Effective Strategies to Manage a Diverse Workforce

and Avoid Costly Discrimination Claims

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Today's Agenda

- The differences between diversity and inclusion

- Characteristics protected by federal law

- Emerging state/local discrimination laws

- Critical information to include in your anti-discrimination/anti-harassment policy

- Tips to foster a peaceful, productive workplace when working with a diverse staff

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Diversity and Inclusion

Diversity vs. Inclusion

- Diversity is the make-up of your organization and it means all the ways your employees differ

- Inclusion involves bringing these individuals together and creating an environment of involvement, respect and connection

- When you have inclusion, your employees' different ideas, backgrounds and perspectives create business value

- Successful organizations need both diversity and inclusion

Understanding Diversity

Diversity goes beyond race, sex, ethnicity, age, national origin and religion. It includes:

- Sexual orientation

- Educational status

- Marital status

- Socioeconomic status

- Physical characteristics

- Differing life experiences

- Differing work experiences

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Encouraging Diversity

Diversity and inclusion efforts should:

- Start at the top of your company

- Be tied to business goals

- Be aligned with corporate strategies

- Be included in your mission statement

- Be covered in employee policies

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Benefits of Embracing Diversity

- Prevents discrimination and helps maintain a culture of inclusiveness

- Reduces the chances of harassment/discrimination claims

- Reduces instances of workplace bullying

- Creates a productive work environment based on fairness and respect

- Improves company culture and employee morale

- Attracts and retains quality employees

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Benefits of Embracing Diversity

- Provides better customer service to a diverse customer base

- Increases customer loyalty

- Enhances the organization's ability to cope with change in an increasingly complex world

- Expands creativity and innovation

- Presents unique problem-solving opportunities

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Federal and State Laws

Protected Characteristics

Legally protected characteristics under federal law include:

- Race

- Color

- National origin

- Religion

- Age (40 and older)

- Gender

- Genetic information

- Disability (mental and physical)

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Emerging Laws:
Natural Hair Discrimination

Nationwide, states and cities are passing laws banning race-based hair discrimination in the workplace.

- CA, CO, NJ, NY, and VA have passed legislation prohibiting hair discrimination

- Some additional states and cities that have issued guidance, passed laws or are considering legislation: IL, MI, MN, WA, WI, Cincinnati (OH), Boston (MA) and Montgomery County (MD)

- Employers should watch for continued legislative activity

Emerging Laws:
LGBTQ Discrimination

The Supreme Court of the United States (SCOTUS) is currently reviewing three cases that address if Title VII of the Civil Rights Act protects the rights of employees identifying as LGBTQ.

- These cases could determine if workers are protected from discrimination based on sexual orientation, gender identity and transgender status

- On the federal level, discrimination pertaining to LGBTQ rights isn't clearly defined yet; however several states and cities have laws that do prohibit discrimination based on sexual orientation and gender identity

- Employers should monitor SCOTUS developments

Emerging Laws:
Marijuana Use Discrimination

- Some states prohibit employers from discriminating against medical marijuana cardholders

- Some of these states also require employers to reasonably accommodate workers who require cannabis to treat a medical condition

- Laws vary greatly but most do not require employers to accommodate on-the-job use

- Other states specifically permit businesses to fire employees for off-duty marijuana use

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Additional State Laws

Some states have enacted laws that expand the protected categories. In certain states, discrimination is illegal based on:

- Sexual orientation

- Gender identity

- Marital status

- Weight

- Political affiliation

- And more

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Personnel Policies

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Discrimination/Harassment Policy

Your company's policy should:

- Define discrimination and harassment and include examples of prohibited conduct

- Encourage employees to report incidents immediately

- Explain the procedure for internal complaints

- Indicate that complaints will be treated confidentially to the extent possible

- Emphasize that all complaints will be taken seriously

- Confirm that appropriate corrective action will be taken

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Discrimination/Harassment Policy

Your company's policy should:

- Designate at least two contacts within your company to receive complaints

- Designated contacts should be trained to hear and document employee concerns

- Preferably, you should have one male and one female contact to hear and document complaints

- List their names and contact information as part of the complaint procedure in your policy

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Discrimination/Harassment Policy

- Distribute and communicate the policy

- Ensure employees read, sign and date your no-discrimination, no-harassment policy

- Keep copies of the signed documents in personnel files

- Reinforce your policy with a notice displayed in an area where all employees gather, such as a break room

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Recommended Tactics

Harassment and Diversity Training

- Anti-harassment training focuses on legally protected characteristics and compliance with the law (age, race, color, religion, etc.)

- Diversity training is general sensitivity training

- Diversity encompasses all of our differences — not just the ones protected by law

- Harassment and diversity training can be combined

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Diversity and Inclusion Training

Training should:

- Provide examples of engaging in respectful, positive interactions in the workplace

- Encourage employees to embrace differences and provide strategies to work together while embracing diverse perspectives

- Tie diversity and inclusion into the mission and values of the company

Encouraging Inclusion

- Develop diversity-friendly polices
- Create teams comprised of individuals with a variety of backgrounds
- Introduce mentorship programs
- Ensure managers lead by example
- Feature photos and quotes of diverse team members on company materials and websites
- Consider a volunteer event serving the needs of an underrepresented segment of the population

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HR Solution: **HR**direct smart apps

Company Policies

- Over 70 state-specific policies
- Attorney-written
- Recommended list of policies all businesses should have
- Always up-to-date and compliant
- Editable content
- Easily publish and share with employees via e-mail

Harassment Training

- Six different training modules based around general harassment, sexual harassment, reporting harassment, etc.
- Training can be completed individually or as a group
- Easily assign training to employees to complete
- Keep track of who has completed assigned trainings to maintain compliance
- Easily publish and share with employees via e-mail

For more information visit: hrdirectapps.com

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Questions

Reminder: All attendees will receive a link to the presentation and slides in a follow-up email.

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