

FULL STEAM AHEAD:

KEEPING THE TRACKS CLEAR IN TODAY'S DIVIDED WORKPLACE

Affinity Groups or Employee Resource Groups

As employers continue to embrace diversity, equity, and inclusion as integral parts of their mission, many have found the benefits of affinity groups or employee resource groups. While these groups can undoubtedly benefit organizations, employers should consider the structure and support of these groups to maximize their potential and avoid potential challenges regarding discrimination and harassment, labor laws, and wage and hour laws.

National Resources:

Employee Rights (NLRB)

The National Labor Relations Board (NLRB) guides employees regarding concerted activities. While this resource focuses on employees, employers may benefit from plain language explanations.

Hours Worked Under the Fair Labor Standards Act (DOL)

One challenge to affinity groups may be whether the group(s) work includes compensable time. The U.S. Department of Labor (DOL) produced a helpful factsheet that gives general information concerning which activities constitute compensable time under the Fair Labor Standards Act.

The First Amendment: Categories of Speech (CRS)

As the public appetite for various forms of speech changes, employers may face challenges as employees seek to express their politics, opinions, and beliefs. The Congressional Research Service (CRS) produced a resource that may assist employers and employees in better understanding the First Amendment speech categories.

Religious Discrimination (EEOC)

Many employers have seen an increase in requests for religious accommodations. This rise may also have given employers increased opportunities to understand, protect, and accommodate the rights of employees to practice their religion. The Equal Employment Opportunity Commission (EEOC) provides resources on religious discrimination and accommodations. These resources cover topics from religious garb and grooming to standard religious accommodations employees seek.



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- [Religious Garb and Grooming in the Workplace: Rights and Responsibilities | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)
- [Fact Sheet on Religious Garb and Grooming in the Workplace: Rights and Responsibilities | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)
- [What You Should Know: Workplace Religious Accommodation | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)
- [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

State and Local Resources

While the federal government regulates and enforces many labor and employment standards laws, states and even cities have bodies responsible for protecting employee rights and often provide helpful resources for assisting employers and employees in understanding state and local law.

Discrimination at Work (BOLI)

The Oregon Board of Labor and Industries (BOLI) provides a resource to assist employers and employees in better understanding discrimination at work. In addition, this particular resource highlights the similarities and differences between federal and state law as it applies to protected classes, Oregon anti-discrimination requirements, and activities covered by Oregon state law.

Seattle's "Other" Protected Classes (City of Seattle)

The City of Seattle, for example, has expanded classes included in protected status within its jurisdiction to include political ideology and sexual orientation.

Guide to Religion and Washington State Nondiscrimination Laws (Washington State)

The Washington State Human Rights Commission provides a guide to understanding religion and Washington nondiscrimination laws. This guide provides an overview of the laws and questions and answers regarding employer obligations.