

Guidance on Handling Roe v. Wade Discussions in the Workplace

By Matt Gonzales

May 10, 2022

News about abortion rights has dominated headlines in recent days after Politico reported (<https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>) that the U.S. Supreme Court is poised to overturn *Roe v. Wade*, a landmark 1973 decision that legalized abortion nationwide.

If the ruling is reversed, access to abortion will likely be banned or severely restricted in most states. The news has resulted in protests for and against reproductive rights nationwide, as well as fiery discussions among co-workers.

"Discussions in the workplace about controversial topics like abortion rights are on the rise in the U.S.," said Alexander Alonso, SHRM-SCP, chief knowledge officer for the Society for Human Resource Management (SHRM). "Workers are more open and willing to engage in these conversations."

But like unfiltered discussions on racism (www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/pages/tips-for-discussing-racial-injustice-in-the-workplace.aspx), conversations about abortion can create discord and diminish a company's culture if not handled properly.



How Controversial Is *Roe v. Wade*?

Alonso is the author of soon-to-be-released *Talking Taboo: Making the Most of Polarizing Discussions at Work* (SHRM, 2022), which provides a guide to conducting workplace conversations on controversial topics. The book indicated that *Roe v. Wade* was among the topics most likely to generate polarizing, intense discussions in the workplace.

The Supreme Court ruling that legalized abortion was viewed as more contentious among workers than discussions about the #MeToo movement (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/metoo-movement-opportunity-to-create-better-workplaces.aspx) and the election of Donald Trump. It was slightly less controversial than conversations involving LGBTQ rights, including gay marriage (<https://blog.shrm.org/blog/3-guard-rails-for-workplace-discussions-on-scotus-decision-on-marital-equal>).

"*Roe v. Wade* was among the five most taboo subjects out of 60 topics," Alonso said. "Our research also showed that 92 percent of workers have witnessed or been a part of taboo conversations—such as those about abortion rights, Black Lives Matter or COVID mandates—in the workplace."

A 2019 SHRM report (www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/SHRM%20Politics%20in%20the%20Workplace%20Survey%20Oct%202019.pdf) suggested that many workers have discussions about political issues at work, and those discussions are leading to conflicts:

- 56 percent of U.S. employees said politics and the discussion of political issues have become more common in the last four years.
- 42 percent have personally experienced political disagreements in the workplace.
- 34 percent said their workplace is not inclusive of differing political perspectives.
- 12 percent have personally experienced political-affiliation bias.

How Should Companies Respond?

At Bank of America, a broad team of employees will gather to discuss what the company can do if *Roe v. Wade* is struck down, said Brian Moynihan, CEO and chairman, speaking on "Good Morning America."

"It's the settled law of the land. We believe people should have that access," Moynihan said, adding that his opinion does not reflect that of all the company's 200,000 U.S. employees.

"I could have a personal point of view, but that's not what we do," he said. "The question is, 'Can our people be effective? Can they serve our customers well?' That's how we take it."

Cara Pelletier, senior director of diversity, equity and inclusion for 15Five, a performance management software company in San Francisco, agreed that facilitating rather than discouraging political or racial discussions in the workplace is the best approach.

"Your employees are whole people, whether they're at work or not," she said. "Their personal fears and concerns don't take business hours off."

But some employers have banned workers from using internal social media outlets for political, racial or religious conversations. Rob Wilson, president of HR consulting firm Employco USA, said that organizations can ask employees to limit their communications to work-related matters when using company software.

Wilson noted that some political discussions are protected by labor laws. However, banning employees from having conversations on sensitive topics like abortion rights becomes more difficult when those conversations are held in the break room or elsewhere at work.

"It's harder to create a culture where those types of conversations aren't allowed but you're still fostering free speech and letting employees be individuals," he said.

Tips for Facilitating Civil Discussions

HR professionals and people managers are responsible for creating and maintaining a civil work environment.

Companies should provide guidance on how to have conversations about politics in the workplace and facilitate conversations to ensure they are cordial. Amber Clayton, senior director of HR Knowledge Center operations for SHRM, provided tips for workers to consider when discussing hot-button topics like abortion rights:

Commit to having the conversation. Before having a conversation, think through what you want to talk about, why you want to talk about it and the desired outcome.

Get into the right mindset. Be sure to check any preconceptions and assumptions at the door, including your own unconscious biases.

Begin the conversation by setting the stage. Explain why you are interested in your colleague's views and what the outcomes might be.

Listen to understand, not to solve. Ask good questions and process the conversation so that you fully understand your colleague's views and ideas.

Support a "we" attitude. Remind yourselves that you are in this together and working toward a shared goal of improving culture at your company.

"Managers should focus on reducing conflict and its lingering effects rather than eliminating disagreements and debates altogether," Clayton said. "They should recognize when healthy debates are becoming negative and deal with them quickly and directly."

Managers and HR can discuss with workers how the conflict is influencing the workplace and share ideas for how the issue can be resolved. Identify areas of agreement and disagreement, find a solution that all parties can agree upon, and then act on the decisions made.

Alonso explained that some employers have found success in hiring third-party facilitators to oversee contentious discussions in a structured environment to ensure they don't turn toxic and erode their culture.

"Companies should make their employees aware of what these discussions are doing to their work culture and how it is impacting them," Alonso said. "They should ask themselves, 'What is our work output from this conversation?' If they don't have one, then step back and say, 'This conversation is not worth it.' "