

## Diversity/Inclusion

<u>General Info</u>	<u>Policies</u>
<ul style="list-style-type: none"> <li>—Background</li> <li>—Tips and Considerations</li> <li>—Legal Points</li> </ul>	<ul style="list-style-type: none"> <li>—Sample Policy</li> </ul>

### Background

Creating a diverse workplace helps employers attract and recruit talented employees, promotes productivity and innovation, and helps companies better understand the customers they serve. People usually think of race, gender, and cultural background when they think of diversity. But diversity can cover a broad spectrum that includes personality, experience, education, and skills. Diversity includes life experiences, language, skills, talents, education, thought processes, and personal styles—in essence, the entire package of personal attributes that each employee contributes to the workplace. Employers with diversity in the workplace benefit from the broader skill sets, experiences, and points of view employees bring to their jobs.

### Tips and Considerations

- **Individuality.** Workforce diversity extends beyond affirmative action and protected classifications like gender, race, age, religion, national origin, and disability. It is not based solely on changing the representation of various groups in the workplace. An employer's policy should state the importance of recognizing uniqueness in every individual, valuing each person's contributions, and creating an inclusive environment where awareness of and respect for individual differences are promoted and encouraged.
  
- **Current status.** Compiling data on the labor market and comparing the information with the current workforce may be helpful in determining any trends or areas on which to focus diversity and inclusion efforts. Information on an employer's workforce may be available through the employer's Human Resource Information System (HRIS) system, affirmative action plans, or EEO-1 reports.
  
- **Employee input.** Providing a system for employees to anonymously share their views on diversity and the employer's diversity and inclusion efforts may provide insight for the direction of an employer's diversity efforts.
  
- **Business goals and objectives.** Consideration of the company's business objectives and goals will be important when developing the company's diversity and inclusion policies. Specific diversity and inclusion goals may be linked to a company's strategic business plan.
  
- **Recruiting.** Recruiting is essential to building and maintaining a diverse workforce. To find nontraditional candidates, employers must broaden their search beyond techniques used in the past. Broadening the applicant pool may be one of the goals of an employer's diversity and inclusion policy.
  
- **Buy-in at the top.** As with most policies, senior management should be on board with the diversity and inclusion policy and should be willing to provide support in ways that demonstrate the company's commitment to its diversity and inclusion goals.

- **Communication.** Employers should consider how they will introduce and implement their diversity and inclusion policies. Social media, the company intranet, e-mail, and live presentations may be used to spread the word and engage employees in the conversation about strategies for success.
- **Training.** Promoting the policy in advance and following its implementation will be critical to its success. Providing employees with diversity training may help employees understand the goals of the policy as well as their role in promoting diversity and inclusion in the workplace.

## Legal Points

While there are many benefits to a diverse workforce, there are a lot of legal concerns to consider. Federal laws addressing issues that arise with a diverse workforce include:

- The Age Discrimination in Employment Act (ADEA) is a federal law that prohibits employers with 20 or more employees from discriminating in employment against individuals who are 40 years of age or older.
- The Americans with Disabilities Act (ADA) is a federal law that prohibits employers with 15 or more employees from discriminating against applicants and employees because of an actual disability, a record of a disability, a perceived impairment, or a relationship or an association with an individual with a disability.
- The federal Equal Pay Act (EPA) prohibits employers that are engaged in interstate commerce from pay discrimination based on sex when employees perform equal work.
- Executive Order 11246 requires federal contractors to have nondiscriminatory employment practices. Contractors with 50 or more employees and contracts of \$50,000 or more must implement written affirmative action plans for women, minorities, individuals with disabilities, and veterans.
- The federal Genetic Information Nondiscrimination Act (GINA) prohibits employers with 15 or more employees from discriminating in employment based on genetic information of the employee, applicant, or family members.
- Immigration Reform and Control Act (IRCA) is a federal law that prohibits employers from discriminating based on national origin and citizenship.
- Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employers with 15 or more employees from discriminating based on race, color, national origin, religion, or sex. The Equal Employment Opportunity Commission (EEOC) has taken the position that unlawful sex discrimination includes discrimination based on sexual orientation and gender identity.
- Federal law under the Uniformed Services Employment and Reemployment Rights Act (USERRA) prohibits employers from denying any benefit of employment based on an individual's membership in the uniformed services.
- Most states have fair employment laws that prohibit employment discrimination. Often, the laws cover smaller employers and include more protected characteristics such as marital status, sexual orientation, and gender identity.

## Sample Policy

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### Subject: Diversity/Inclusion

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[Company] values its employees for their unique talents and abilities that power the creativity and innovation of our workforce and drive our ability to produce and deliver top quality products and provide exceptional customer service. Whatever their race, color, religion, age, sex, national origin, sexual orientation, gender identity, or disability, all employees are valued for their individual differences and the unique contributions that help us achieve our business goals.

Through our diversity and inclusion policy, [Company] seeks to create a positive work environment where all employees can reach their full potential and maximize their contributions. We are committed to our employees' dignity and well-being and make every effort to provide all employees with a safe and professional work environment.

[Company] strives to treat its employees fairly and with respect and to maintain a workplace that is free from discrimination, harassment, and other offensive or unprofessional behavior. We expect our employees to support a workplace that is free from discrimination and harassment. Employees are always expected to treat others with dignity and respect while in the workplace, at company-sponsored events, and at all work-related functions.

To ensure a respectful and dignified workplace and to foster diversity and inclusion, [Company] supports the following practices.

**Names and pronouns.** An employee has the right to be addressed by the name and pronoun of the employee's choice. No documentation is required. An employee's coworkers are expected to be respectful of the employee's choice and to use name and pronouns requested by the employee. Intentional use of the employee's former name and pronouns is a violation of this policy and may constitute unlawful harassment.

**Religious diversity.** [Company] will provide reasonable accommodation for an employee's observance of religious practices and beliefs.

**Work/life balance.** [Company] supports flexible work practices and policies that support employees and their changing needs (e.g., family responsibilities). [Company] recognizes that providing flexible work practices allows employees to use working arrangements that meet their need to balance their work and family lives.

**Accessibility.** [Company] seeks to ensure that its employees, of all abilities, are able to access the information and resources they need to perform their jobs. We will provide reasonable accommodation for an employee's disability so that the employee can perform the essential duties of the job in question.

This diversity and inclusion policy applies in all aspects of employment, including hiring, upgrading, transfers, recruitment advertising, recruitment, selection, placement, promotion, demotion, layoff, compensation, benefits, training, termination, and any other terms, conditions, and privileges of employment.

Every effort is made to ensure that our policies regarding hiring, compensation, promotion, and transfer are based solely on job requirements, job performance, and job-related criteria. In addition, we strive to administer our employment policies and practices, including those relating to compensation, benefits, transfer, retention, termination, training, career development opportunities, as well as social and recreational programs, in compliance with applicable federal, state, and local fair employment laws.