

# Keys to Developing a More Inclusive Workplace: Diversity Trends

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## What We Will Cover Today

- Compare diversity and inclusion
- Legal basis/requirements impacting diversity
- Benefits/advantages versus risks/challenges
- Best practices and reasonable accommodations

*\*\*\*\* Findings of XpertHR's Diversity and Inclusion Survey will be discussed, 600 responses from all 50 states, large and small employers, and across a wide swath of industries (Nov. 2015)*

# Diversity v. Inclusion

- Strive for a DIVERSE workplace, but also INCLUSIVE one
- Can have DIVERSITY without INCLUSIVE culture
- Neither LEGALLY REQUIRED



# Diversity

## Collective mixture/combined talent pool of any group

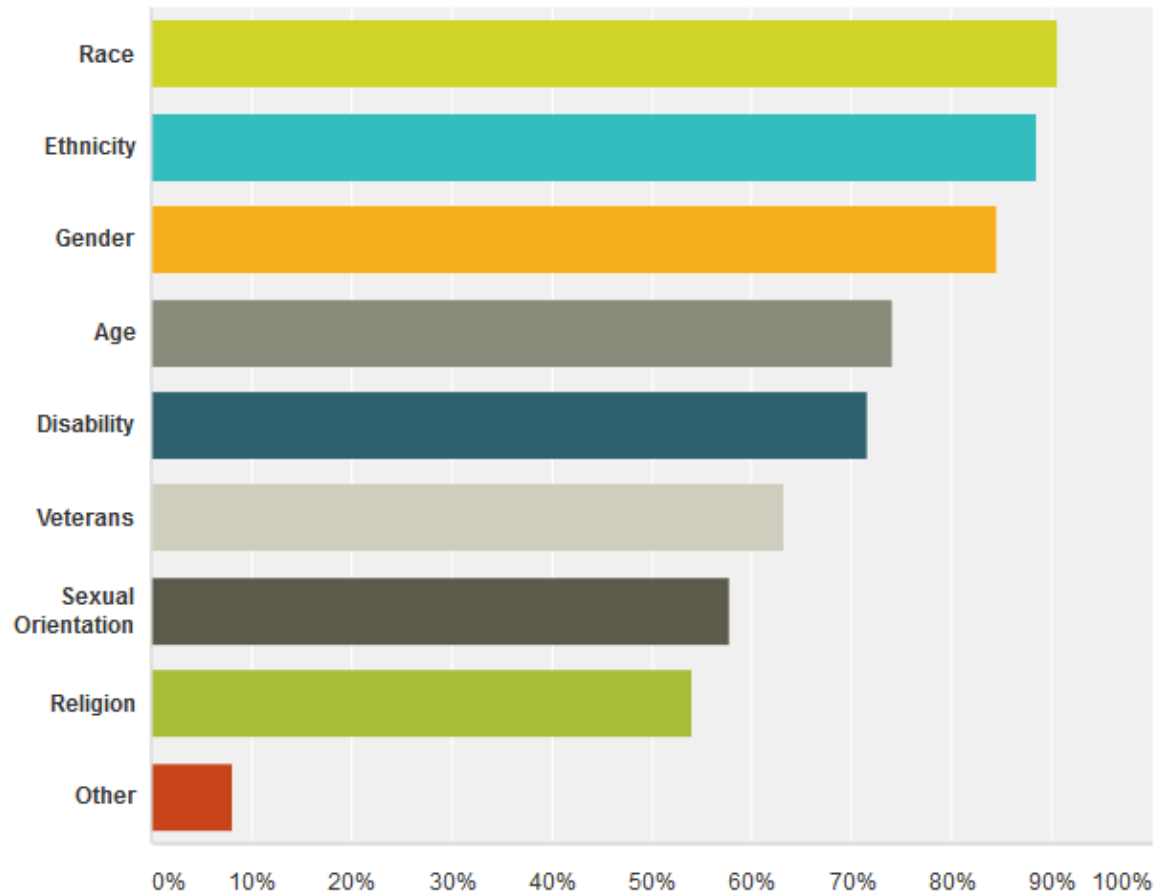
- Full spectrum differences and similarities
- Individual (physical/nonphysical) and organizational characteristics
- Values and beliefs
- Life experiences and backgrounds
- Personal preferences and behaviors
- How individuals view themselves and others





## What criteria does your workplace use to define diversity and inclusion?

Answered: 285 Skipped: 319



# Defining Diversity: Survey Results

**Race 90%**

**Ethnicity  
88.4%**

**Gender  
84.6%**

**Veterans  
63.1%**

**Age 73%**

**Disabled  
71%**

**Sexual  
orientation  
57.9%**

**Religion  
54%**

**Other- pregnancy,  
medical condition,  
language,  
education, national  
origin**



# Inclusion

- Do employees feel INTEGRATED or isolated
- Diversity valued – all included, welcome, valued, equal shot
- Working together - contribute, participate, voices heard



**“Diversity is  
the mix.  
Inclusion is  
making the mix  
work,” Andrés  
Tapia**

[www.RedShoeMovement.com](http://www.RedShoeMovement.com)

# Equal Employment Opportunity Laws

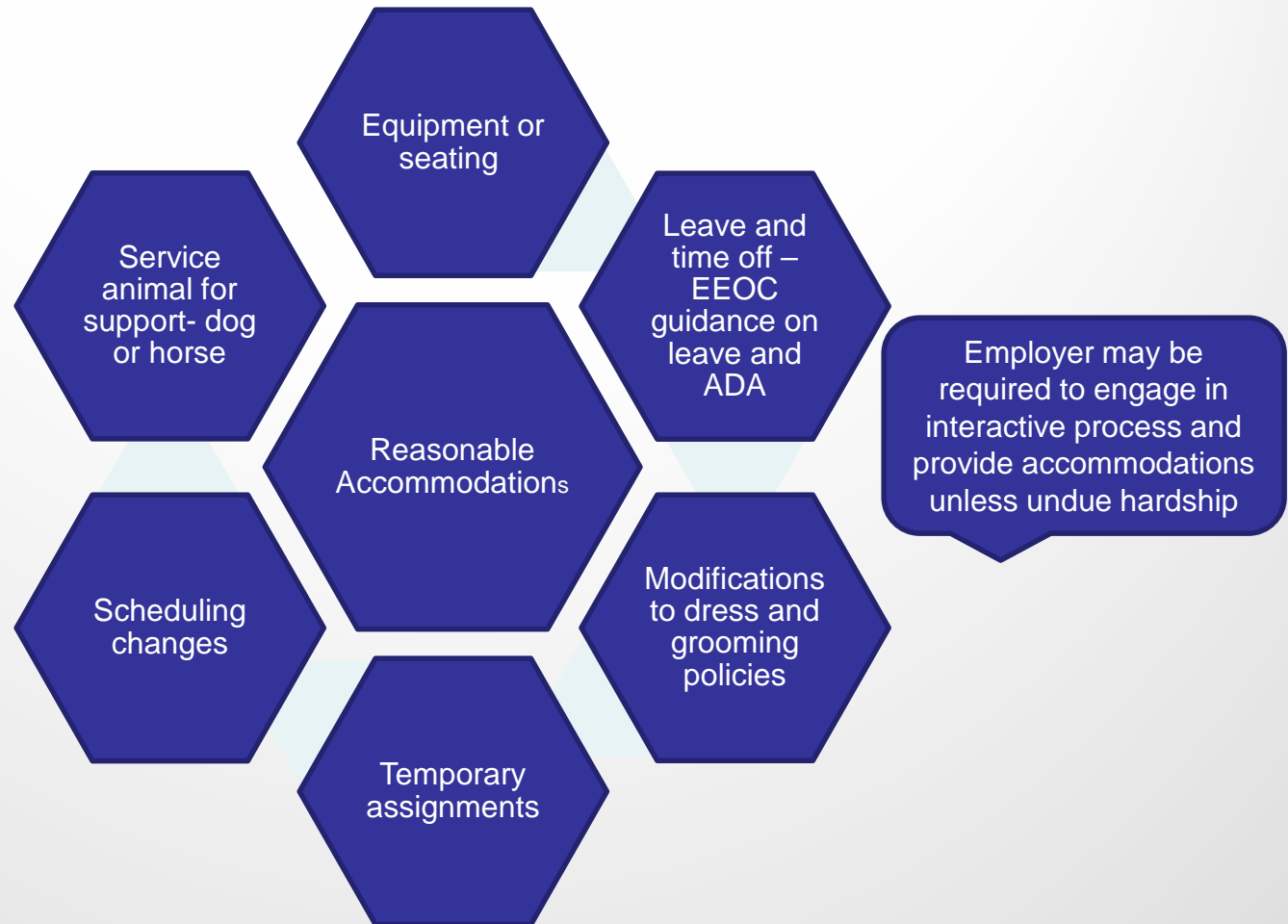
- Promote diversity
- Treat fairly/ equal opportunities (merit, experience, performance and qualifications)
- Prohibit discrimination, harassment and retaliation
- Federal, state, local laws
- New and emerging protected classes
  - LGBT
  - Pregnant/breastfeeding women
  - Caregivers
  - Domestic violence victims
  - Extending protections to interns
  - Medical marijuana users



# Affirmative Action Laws

- Specific groups suffering historical discrimination and disadvantage
  - Individuals of color
  - Women
  - Individuals with disabilities
  - Veterans
- Government contractors required to take affirmative action to
  - Defeat and counter past discrimination
  - Achieve equality in the workforce
  - Eliminate barriers to hiring and advancement
- Federal (OFCCP) and state laws

# Reasonable Accommodation Laws



# Other Laws

- Equal pay laws
- Leave laws (paid sick leave)
- Laws banning use of criminal history and making hiring more fair
- Laws providing for flexible workplace/flexible scheduling



# Delaware Laws Impacting Diversity

## Equal Employment Opportunity Laws

- Protected classes - race, color, religion, sex, pregnancy, sexual orientation, national origin, age 40+, marital status, genetic information
- Newly protected - family responsibility discrimination, pregnancy accommodations, discrimination based on reproductive healthcare decisions

## Equal Pay Measures

- Ban wage discrimination unless based on legitimate factor
- Prohibit employers from banning discussions regarding wages
- Prohibits employers from asking applicants about salary history (10/14/17)

# Delaware Laws Impacting Diversity

## Leave Laws

- Jury duty leave
- Crime victim leave
- Domestic violence victim leave (4 or more employees)
- Military leave
- Volunteer emergency responder leave (10 or more employees)

# What Makes Diversity Different

**Diversity is broader and more inclusive concept – valuing differences**

**Groups most effective leveraging and including different backgrounds**

**Mutual respect; increased productivity; reflects customers/global markets**



# Let's Compare

## Diversity

- Goes beyond what is legally required
- Focus on employer's culture/promoting differences
- Voluntary/employer driven
- Internal/external opportunities
- Proactive

## Equal Employment Opportunity

- Legally required if covered employer
- Government initiated
- Legally driven
- Quantitative
- Focus internal problems
- Reactive

## Affirmative Action

- Generally only federal contractors, state contractors, public contractors
- Government initiated
- Legally driven
- Quantitative
- Focus internal problems
- Reactive

# Benefits of a Diverse Workplace

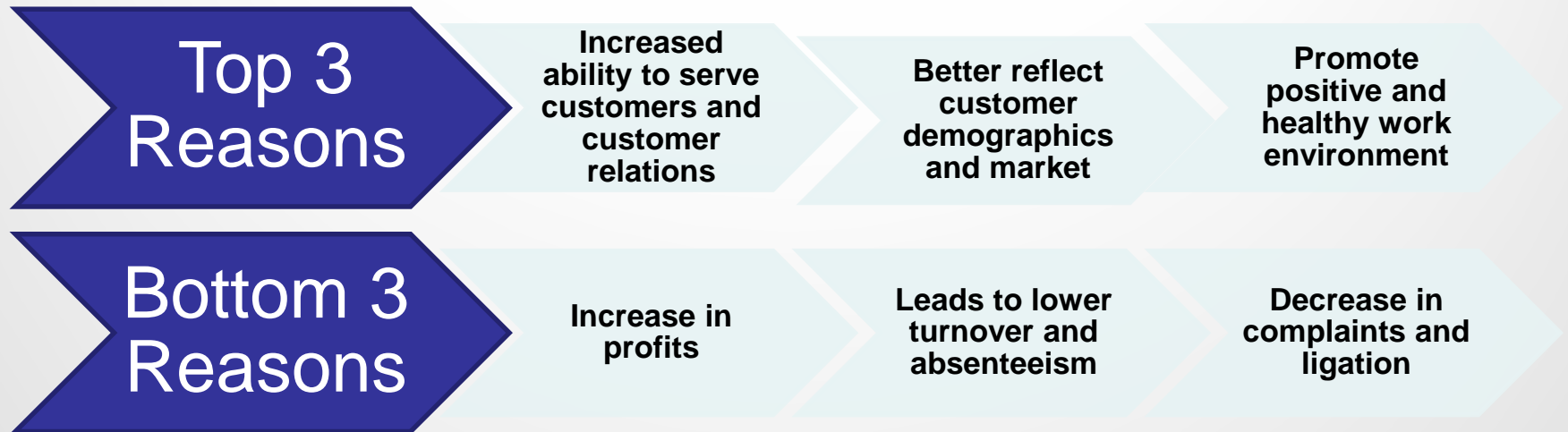
- Increased ability to serve customers/improved customer relations
- Increased sales and profits/ more competitive
- Higher productivity and efficiency –strengths, potential
- Build/ improve employer's brand and public image
- Positive and healthy work environment – tolerance/teamwork



# Benefits of a Diverse Workplace

- Creativity, innovation and new ideas – viewpoints/ perspectives
- Opportunities for learning, growth, development, challenges
- Increased adaptability/ flexibility - changing marketplace
- Employee retention/ less turnover, mutual understanding/ respect
- More civil workplace –fairness, decrease conflict and reduce complaints

# Diversity Benefits: Survey Results



# Employer Motivations/Goals

- Legal compliance
- Sense of social responsibility (employing disadvantaged/minority groups)
- Adaptable workforce – changing market demands
- Corporate mission and philosophy
- Thought diversity
- Attract the best talent possible from widest pool – fill talent gaps
- Improved communications and marketing and public relations
- Improved morale – low cost
- Global marketplace demands multicultural capabilities and competencies

# Challenges and Barriers to Diversity

- Time to manage diversity efforts
- Communication (language/cultural barriers)
- Benchmarking efforts
- Resistance to change
- Increased conflicts/tension - decreased productivity/turnover
- Stereotypes, prejudice and discrimination
- Perceived preferential/favorable treatment
- Cost/resources -training, accommodation
- Lack of leadership/support from CEO/senior management and leaders
- Not aligned with business strategies/plans/priorities

# Other Reasons Diversity Fails

- Reconciling cultural fit with diversity/inclusion efforts
- Size/ location of workplace
- Lack management interest or support
- Lack diverse qualified applicants for open positions
- Reverse discrimination lawsuits
- Specialized workforce – seasonal (high school and college age) employees, certified teachers, etc.
- Low turnover hard to diversify
- Lack of expertise in how to pursue
- Startups

# Measuring Diversity Efforts

## Measuring Success of Diversity Efforts

- Number of diverse employees 69.1%
- Number of diverse employees hired 62.1 %
- Number of diverse employees at all organizational levels 53 %



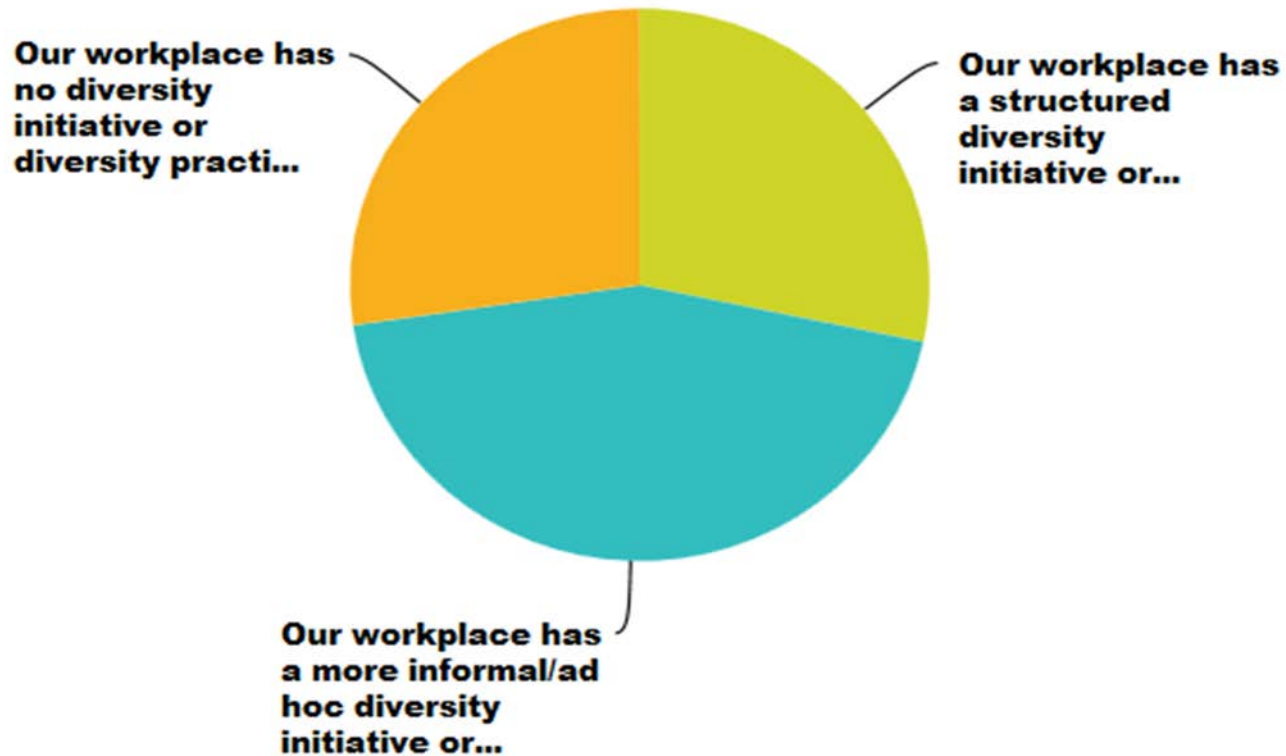
# State of Diversity: Survey Results

- Over 50 % workplaces report increase in diversity BUT more than 25% report having no diversity initiative/practices
- 3/10 workplaces have structured diversity initiative/practices
- More GLOBAL the operation- increased diversity
- LARGER employers more likely to have diversity initiative/dedicated staff (Director of Diversity, CDO)
- GEOGRAPHY plays a critical role in workplace diversity

*Diversity on the upswing, but could do better....*

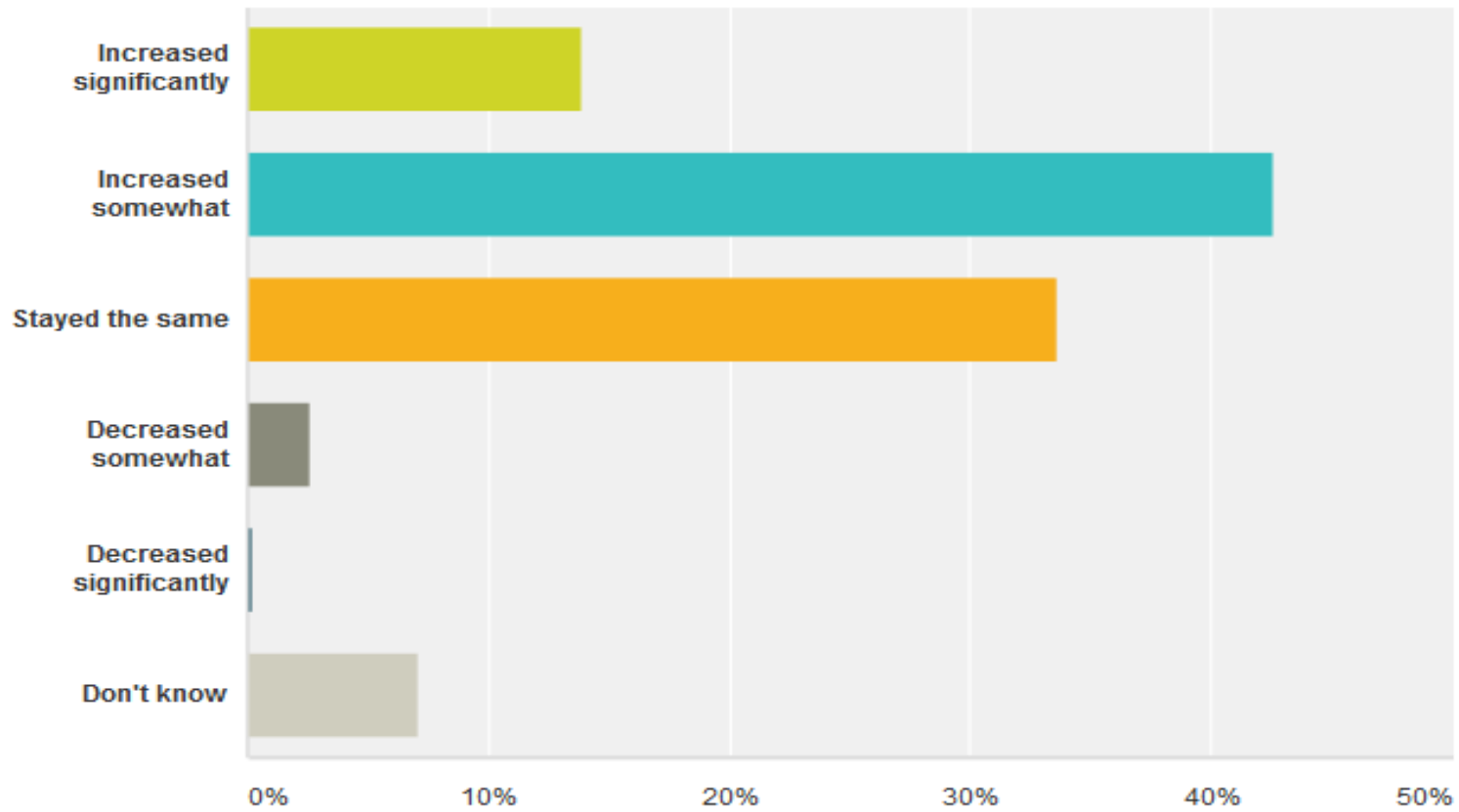
## What best describes diversity and inclusion efforts at your workplace?

Answered: 604 Skipped: 0



## What best reflects the diversity of your workforce over the past five years?

Answered: 604 Skipped: 0



# Best Practices for Diversity



# Path to Successful Diversity Initiative



## *Hiring*

- Workforce resembles community (colleges, churches, vets)
- Use internet to reach wide pool
- Neutral job ads/descriptions – attract wide variety candidates
- Eliminate biased questions- focus on requirements/skills/ qualifications
- Diverse panel and more than one interviewer
- Use of technology/apps- bias free hiring

## *Onboarding*

- Orientation/support on duties/policies/culture
- Open workplace environment
- Mentoring opportunities, fostering one on one relationships

# Survey on Hiring

## Top 3 Diversity Traits Recruited

- Racial diversity
- Ethnic diversity
- Veterans

## Traits Least Actively Recruited

- Individuals under 21
- Individuals with disabilities
- Sexual orientation

The larger the workforce the more heavily these groups are recruited:

**Under 21**

**Disability**

**Ethnic  
diversity**

**Racial  
diversity**

**Veterans**



## *Change Stereotypes*

- Recognize preconceived notions and determine root of belief (friends, family, religion, experience, rumor)
- Change minds by expanding knowledge/exposure to individuals/groups
- Eliminate personal biases/judgement based on outward characteristics (i.e. accent, dress, appearance)

## *Policies*

- Make part of mission statement
- Implement fairly/consistently BUT consider individuals accommodations
- Neutral policies should not unintentionally discriminate
- Evaluate performance objectively- known criteria
- Incorporate diversity into all policies
- Leave and reasonable accommodations – be flexible

## *Sensitivity Training*

- Encourage open minds/tolerance/ acceptance
- Value/support others' opinions
- Acknowledge differences (cultural, religious, gender)
- Avoid judgments and being overly defensive and sensitive (thick skin)
- Emphasize civility/ understanding/respect
- Survey results: 40 % of workplaces - diversity training/ 20 % lack entirely

## *Communications*

- Listen more than talk and encourage employees to ask questions
- Avoid hurtful words and offensive language
- Be respectful and treat fairly

## *Address Complaints*

- Stress “voluntary open door” policy encouraging complaints and concerns and encouraging employees to speak up before workplace issues escalate
- Prevent employee- relations issues from turning into lawsuits
- Avoid requiring employees to report to HR as the NLRB has been scrutinizing such policies as infringing upon/restraining employee rights
- Immediately respond (offensive or inappropriate jokes/comments/behavior)
- Gather evidence – documents, interview complainant/witnesses
- Consider remedial and interim measures (separating complainant and alleged harasser and sensitivity training)
- Make sure not to retaliate

## *Build Relationships*

- Encourage relationships/bonds with different individuals – focus on strengths
- Create cross functional teams/opportunities to interact with leaders
- Include all and encourage participation on all organizational levels

## *Evaluate Based on Known Criteria*

- Make sure all evaluation and performance reviews are based on known, legitimate and non-discriminatory criteria

## *Create Employee Resource Groups*

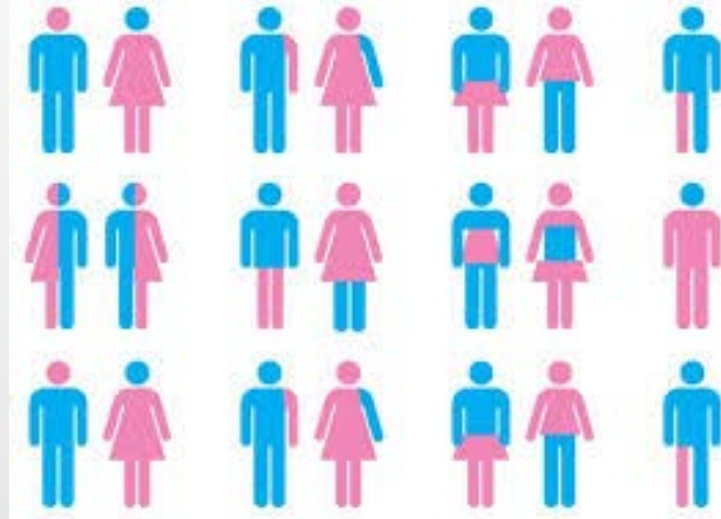
- Opportunity for employees to meet/ network/discuss common workplace challenges
- Can reduce feelings of isolation/turnover, increase employee engagement.
- Safe haven to air grievances/discuss issues with coworkers/supervisors
- Get valuable advice/practical solutions from those who experienced similar issues

## *Make Workplace Physically Accessible*

- Make sure workplace accessible for individual who may have vision, hearing issues or are in wheelchair
- Restroom issue

# Gender Diversity

- Equal opportunities/pay for all women- pregnant, breastfeeding
- Encourage leadership opportunities
- Eliminate family responsibility/caregiver discrimination – accommodations
- Use gender neutral criteria/avoid stereotypes
- Gender identity/transgender status-restrooms

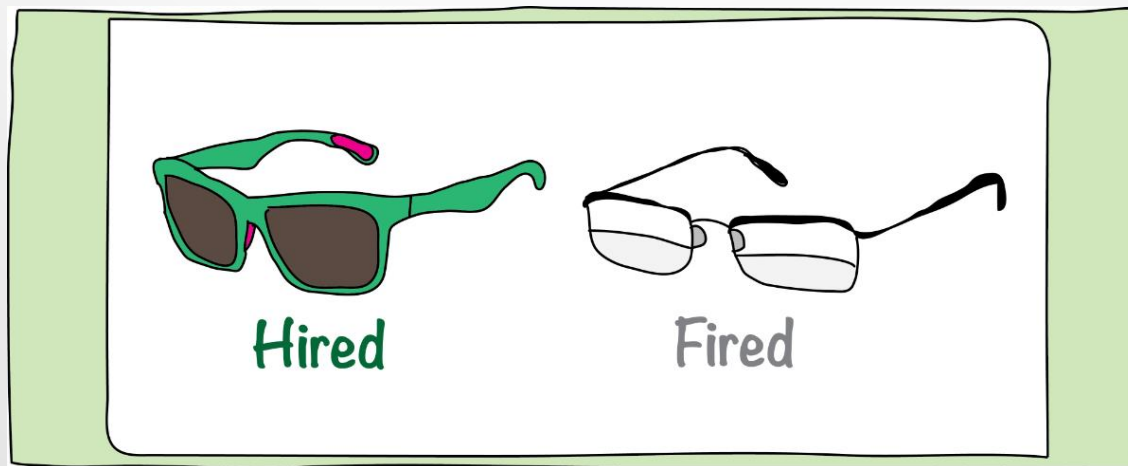


# Tips for Transgender Accommodations

- Allow individuals to use restroom corresponding with current gender identity without proof of identity
- Make single-occupant restrooms gender-neutral
- If a co-worker is uncomfortable, allow them to use a different restroom
- Implement increased privacy measures in multi-occupant restrooms such as dividers/doors
- Be careful about pronouns, dress codes, employment records, transitioning employees

# Age Diversity

- Avoid stereotypes - younger and older workers
- Performance/ability may not correlate with age
- Review job advertisements/preemployment inquiries
- Policies should not adversely affect older/ younger workers
- Conduct layoffs without regard to age
- Avoid forced retirement, decreased workplace opportunities





# Racial Diversity

- Race and color discrimination (skin/complexion) between/ among groups
- Avoid hiring procedures/employment tests with adverse racial impact
- Avoid stereotypes and preconceived notions even if well-intended
- Be careful about racially-charged jokes and cartoons intended to humor

# Religious Diversity

- Value all religions - Christian, Hindu, Muslim, Jewish, other religions
- Avoid religious discrimination and stereotypes
- Avoid forcing/encouraging employees practice/observe particular religion
- Accommodations may include time off at work/from work to pray, displaying religious imagery, schedule changes, dress code/hairstyle policy, vaccinations



# Tips for Religious Accommodations

- Interactive process key
- Broad notion of what constitutes religion
- Do not question sincerity
- Investigate all possible accommodations - not necessarily one employee requests
- Undue hardship – cost to employer/business, impact on productivity, job duties, other employees rights/benefits, CBA, safety
- Weigh impact on other employees in company
- Be consistent and uniform in granting accommodations
- Make sure not to retaliate
- Document process/be transparent

# Disability Diversity

- Expanded definition of disability now includes conditions
  - Physical and mental
  - Record of such impairment or regarded as having such impairment
  - Impairment that are temporary, episodic or in remission – epilepsy, cancer, MS, diabetes, chronic asthma, bipolar
- Workplace physically accessible- restroom, hallway, storage
- Significant market share/valuable resource
- Service animals – not only visually impaired, other disabilities
- Avoid assumptions/ generalizations/ stereotypes about abilities
- Steer clear outdated terms - "handicapped" and "crippled" – raise awareness

# Disability Diversity

- Avoid stereotypes/focus on qualifications- perform essential job functions
- Provide accommodations, resources and assistance to enable job performance unless undue hardship
  - ✓ Equipment
  - ✓ Modification of tasks
  - ✓ Technology- increase accessibility



# Tips for Disability Accommodations

- Interactive process- ask questions, gather information/documentation
- Explore all possible accommodations not just requested
- Focus on request, medical restrictions, essential job functions/ qualifications, employers' business needs
- Undue hardship – cost to employer/business, impact on productivity, job duties, other employees rights/benefits, CBA, safety
- Be consistent and uniform in granting accommodations
- Make sure not to retaliate
- Document process/be transparent
- Strongly consider leave as an accommodation- EEOC guidance
- Do not terminate an employee who needs to work with restrictions

# National Origin Diversity

- US Census: By 2050 no racial or ethnic majority in the US
- Different countries, regions, parts of the world and ethnicities, and different accents or mannerisms
- “English only” rules may discriminate
- Celebrate different cultures - have work-sponsored events
- Business benefits of ethnic diversity/ connecting with different cultures



# Veterans/Military Diversity

- Recognize unique talents and skills bring to workplace
- State veterans preference policies – provide preference to veterans
- Federal and state contractors must follow affirmative action laws
- Make sure to provide accommodations to veterans with known disabilities
- Provide leave and time off to veterans (medical reasons, veterans day)





# Best Practices –Managing Conflicts

- ❑ Recognize different types of conflicts (interpersonal, scheduling)
- ❑ Evaluate situation/find common ground
- ❑ Eliminate stereotypes/prejudices/bias and correct misunderstandings
- ❑ Provide diversity and sensitivity training on cultural differences
- ❑ Stress importance of reporting harassment experienced/witnessed
- ❑ Open the lines of communication –make sure voices heard



# Best Practices –Managing Conflicts

- Find root of the conflict (i.e., membership in protected class?)
- Maintain objectivity and gather all of the facts
- Acknowledge both sides viewpoints/feelings
- Assess safety and health reasons
- Assess employer's interest/risk in the conflict - productivity? public image?
- Document the conflict and what occurs next
- Impose discipline if needed

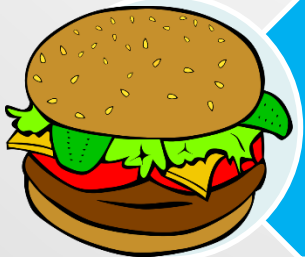
# Real World Examples



Sally needs a seeing eye dog, but Dan is allergic to dogs. Solution?

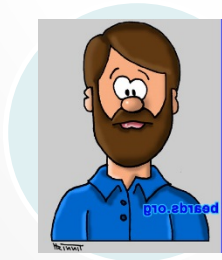


Maria celebrates Christmas and wants to display a Christmas tree and crucifix, Brenda is Jewish and objects. Solution?



Acme is having a company BBQ with burgers and hot dogs, but Sonal and Raj are Hindu and vegetarian and complain. Solution?

# Real World Examples



Samuel's religion requires that he have a beard, but this conflicts with company policy on grooming/safety. Solution?



Eric wears tattoos that are representative of a gang and this scares other employees. Solution?



Iris wants to wear a pro-choice t-shirt to work, but this offends Megan's religious and moral beliefs. Solution?

# Diversity Initiatives- Past 5 Years

## Top 3

- Permitting employees to take leave for religious, ethnic or cultural holidays
- Increased effort to recruit/hire diverse workforce
- Creating culture of inclusion

## Bottom 3

- Forming affinity groups
- Instituting mentoring/ career development
- Focusing on supplier diversity  
\*BUT Future Focus

# Questions for Audience

- How do you monitor diversity and inclusion?
- Do you survey current employees or managers regarding diversity and inclusion?
- How do you communicate diversity and inclusion goals/initiatives?
- How do you know if your diversity and inclusion initiative is working?
- What kind of child care benefits? Flexible working options? Leave options? Benefits?

Thank you for your time and attention!

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