civil discourse
Talking politics at your dealership—or on social media—could cost your business employees and customers.
During the height of the 2016 election season, when emotions regarding political candidates were running high nationwide, a service tech at a dealership in Montana posted on his personal Facebook Timeline. The post read, in part: “A guy with Hillary Clinton stickers all over his car came into the shop today. I refused to work on his car.”

The comments on the post included a follow up from the tech containing vulgar language and a photo of an offensive gesture with the customer's car in the background.

After the photo went viral and dealership executives learned of it, the employee was fired.

That case is an extreme version of something happening across the country every day. Politics have become so polarized and political conversations so heated that common sense flies out the window, leaving feathers ruffled and, in some cases, jobs lost.

There's little upside to political discussions in a dealership, unless the conversations revolve around work-related issues. And as we enter the 2018 election cycle in a time filled with heated partisan rhetoric, it’s more important than ever to make sure that everyone in the dealership understands when political conversations are appropriate and when they can cause problems. It's also equally important to discuss any new policies you may decide to implement with your attorney before announcing them to the dealership staff.

The Freedom of Speech Myth

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.  

First Amendment

Although citing First Amendment rights is popular among people making what may be perceived as controversial statements, there is no such thing as free speech when it comes to the private sector workplace. The First Amendment applies specifically to the government, not the private sector.

“A lot of people will say 'It’s my First Amendment right to say this opinion,' and in most situations, it’s really not,” said Paula Brantner of Workplace Fairness, a non-profit organization that advocates for employee rights. “That’s not what the First Amendment is about, and your employer typically has the ability to shut those conversations down up to discipline and termination if the employer considers them disruptive to the workplace or, honestly, if they disagree.”

While the First Amendment doesn’t apply to private workplaces, workers do have some limited speech rights, mainly pertaining to “concerted activity” in which an employee or employees take action regarding terms and conditions of employment under the National Labor Relations Act.

Iowa law does contain specific prohibitions against threatening or coercing an individual about whether they voted or signed a petition and discriminating against someone based on their party membership. But terminating someone's employment because you don't agree with their political views or they are starting political arguments at work? There's no protection against that for employees.

“The consequences for having a different opinion can be significant. It can cost you financially, in terms of reputation in the community, and make day-to-day work life difficult,” Brantner said. “There’s not a lot of legal protections to just be you and be who you are and say what you want. The flipside is you can find yourself in trouble with not much to do about it.”

Divided We Stand

American political views are increasingly polarized—making any political conversations risky business.

27% of Democrats and 36% of Republicans saw the opposing party as a threat to the nation’s well-being in 2014.

86% of Americans say conflict between the two major political parties is either strong or very strong.

The average partisan gap tracked by the Pew Research Center increased from 15 percentage points in 1994 to 36 percentage points in 2017.

In 2017, 44% of Democrats and those who lean Democratic viewed the Republican Party very unfavorably while 45% of Republicans and those who lean Republican viewed the Democratic Party very unfavorably. In 1994, fewer than 20% said the same.

Source: Pew Research Center
“If you are very visible through social media, making your views known, and they are considered extreme, or your network is widely disseminating that information, you could be putting your job at risk.”

Political Prohibitions
Despite the fact that employees don’t have a right to free speech in the workplace, many employers choose not to place limitations on political speech. In part, this is because so often political and social issues related to race, gender, and other protected classes go hand-in-hand, so terminating employees for certain speech can carry a risk of discrimination.

“Something that restrictive, and disciplining people for violating it, could pose its own challenges,” said Brantner. She recommends if employers want to go the route of limiting speech that they extend it beyond political speech to religion and other controversial topics. “If you’re going to be restrictive, it’s best to be consistent in excluding all potential topics that could make liability for the organization.”

Beyond potential liability for companies, workplace conversations—whether among co-workers or with customers—can have a tremendous impact on the workplace environment.

“We also need to recognize that not everybody believes what we believe,” said Melynda DeCarlo of The Meyvn Group, a West Des Moines-based leadership development company specializing in human resources. “We believe that when I say something, well, you must think that, too, and that’s why you’re going to be okay with me saying that. A lot of people hear you say things on a daily basis that they don’t agree with, but they’re not willing to speak up and tell you that.”

Many companies are choosing to adopt respectful workplace policies (see page 31) to provide a framework for expectations of both employees and the company. Even more common are social media policies, which help employees understand what is acceptable to post online when you are affiliated with their brand.

Going Social
Social media has changed the landscape of political conversations and how they can impact the workplace. In the past, you could discuss political views among friends without your co-workers or customers ever finding out. Today, when so many of those discussions take place online, a seemingly innocuous like, share, or comment can broadcast your views to any colleagues or customers in your network.

“A lot of people go on Facebook and start adding all their customers. There’s exposure and a lot of problems with that,” said DeCarlo. “You’re allowing people access behind the curtain of who you are as a person. It’s best to keep that curtain up.”

DeCarlo recommends people consider having multiple social media accounts on each network, or using certain networks, like Facebook, for personal, and others, like LinkedIn, for professional contacts. “That way you don’t have that kind of gray, that overlap between the two,” she said.

If an employee is posting about politics on social media during work hours, a conversation needs to happen between the employee and their manager about social media use while on the job. What employers may not realize, however, is that they can
also put in place social media policies that provide guidelines for employee social media postings outside of work hours, as well.

“There are companies that go so far as to say that we don’t ever want you to have an alcoholic beverage in your hand” in photos posted on social media sites, DeCarlo said. Posts using profanity, sharing jokes, or using certain kinds of cartoons can also be prohibited on accounts that can be connected back to a company.

And many social networks make identifying your employer a key feature of your profile, as with LinkedIn. “The downside is that even if you say ‘my views are my own’ people are going to see who is your employer,” Brantner said. And that can have consequences. After a white supremacist rally in Charlottesville, Virginia, people were taking photos of the rally participants and then outing them to their employers. Several people were terminated when their employers found out they participated in the rally, saying that participation didn’t align with the businesses’ values.

“If you are very visible through social media, making your views known and they are considered extreme, or your network is widely disseminating that information, you could be putting your job at risk,” said Brantner.

Speak Up, Speak Out

If a fellow employee is initiating political debates or stating controversial positions that make others uncomfortable, employees should ask the co-worker to stop or share their concerns with their supervisor or human resources.

“What I find is that most often, people are most comfortable with either changing the subject, in other words, redirecting the conversation to something more neutral or something that’s less inflammatory, or they may just ignore the comment completely and go on to something else,” DeCarlo said. “We often think silence equals agreement. When we allow these conversations to occur and don’t tell people it’s a problem, we’re actually encouraging them to continue.”

When it’s a manager or dealership owner talking politics, it can be much more difficult to address the problem.

“If I’m in a privately held company, it’s difficult to say to your boss that ‘I’m not comfortable with that conversation’ or ‘I really wish you could refrain from using that language,’” DeCarlo said. “If there’s something we find offensive or discriminatory or disrespectful, it is our responsibility to speak up.”

Brantner urged caution for the employee. “An employer can terminate for any reason, or no reason, as long as it’s not an illegal reason. You would be risking termination if you were to speak out or oppose what the employer has to say. There may be ways you can deflect or make clear that you prefer not to talk about this stuff, and that may be sufficient to keep it from damaging your working relationships. But ultimately speaking, if it becomes unbearable or the business owner or supervisor is determined to impose their views, there’s just not a lot you can do about it unfortunately.”

Of course, terminating employees simply for speaking up about

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disagreeing with management’s politics can have consequences for the business, causing a loss of employee morale, creating a reputation for being a difficult place to work, and resulting in a high turnover rate.

A 2008 study by CPP Global found that on average, each employee in the United States spends 2.8 hours every week dealing with workplace conflict—which means approximately one lost day of work per month.

That’s why, DeCarlo said, it makes business sense to establish clear and consistent policies. “You’ll make more money if you have a respectful environment. You’ll make more money if you have an inclusive environment. You’ll make more money if you have less drama, if people enjoy being at work. It’s just good business.”

Customer Service

It’s especially important to remember that the people who may be the subjects of some of those political conversations—whether the posts target a specific gender, race, sexual orientation, or political party—are all potential customers. If employees at your dealership are frequently complaining about supporters of President Trump or are complaining about undocumented immigrants, they could be alienating a significant number of your customers.

After all, people who don’t agree with all of your views buy cars and need them serviced, too.

It’s important to keep conversations with customers (or conversations that customers can hear or read, as in the case of social media posts) limited to non-controversial topics.

“Obviously the consequences are fairly high if you lose the sale of an expensive big ticket item like a car. You don’t want to put the sale at risk by talking about something that is generally not relevant to landing the sale or relevant to the purchase itself,” Brantner said. “I think it is generally best to keep politics out of the workplace.”

And what to do if a customer brings up politics or makes an off-color remark about a specific group of people during the sales or service process?

In many cases, it can be better to just ignore the comment rather than to risk alienating a customer, although there may be circumstances in which management feels it is appropriate to step in.

“You don’t want to put the sale at risk by talking about something that is generally not relevant to landing the sale or relevant to the purchase itself.”
If, for example, a customer says something inappropriate to a salesman showing a car, it can be best not to acknowledge the remark. “Or I’d say ‘Hey, have you seen the gas mileage?’ and redirect the conversation,” DeCarlo said. “I wouldn’t say something that would support that point of view. I wouldn’t engage.

“Most salespeople won’t want to tell a potential buyer that they don’t want to talk like that.”

If, however, a customer is harassing a dealership employee, especially on the basis of gender, race, religion, or sexual orientation, the employee should go to management. No one should ever be expected to tolerate harassment in the workplace, even from customers.

Rules of Engagement

If you choose to permit political speech in your business, there are best practices that will help protect both your company and dealership employees.

Think twice before you:
• Send political cartoons via your work email
• Solicit support for a controversial cause
• Post about politics on your personal social media accounts or a personal blog
• Wear political clothing or paraphernalia or have political paraphernalia visible on your personal belongings

R-E-S-P-E-C-T

Many workplaces are adopting respectful workplace policies, which help define expectations for both employees and employers.

“This is to help guide or support employees, by providing them some ideas of what would be acceptable in healthy workplace conversations and what might best be avoided,” said Melynda DeCarlo of The Meyvn Group.

Respectful workplace policies are traditionally included in employee handbooks and are something that should be discussed during new employee orientation or during leadership training, especially for managers. The policy should include a commitment from your dealership that expresses the company values—things like all employees having the right to be treated with respect and dignity.

The policy should also define acceptable workplace behaviors. These behaviors could include:

• Using respectful and supportive language
• Listening with an open mind
• Giving direct, non-personal feedback instead of criticizing
• Approaching conflict with maturity
• Maintaining a positive attitude

Inappropriate behaviors should also be defined. These may include:

• Berating others

• Discuss particularly controversial topics, such as abortion, in the workplace

Make sure to:
• Be respectful of others’ views
• Approach any conversation as a way to learn more about another’s perspective, rather than attacking their beliefs
• Keep the conversation friendly
• Remember that you’re not likely to change anyone’s position on an issue—or their political party—in a conversation at work or on social media

As much as avoiding political discussions altogether might be best for business, it doesn’t seem to be reality. A 2017 survey by BetterWorks and Wakefield Research found that after the 2016 election, 73% of employed adults had talked with colleagues about politics and 49% of people had witnessed a political conversation turn into an argument.

If you’ve seen political conversations creating problems in the workplace, address it now, before the 2018 election cycle gets in full swing. During these particularly partisan times, setting clear expectations for employees and management will help keep the peace as the election approaches—and hopefully will keep your employees and customers happy in the long run, as well.