchen & Murphy LLP attorney.