

Personnel Management in Agriculture

Diversity, Inclusion, and Equal Employment Laws

Alexandra E. Hill

AREC 325

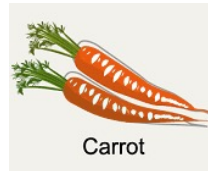
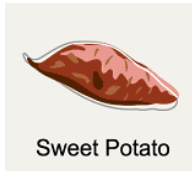
Colorado State University

Week 4: Objectives

- 4.1 Understand your personal identities and how they might impact your interactions with employees.
- 4.2 Identify major US laws pertaining to equal employment opportunity, anti-discrimination, and protections in the workplace and explain how they apply.
- 4.3 Describe (in detail) Title VII of the Civil Rights Act.
- 4.4 Describe the challenges and benefits of diversity and inclusion in the workplace.
- 4.5 Recommend ways in which organizations can maintain legal compliance and address key analytics, legal, ethical, and global issues associated with diversity and inclusion in HRM.



What is your favorite vegetable?



4.1 What are your personal identities and how they might impact your interactions with employees?

Identity Discussion: Part 1

PRIVILEGED/MARGINALIZED GROUPS		
PRIVILEGED GROUP		MARGINALIZED GROUP
Able bodied, non-disabled	ABILITY/DISABILITY	People with a physical, mental, emotional, and/or learning any other disability
30s to early 50s	AGE	Younger; Older
Upper class; Upper middle class; Middle class	CLASS	Working class; Living in poverty
Graduate or college degree; Private schooling	EDUCATIONAL LEVEL	High school degree; GED; Public schooling
"American;" Western European Heritage	ETHNICITY/CULTURE	Puerto Rican; Navajo; Mexican; Nigerian; Chinese; Iranian; Russian; Jewish...and tons more
Cisgender, Behavior and/or supporting the gender binary, cisgender men	GENDER IDENTITY	Women, trans, gender non-conforming, gender variant; gender queer; agender
Binary gender expression, masculine & feminine characteristics in line with dominant norms	GENDER EXPRESSION	Fluid expression of gender with feminine, masculine, and beyond
US born; naturalized citizen, documented status	NATIONAL ORIGIN/ CITIZENSHIP	"Foreign born;" Born in a country other than the US; refugees; undocumented people; indigenous people
Parent children within a 2-parent heterosexual marriage	RELATIONSHIP & FAMILY STATUS	Single parent; do not have children; LGBTQ+ parents
White	RACE	Person of Color; bi/multi-racial
Christian	RELIGION/SPIRITUALITY/ FAITH	Muslim, Jewish; Agnostic; Buddhist; Atheist; Hindu; Spiritual; etc.
Male	SEX	Female; Intersex
Heterosexual	SEXUAL ORIENTATION	Gay; Lesbian; Bisexual; Pansexual; Asexual
Align with narrow image of fit, thin, attractive, beautiful, handsome, etc.	SIZE/APPEARANCE	Perceived by others as too fat, tall, short, unattractive, etc.
Proficient in the "King's English;" use "proper" English	USE OF ENGLISH	Have an "accent;" Use regional dialect; learning English

Choose which side of the identity chart you align with for each category and think about the following:

1. What are the complexities of any one (or more) of your identities?
2. How has the understanding of your identities changed over time?
3. What are your reflections on your dominant or marginalized identities?
4. How do your social identities have an impact on your work? Daily life?

Identity Discussion: Part 2

PRIVILEGED/MARGINALIZED GROUPS		
PRIVILEGED GROUP		MARGINALIZED GROUP
Able bodied, non-disabled	ABILITY/DISABILITY	People with a physical, mental, emotional, and/or learning any other disability
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In your groups, discuss how a person's identities might impact:

1. Their own management style
2. Their preferences on how they are managed
3. Their biases
4. The success of employees they are mentoring or managing
5. Their preferences on organizational culture

4.2 What are the major US laws pertaining to equal employment opportunity, anti-discrimination, and protections in the workplace and how do they apply?

What government agencies are involved in the EEO process?

What are the main EEO laws and what do they mandate?

What do you need to understand about these laws as an employer?

What Government Agencies are Involved?

Equal Employment Opportunity Commission (EEOC): An independent federal agency that ensures compliance with the law and provides outreach activities designed to prevent discrimination.

Office of Federal Contract Compliance Programs (OFCCP): A division of the Department of Labor; monitors EEO compliance of federal contractors.

What are the Main EEO Laws?

1. Equal Pay Act (1963)
2. Title VII of the Civil Rights Act (1964 and 1991)
3. Age Discrimination in Employment Act (1967)
4. Pregnancy Discrimination Act (1978)
5. Americans with Disabilities Act (1990)
6. Genetic Information Nondiscrimination Act (2008)
7. Lilly Ledbetter Fair Pay Act (2009)

EEO Laws and What they Do

Law/Action	What it Does
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4. Pregnancy Discrimination Act	Prohibits discrimination against pregnant women; must treat pregnancy similarly to disability in terms of coverage

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7. Lilly Ledbetter Fair Pay Act	Employees can file a complaint under the EPA within 180 days of each pay-check

LGBTQ+ Protections

This is an evolving issue...

- States vary with regard to LGBTQ-related laws and policies:
<https://www.lgbtmap.org/equality-maps>
- As of 2020 the EEOC added sexual orientation and gender identity to their protected classifications following a Supreme Court decision...

Protections Against Employment Discrimination Based on Sexual Orientation or Gender Identity

i In July 2022, a federal district court preliminarily enjoined the EEOC from implementing this document as to plaintiffs in [Tennessee. et al. v. U.S. Dep't of Educ. et al.](#), Case No. 3:21-cv-308 (E.D. Tenn.).

On June 15, 2020, the Supreme Court of the United States issued its landmark decision in the case *Bostock v. Clayton County*,^[1] which held that the prohibition against sex discrimination in Title VII of the Civil Rights Act of 1964 (Title VII) includes employment discrimination against an individual on the basis of sexual orientation or transgender status.



Translate this Page



This technical assistance document was issued upon approval of the Chair of the U.S. Equal Employment Opportunity Commission.

OLC Control NVT-2021-1
Number:

LGBTQ+ Protections: Ruling in Bostock v. Clayton County

“The Court further explained that “sex” refers to the biological distinctions between males and females. Id. Taken together, the Court clarified that “[a]n employer violates Title VII when it intentionally fires an individual employee based in part on sex.” Id. at 1741.”

“The Court then reasoned that “it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.” Id. “[H]omosexuality and transgender status are inextricably bound up with sex” because “to discriminate on these grounds requires an employer to intentionally treat individual employees differently because of their sex.” Id. at 1742. The Court held that, under Title VII, “employers are prohibited from firing employees on the basis of homosexuality or transgender status.” Id. at 1753.”

(Tennessee. et al. v. U.S. Dep’t of Educ. et al.)

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<https://www.lgbtmap.org/equality-maps>
- As of 2020 the EEOC added sexual orientation and gender identity to their protected classifications following a Supreme Court decision...
- Technically the *Bostock v. Clayton County* case regarded Title VII
- In 2021, Biden signed an “Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity of Sexual Orientation.”

LGBTQ+ Protections: Executive Order

“Under the Supreme Court’s reasoning in Bostock, the Executive Order declared that “laws that prohibit sex discrimination...prohibit discrimination on the basis of gender identity or sexual orientation.” Id. (citing Bostock, 140 S. Ct. 1731). The President directed federal agencies to “fully implement statutes that prohibit sex discrimination” consistent with the Administration’s interpretation.”

“In response to the President’s Executive Order, the Department of Education and Equal Employment Opportunity Commission issued guidance documents providing their interpretations of Title IX of the Education Amendments Act of 1972 and Title VII of the Civil Rights Act of 1964, respectively.”

(Tennessee. et al. v. U.S. Dep’t of Educ. et al.)

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- Technically the *Bostock v. Clayton County* case regarded Title VII
- In 2021, Biden signed an “Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.”
- In 2022 another case prohibited the EEOC from implementing this with regard to Title IX

The State of Tennessee v. United States Department of Education

Description: The Association of Christian Schools International and three female athletes in Arkansas are asking a federal district court to allow them to intervene in a lawsuit that challenges the Biden administration's reinterpretation of federal law that allows males to compete on female athletic teams. Twenty state attorneys general, led by the state of Tennessee, are challenging a guidance document issued by the U.S. Department of Education and the U.S. Equal Employment Opportunity Commission that interprets Title IX of the Civil Rights Act, which prohibits "discrimination on the basis of sex," to bar discrimination based on gender identity and sexual orientation. Among other things, this would require that schools subject to Title IX allow males who identify as female to participate on female athletic teams and use female-designated showers and locker rooms.

EEO Laws and Compliance: Equal Pay Act

Who is covered? All employers (regardless of size)

What evidence does an employee need to file a complaint?

- They and an employee of another sex are working in the same place, doing equal work, *and*
- They are paid differently for the same work.

What evidence does an employer need to defend against a complaint?

There is a reason other than sex for the pay difference (e.g. seniority, merit, quality or quantity of production)

What are the consequences?

Equitable relief, compensatory damages, and (potentially) punitive damages

Types of Consequences

Violations for most EEO laws allow plaintiffs (employees) to seek:

- **Equitable Relief** - Payments made to the complainant to bring them back to the position they would have had if they were not discriminated against.
- **Compensatory Damages** - Payments to the complainant for damages incurred, such as mental and emotional stress suffered as a result of discrimination.
- **Punitive Damages** - Payments to the complainant that are awarded if it is demonstrate that the company had engaged in reckless discrimination and failed to act in “good faith”

4.3 What does Title VII of the Civil Rights Act Entail?

Who does the law apply to (employers and protected classifications)?

What two types of discrimination does the law address?

What are the main challenges to achieving diversity and inclusion in the workplace?

Who is covered? All employers with 15 or more employees

Title VII prohibits two types of **discrimination**:

- **Disparate Treatment** - Treating different groups of applicants or employees from a *protected group* differently. (Intentional or blatant discrimination)
- **Disparate Impact** - Employers use seemingly neutral criteria that have a discriminatory effect on a *protected group*. (Adverse impact, regardless of intent)

The employee evidence and employer defense are different for the two.

I give my cat more food than my dog because I prefer cats to dogs.

That's biased against dogs.

Fine.



Disparate Treatment

I give my cat more food than my dog because I heard animals that purr need more food.

That's biased against dogs.

I didn't mean it!



Disparate Impact

Federal Protected Classifications

1. age (40 and older)
2. sex (including pregnancy)
3. race or color
4. national origin
5. disability
6. religion
7. citizenship status
8. genetic information
9. *sexual orientation and gender identity*

Colorado (Additional) Protected Classifications

1. sexual orientation
2. AIDS/HIV
3. lawful conduct outside of work
4. military status
5. transgender status
6. marital status or civil union partnership with a coworker

EEO Laws and Compliance: Title VII - Disparate Impact

What evidence does an employee need to file a complaint?

The *Uniform Guidelines on Employee Selection Procedures* outline how employee selection procedures can be designed to comply with EEO laws:

4/5^{ths} rule

Group	Interviewed	Hired	Selection Rate
Males	50	20	0.4
Females	50	10	0.2

Selection rate of females/selection rate of males = $0.2/0.4 = 50\%$

Which is less than 4/5^{ths} (80%) → adverse impact

Discussion: Title VII - Disparate Impact

Use this data on interviews and hires to answer the following questions:

Group	Interviewed	Hired
Age >40	20	10
Age <40	80	60

1. What is the selection rate of individuals 40 and older?
2. What is the selection rate of individuals younger than 40?
3. What is the (selection rate of individuals 40 and older) / (selection rate of individuals younger than 40)?
4. Is there evidence of adverse impact? (yes or no and why)
5. What data visualization do you think would best display this information and why?

What evidence does an employer need to defend against a complaint?

Show that the selection criteria are *job related* and that there is a *business necessity*:

1. Criterion validity
2. Content validity
3. Construct validity

The Uniform Guidelines on Employee Selection give *technical standards* for evaluating each type of validity

Criterion Validity

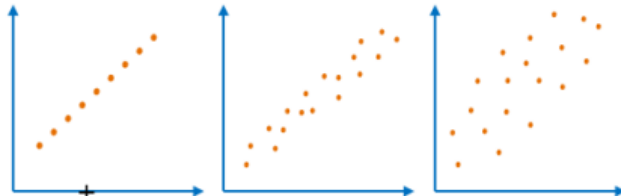
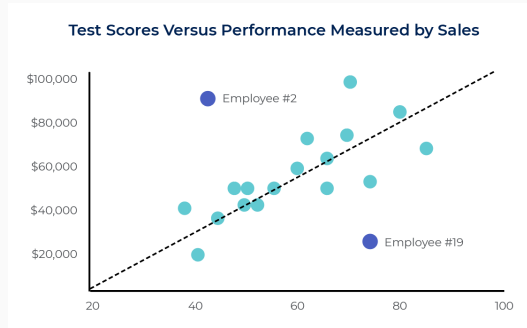
Validity based on showing that scores on the test (predictors) are related to performance (criterion). Usually measured by a **correlation coefficient**.

The correlation coefficient measures the **statistical relation between two factors**. In our case, we would like to understand how our test scores relate to job performance.

Correlation coefficients can range from -1 to 1, where negative values indicate that the test results are negatively correlated with job performance and positive values indicate positive correlation.

The Uniform Guidelines on Employee Selection also state that the correlation coefficient must be significant at the 0.05 level. This means your sample size must be sufficiently large.

Criterion Validity - The Correlation Coefficient



Criterion Validity - The Correlation Coefficient

Interpreting Validity Scores

Correlation Coefficient	Subjective Meaning
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$0.40 \leq r < 0.50$	Acceptable
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$0.50 \leq r < 0.60$	Good
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$0.60 \leq r$	Excellent
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Valid because it contains a fair sample of the tasks and skills actually needed for the job. Work samples tend to meet this measure of validity.

To demonstrate content validity, employers must:

1. Provide evidence of a **job analysis** that includes the important work behaviors (competencies) and associated tasks that are required for successful performance.

This should include the data you have collected: interviews, questionnaires, observation, participant logs, collection of existing business charts and documents, and various online methods.

2. Demonstrate that the tasks in the selection procedure provide a **representative sample** of the work product of the job.

Construct Validity

Valid because it demonstrates that a selection procedure measures a construct (an abstract idea or trait, like honesty or communication) and that construct is important for successful job performance.

Provide evidence of a **job analysis** that includes the important competencies and associated tasks that are required for successful performance. This job analysis should identify the construct(s) believed to underlie these behaviors.

In cases where constructs are not measured formally (e.g. through an interview rather than personality tests), the employer must provide evidence that the selection procedure has been used elsewhere in a similar context.

In cases where constructs are measured formally, must demonstrate that the construct assessment is a valid and reliable measure of the construct.

Discussion: Examples of Disparate Impact I

In 2018, several female workers jointly filed a complaint with the EEOC about a strength test used as a selection criteria by CSX Transportation (a freight railroad operating company based on the East Coast).

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The test used by CSX was the “Industrial Physical Capability Services” offered by the company Biodex: “The Biodex System 4 is a progressive and innovative tool providing rehabilitative testing and strengthening from the frailest patient to world class athletes. Understanding an individual’s strengths and weakness for employment and return to work has been made more precise through objective data generated from the System.”

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The female workers complained that the strength test had an unlawful discriminatory impact on female workers seeking jobs as conductors, material handler/clerks, and a number of other job categories.

Discussion: Examples of Disparate Impact I

In your groups answer:

1. What information should the female employees have brought forward to support their claim?
2. How should CSX have gone about defending this claim? (What form(s) of validity should they use, and how should it/they be applied?)

Press Release

06-13-2018

CSX Transportation to Pay \$3.2 Million To Settle EEOC Disparate Impact Sex Discrimination Case

Railroad to Cease Challenged Physical Abilities Testing, Federal Agency Announces

Discussion: Examples of Disparate Impact II

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In the 1950s, the company only allowed black workers to work in the Labor department - the company's lowest paying jobs. Later, when anti-discrimination laws were enacted, the company instituted an "inside transfer" policy, which required that all employees who wanted to work in higher positions, to achieve a minimum score on two aptitude tests. They were also required to provide proof that they had received a high school diploma.

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While this may not have seemed like a discriminatory practice, Griggs challenged it just the same, claiming that the policy discriminated against black employees in particular, as many blacks of the time did not graduate from high school, and that the tests required by the company did not test aptitude for the specific jobs. Griggs complained that the company's policies violated Title VII of the 1964 Civil Rights Act.

Discussion: Examples of Disparate Impact II

In your groups answer:

1. What information should Willie Griggs have brought forward to support his claim?
2. How should Duke Power Company have gone about defending this claim? (What form(s) of validity should they use, and how should it/they be applied?)

Examples of Disparate Impact II – What Happened?

The Court ruled that yes, Duke had, in fact, commit discrimination with its practices. Specifically, the Court held that Duke's standardized testing requirement worked to prevent a significant number of black employees from either being hired for, or advancing to, the company's higher-paying jobs.

The Court determined that neither the high school completion requirement, nor the two aptitude test requirement, were intended to gauge an employee's ability to learn or to perform a specific function within the company. Instead, the Court ruled that Duke's motivation, which was carried out subtly and illegally, was to safeguard its long-term practice of offering job preferences to its white employees.

What evidence does an employee need to file a complaint?

Prima facie evidence (at first glance, or preliminary)

- They applied for a job for which they were qualified
- They were rejected despite being qualified
- Someone with similar or less qualifications was hired (or the employer continued seeking applicants)
- (Optional) There is circumstantial evidence indicating that a **protected characteristic** may have been a factor

What evidence does an employer need to defend against a complaint?

- There was a nondiscriminatory reason for the decision, or
- The protected characteristic is a **bona fide occupational qualification** (BFOQ, essential necessity of the job)

Discussion: BFOQ in Casting

OPEN CASTING CALL IN NEW YORK CITY



HAMILTON is holding OPEN AUDITIONS for SINGERS who RAP!

Seeking NON-WHITE men and women, ages 20s to 30s,
for Broadway and upcoming Tours!

****No prior theater experience necessary****

NEW YORK CITY – Tuesday, May 3rd, 2016

Chelsea Studios
151 West 26th Street, 6th Floor
OPEN CALL @ 11:00am – 2:00pm
****Sign In begins at 10:00am****

WHAT TO BRING

1. Sheet music for a pop/rock song, an accompanist will be provided.
2. A picture and resume that includes your contact information.

... it appeared that backlash to the musical may have finally arrived when a New York City lawyer objected to a Hamilton ad encouraging “non-white” performers to try out for lead parts. One of Hamilton’s signature features is that it has people of color playing Alexander Hamilton, George Washington, Thomas Jefferson, James Madison, and their contemporaries. Accusing the casting call of being discriminatory might seem to raise the idea that the play itself is discriminatory...

Hamilton does not merely allow for some of the Founding Fathers to be non-white. It insists all of them be.

Discussion: BFOQ in Casting

“Colorblind casting” has been an industry phrase for decades now, and while it has a few competing definitions, the common public understanding is that it refers to casting directors disregarding skin color as they fill roles... this kind of casting... is how a London production of Harry Potter and the Cursed Child ended up with a black Hermione. But it has implications that both sides of the ideological spectrum can take issue with. Earlier this year, following a few incidents where supposed colorblindness led to white actors playing parts written as non-white –including a portrayal of Martin Luther King, Jr. – more than 1,000 playwrights signed a column published in American Theatre arguing for “color-conscious” casting instead.

Discussion: BFOQ in Casting

Hamilton is not, by the common definition, colorblind... This insistence is part of the play's message that Alexander Hamilton's journey from destitute immigrant to influential statesman is universal and replicable (and comparable to the life stories of many of the rappers who inspired Hamilton's music). Obama, recently hosting the cast at the White House, gave the standard interpretation: "With a cast as diverse as America itself, including the outstandingly talented women, the show reminds us that this nation was built by more than just a few great men - and that it is an inheritance that belongs to all of us."

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In your groups, discuss:

- Do you think this qualifies as *prima facie* evidence of disparate treatment?
- How should the casting director defend a charge of discrimination in this case?

Source: [Ohio Employer Law Blog](#)

EEO Laws and Compliance: Title VII - Harassment

Title VII also prohibits **harassment**: unwelcome behaviors based on protected characteristics, include sexual harassment, quid pro quo harassment, and hostile work environments.

What evidence does an employee need to file a complaint?

- They are a member of a protected class
- They were subjected to harassment
- They experienced harassment due to their protected class
- The conduct affected the employment of the plaintiff
- The employer knew about or should have known about the harassment and did nothing to protect the employee

What evidence does an employer need to defend against a complaint?

1. Establish safeguards - mandatory trainings
2. Ensure there are clear and safe mechanisms for employee reporting
3. Ensure received complaints are taken seriously and resolved promptly

4.4 What are challenges and benefits of diversity and inclusion in the workplace?

What are diversity, equity, and inclusion and how are they different?

What are benefits to having diverse and inclusive workplace environments?

What are the main challenges to achieving diversity and inclusion in the workplace?

Defining Diversity, Equity, and Inclusion

Diversity refers to real or perceived differences among people with respect to sex, race, ethnicity, age, physical and mental ability, sexual orientation, religion, and attributes that may affect their interactions with others.

Equity refers to fair treatment, equality of opportunity, and fairness in access to information and resources.

Inclusion refers to individuals, regardless of their background, being treated with dignity and respect, being included in decision-making, and being valued for who they are and what they 'bring to the table.'

Defining Diversity, Equity, and Inclusion



DI·VER·SI·TY

All the ways in which people differ.



EQ·UI·TY

Fair treatment, access, opportunity, and advancement for all people. One's identity cannot predict the outcome.



IN·CLU·SION

A variety of people have power, a voice, and decision-making authority.

Defining Diversity, Equity, and Inclusion

Diversity *is being invited to the party.*

Equity *is ensuring everyone has appropriate transportation to the dance.*

Inclusion *is being asked to dance.*

What are Benefits to Diversity and Inclusion in the Workplace?

Diversity alone is not a solution

- Diverse groups feel *less cohesive*, *experience more conflict*, *misunderstand each other more*, have *higher rates of turnover*, and *lower team performance*.

(Roberge, van Dick, 2010)

Different forms of diversity play a different role

- Functional background (e.g. sales, marketing, management, etc.) and educational background diversity have positive relationships with team performance, creativity, and innovation.
- Race and sex diversity have small negative relationships with team performance, age diversity has no significant relationship with performance.

(Bell, Villado, Lukasik, Belau, and Briggs, 2011)

What are Benefits to Diversity and Inclusion in the Workplace?

But when diversity is combined with inclusion...

- groups experience *less conflict* and *increased innovation, creativity, and productivity*.
- companies experience *more positive relationships among peers, lower turnover, and better reputations*.

Another Perspective: Janet Stovall Ted Talk

- Different backgrounds and perspectives lead to a variety of ideas, knowledge, and ways of doing things.
- Team members from the same background are likely to take actions based on a narrow range of experiences.
- Understand and meet the needs of people from diverse perspectives, can improve communication and engagement.

Why are Diversity and Inclusion Challenging to Achieve?

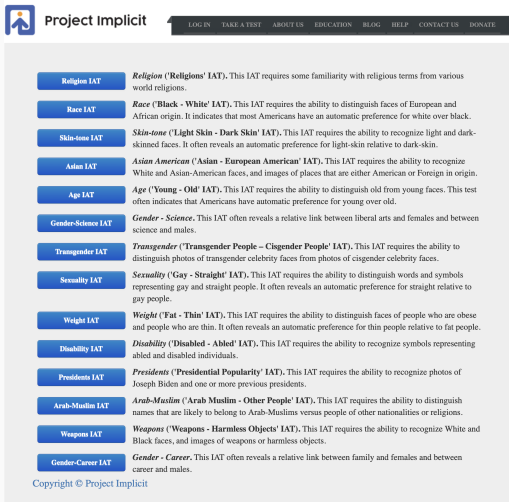
Similarity-attraction hypothesis

- Individuals prefer others who are similar to them.
- People tend to establish trust more quickly, cooperate more willingly, and communicate more smoothly with others who are similar to them.
- This often manifests as a **perceived chemistry** or a **gut feeling**.

Stereotypes

- Simplified and generalized assumptions about a particular group that may not reflect reality.
- Can be implicit or explicit.

Why are Diversity and Inclusion Challenging to Achieve?



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Religion IAT	Religion ('Religions' IAT). This IAT requires some familiarity with religious terms from various world religions.
Race IAT	Race ('Black - White' IAT). This IAT requires the ability to distinguish faces of European and African origin. It indicates that most Americans have an automatic preference for white over black.
Skin-tone IAT	Skin-tone ('Light Skin - Dark Skin' IAT). This IAT requires the ability to recognize light and dark-skinned faces. It often reveals an automatic preference for light-skin relative to dark-skin.
Asian IAT	Asian American ('Asian - European American' IAT). This IAT requires the ability to recognize White and Asian-American faces, and images of places that are either American or Foreign in origin.
Age IAT	Age ('Young - Old' IAT). This IAT requires the ability to distinguish old from young faces. This test often indicates that Americans have automatic preference for young over old.
Gender-Science IAT	Gender - Science . This IAT often reveals a relative link between liberal arts and females and between science and males.
Transgender IAT	Transgender ('Transgender People - Cisgender People' IAT). This IAT requires the ability to distinguish photos of transgender celebrity faces from photos of cisgender celebrity faces.
Sexuality IAT	Sexuality ('Gay - Straight' IAT). This IAT requires the ability to distinguish words and symbols representing gay and straight people. It often reveals an automatic preference for straight relative to gay people.
Weight IAT	Weight ('Fat - Thin' IAT). This IAT requires the ability to distinguish faces of people who are obese and people who are thin. It often reveals an automatic preference for thin people relative to fat people.
Disability IAT	Disability ('Disabled - Able' IAT). This IAT requires the ability to recognize symbols representing able and disabled individuals.
Presidents IAT	Presidents ('Presidential Popularity' IAT). This IAT requires the ability to recognize photos of Joseph Biden and one or more previous presidents.
Arab-Muslim IAT	Arab-Muslim ('Arab Muslim - Other People' IAT). This IAT requires the ability to distinguish names that are likely to belong to Arab-Muslims versus people of other nationalities or religions.
Weapons IAT	Weapons ('Weapons - Harmless Objects' IAT). This IAT requires the ability to recognize White and Black faces, and images of weapons or harmless objects.
Gender-Career IAT	Gender - Career . This IAT often reveals a relative link between family and females and between career and males.

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Unconscious (implicit) Bias

- Bias as a result of unconscious stereotypes that individuals hold.
- **Trainings versus Actions**

Discussion:

- Why do implicit biases exist?
- What types of trainings are most effective at causing changes in behavior related to biases?
- What workplace policies or initiatives are most effective?

Source: [Harvard Implicit Bias Tests](#)

4.5 How can organizations maintain legal compliance and address key issues associated with diversity and inclusion in HRM?

What initiatives and methods are companies using in order to manage diversity and legal compliance effectively?

How effective are these initiatives and methods?

What Initiatives and Methods are Companies Using?

1. Affirmative Action Plans
2. Take precautions to comply with EEO regulations
3. Internal complaint mechanisms
4. Diversity initiatives
5. Conduct internal audits
6. Use big data (to describe, predict, and prescribe; but be aware of emerging legal issues)

Percent Change Over Five Years in Representation Among Managers Across 829 Companies

Type of program	White		Black		Hispanic		Asian	
	Men	Women	Men	Women	Men	Women	Men	Women
Voluntary training			+13.3		+9.1		+9.3	+12.6
Self-managed teams	-2.8	+5.6	+3.4	+3.9				+3.6
Cross-training	-1.4	+3.0	+2.7	+3.0	-3.9		+6.5	+4.1
College recruitment: women	-2.0	+10.2	+7.9	+8.7		+10.0	+18.3	+8.6
College recruitment: minorities			+7.7	+8.9				
Mentoring				+18.0	+9.1	+23.7	+18.0	+24.0
Diversity task forces	-3.3	+11.6	+8.7	+22.7	+12.0	+16.2	+30.2	+24.2
Diversity managers		+7.5	+17.0	+11.1		+18.2	+10.9	+13.6

Diversity, Equity, and Inclusion in Small Businesses

Parting thoughts on small businesses

Many of the initiatives used by companies are specific to larger companies.

But DEI is still important at small companies! Here are some tips for integrating DEI at small companies

- Use inclusive language in job descriptions, posting, advertising, and any marketing.
 - [LinkedIn's Inclusive Language for Marketers Pocket Guide](#)
 - [Google's Inclusive Marketing Tool](#)
- Ensure your marketing materials and website are accessible to a variety of audiences
 - [Accessibilitytest.org](#) will evaluate your website for accessibility
- Consider a third party certification or pledge
 - [The Ethical Move](#) – pledge to ethical marketing and put a badge on your website.
 - [Worldblu Freedom-centered organizations certification](#) – Meet the 10 Principles of Organizational Democracy

Parting thoughts on small businesses

- Have a formal DEI policy
 - [SHRM DEI policy template](#)
- Think about different dimensions of diversity
 - You can have diversity in employees, consultants, and customers
 - You can have diversity in MANY dimensions
- Think about different dimensions of inclusivity and equity
 - Be open to feedback
 - Focus on non-traditional candidates and recruit for jobs outside your friend network...
 - You can still ensure all voices are heard (democratic-style business)