



From Conflict to Compliance: 8 Keys to Navigating Workplace Flashpoints

Compliance and Ethics



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In an era marked by rising polarization and cultural tension, employers are facing complex challenges in maintaining lawful, respectful, and inclusive workplaces. In a recent ACC webinar hosted by Seyfarth Shaw LLP, legal experts Dawn Solowey and Abigail Skinner provided a comprehensive roadmap for organizations grappling with sensitive “flashpoint” issues — including around religious accommodation, social expression, and internal conflict.

“We’re living in a time of tremendous polarization affecting the workplace. It’s creating both legal and reputational risk for employers,” noted Skinner, emphasizing the urgency of having a strategic plan.

Here are the 8 key takeaways and recommendations discussed during the session.



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1. Start with a structured religious accommodation process

The foundation of an effective religious accommodation program starts with documentation and clarity. Employers were encouraged to adopt a standardized request form that prompts employees to explain the nature of their religious belief, the workplace conflict, and the accommodation they're seeking.

"The form is incredibly helpful for documenting what the employee is asking for... It creates a starting point for the interactive process," Solowey explained.

This documentation ensures a consistent approach and supports legal compliance under the updated 2023 Supreme Court standard.

2. Train the right people — and train them well

Religious accommodation decisions often involve multiple departments — HR, managers, legal, and DEI — and every stakeholder must be up to date on new legal standards and best practices.

"Everyone who intersects with these requests needs to understand the new standard ... and how to handle a religious accommodation request," said Solowey.

Live, in-person training was emphasized as significantly more effective than pre-recorded modules. Skinner cautioned, "Online training is often easier to implement, but people tend to just click through without engaging. That's not sufficient for these sensitive topics."

3. Form a flashpoints task force

To proactively manage flashpoint issues, employers are encouraged to create a cross-functional internal flashpoints task force that includes legal, HR, DEI, employee relations, and PR representatives.

"Generally, clients have reported that having that internal task force has been really helpful in developing a comprehensive and thoughtful approach," Skinner noted.

This group should be prepared to apply a customized framework as issues emerge in real time.

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4. Anchor decisions in core values

When facing internal disputes or public scrutiny, organizations should return to their mission and core values. This principle provides consistency and direction amid cultural tensions.

“Ask yourself: What are the things we all agree on as a company? Do we believe in transparency, objectivity in promotions, respect?” Skinner asked.

Having consensus on those foundational beliefs helps depersonalize disagreements and foster unity.

5. Update and align policies with today's realities

Many organizations already have policies around equal opportunity and accommodations, but few have updated them in light of new legal precedents and emerging cultural flashpoints.

Key policy areas to review:

- EEO and anti-harassment
- Religious accommodations
- Social media use
- Political expression at work
- Respectful workplace expectations
- Dress code and appearance guidelines

6. Watch for conflict hotspots — including virtual platforms

Flashpoints don't just occur in physical offices. Internal chat tools like Slack, guest speaker events, and Zoom meetings are frequent sources of conflict.

“Sometimes a neutral policy and some guidelines around everyday workplace activities can really work wonders in bringing down the temperature,” said Skinner.

Suggested actions included creating speaker agreements, setting expectations for professional communication on internal platforms, and limiting workplace advocacy when appropriate.

7. Plan for litigation and investigations differently

Flashpoint-related litigation — especially involving religion, DEI, or global conflicts — carries heightened risk. Jurors may bring their own strong views, and organizations face greater reputational exposure.

“You're not just defending the case in court — you're defending it in the court of public opinion,”

Solowey emphasized. “Even answering a flashpoint complaint requires special sensitivity — these are public documents, and they shape public narratives,” warned Solowey.

Similarly, investigations of polarizing incidents must be grounded in careful fact-finding, cultural awareness, and legal defensibility. “Until you investigate, you don’t know what actually happened — especially in an age of deepfakes and impersonation,” Solowey added.

8. Create a living framework for ongoing risk

The final recommendation was to build a system for periodic reviews, policy updates, and stakeholder engagement. Flashpoints are not static, and today’s solution may be outdated tomorrow. “It might feel like you just reviewed everything — but the idea is to build a process that evolves with the landscape,” Skinner said. Seyfarth Shaw offered additional support through tools like a flashpoints checklist, workforce training, and policy audits.

Conclusion

As polarization increases, employers must proactively manage flashpoints — not just react when they erupt. Legal, HR, and PR teams must work together to uphold both the law and the organization's values. “You want to defend the litigation without getting mired in the flashpoint itself,” Solowey concluded. “That’s easier said than done, but critical.”

By preparing now, companies can better protect their people, their policies, and their reputation — no matter what flashpoints lie ahead.

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