

Diversity and Inclusion - Supervisor Briefing

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This Supervisor Briefing examines the law and best practices for creating and maintaining a diverse and inclusive workforce. It covers the following topics:

1. Defining Diversity and Inclusion
2. Legal Background
3. Benefits of Diversity
4. Challenges and Barriers to Diversity
5. Risks to an Employer Who is Not Diverse
6. Types of Diversity
7. Steps to Increase and Manage Diversity
8. Handling Conflicts
9. Test Yourself



Defining Diversity and Inclusion

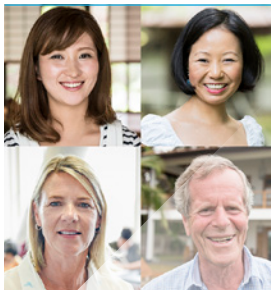
Diversity

According to the Society for Human Resource Management, diversity is the collective mixture of differences and similarities including individual and organizational characteristics, values, beliefs, experiences, backgrounds, preferences and behaviors.

Diversity also includes various experiences, views and perspectives arising from differences in race, sex, religion, culture, national origin, abilities, age, sexual orientation, personal appearance (i.e., height, weight) and other characteristics as well as work experience, educational status, marital status, geographic location, background and upbringing, socioeconomic status, politics, military experience and learning style. Essentially, it covers the full spectrum of human differences, physical characteristics, life experiences and personal preferences and may involve how an individual views himself or herself and how the individual views others.

Diversity goes far beyond legal parameters and is not required under federal, state or local law. A diverse employer is one that gives value to and appreciates differences, encourages employees to be respectful, accepting and tolerant and welcomes each individual and his or her contribution.

Diversity maximizes the ability of all employees to contribute to an organization. An employer benefits by having different approaches and views to making decisions and solving problems. As a result, having a diverse workforce can lead to increased productivity and improved communication.



Did You Know?

In today's workplace, diversity is often viewed as a salad bowl, where individuals retain their differences and value their uniqueness, as opposed to a melting pot where the differences are mixed and melded together and individuals are fully assimilated.

Inclusion

Inclusion focuses on whether the employer has a workplace culture in which diverse employees feel integrated, instead of isolated. An employer can have a diverse workplace without having an inclusive culture. In an inclusive workplace, the employer develops and maintains a culture in which:

- It is clear the employer values diversity;
- Diverse employees feel included and have an equal opportunity for success; and
- Employees feel comfortable, welcomed and valued.

Legal Background

Equal Employment Opportunity

Equal employment opportunity laws and the government agencies charged with enforcing them aid in promoting a diverse workplace. Equal employment opportunity involves treating individuals fairly and providing them with equal opportunity based on merit, experience, performance and qualifications. It extends to all aspects of employment - hiring, firing, benefits, promotion, pay, working conditions, other workplace opportunities, transfers, job advertisements, training and leave.

Equal employment opportunity laws, on both the federal and state levels, are aimed at preventing and correcting discrimination, harassment and retaliation in the workplace. For example, on the federal level, Title VII of the Civil Rights Act of 1964 prohibits discrimination and harassment in employment based on race, color, religion, national origin, sex and pregnancy. The Equal Employment Opportunity Commission (EEOC) is the federal agency charged with enforcing federal laws providing equal opportunity.

Additional federal laws, such as the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA) prohibit discrimination against individuals with a disability and discrimination based on genetic information.

States and municipalities have similar laws and agencies, many of which extend beyond the parameters of federal law.

Diversity and inclusion initiatives also go beyond what is legally required to prevent discrimination under equal employment opportunity laws. Equal employment opportunity laws represent the bare minimum when it comes to legal compliance while diversity and inclusion focus on the employer's culture and promoting employee differences.



Tip

It is important not only to have discrimination, harassment and retaliation policies in place, but also to make sure that all employees and supervisors receive training on them and know how to identify and report instances of discrimination, harassment and retaliation.

Affirmative Action

Affirmative action laws focus on specific groups based on historical discrimination and disadvantage such as individuals of color, women, individuals with disabilities and veterans. Under affirmative action laws, government contractors are required to take affirmative action to defeat and counter past instances of discrimination in the workplace. Affirmative action is about achieving equality in the workforce by reaching out to previously disadvantaged groups and eliminating barriers to hiring and advancement.

Affirmative action may be required on both the federal and state level. For example, the Office of Federal Contractor Compliance Programs is charged with carrying out federal law regarding affirmative action. In addition, states and many municipalities have similar laws and agencies, many of which go beyond the requirements of federal law.

Difference between Diversity and Affirmative Action

Unlike affirmative action, diversity refers to a broader and more inclusive concept of valuing people of different races, religions, national origins, genders, sexual orientation, economic status and other differentiators in the workplace. It is premised on the idea that organizations and companies are most effective when they leverage and include the views and abilities of employees of all backgrounds. The goal of diversity is to foster a culture of mutual respect, leading to a more productive workforce and one that better reflects the diversity of customers and global markets.

	Affirmative Action	Diversity
Definition	Legally Required	Voluntary
Legal Drivers	Executive Order 11246	Title VII Risk Management
Applicability	Covered Contractors	Optional/Best Practices

Benefits of Having a Diverse Workforce

Creating and maintaining a diverse workforce has multiple benefits for employers and can assist employers in achieving important goals. Potential benefits of having a diverse workforce include:

- Increased ability to serve customers and improve customer relations. Having a diverse workplace may enable an employer to better serve and communicate with a customer base of different cultures, religions, races and languages. This may lead to increased sales and profits and access to a more diverse marketplace.
- Higher productivity. A diverse workplace can lead to a more productive and efficient workforce because employees are encouraged to focus on their strengths and work to their potential because different experiences and backgrounds are valued.
- Building and improving an employer's brand. It makes the company more attractive to investors and improves the public image.
- A positive and healthy work environment. Diversity can lead to an atmosphere of respect, mutual understanding, tolerance and enhanced teamwork.
- Creativity, innovation and new ideas. Diversity widens viewpoints and takes different ideas and perspectives into account. There are multiple perspectives when it comes to problem solving.
- Opportunities for employees to learn, grow and develop. Employees may be challenged when exposed to new ideas and perspectives and personal growth is encouraged. Diversity may lead to increased adaptability and flexibility in the changing marketplace.
- Greater employee retention. There may be less turnover among employees because they feel valued and respected and there is an improved understanding of co-workers.
- A more civil workplace. A diverse workplace can promote fairness, decrease conflict and reduce the number of complaints and grievances.

What Motivates an Employer to Strive for Diversity

An employer has many different motivations and reasons for wanting to have a diverse workplace including:

- A sense of social responsibility and employing disadvantaged groups. While an employer knows that it must comply with the law, it may want to go the extra mile and make it known that it is open to and encourages minority employment and growth in the workplace.
- A desire to attract the best talent possible. An employer may be able to do this by drawing on the widest pool of potential employees.
- Legal compliance. Equal employment opportunity statutes and affirmative action laws require the fair treatment and employment of minority groups. A diverse workplace reduces the chance of discrimination and harassment claims and minimizes the financial and reputational costs associated with such claims.
- Improved communications and marketing. A desire to improve an employer's marketing, communications and relations with customers.
- Adaptability. Creating a workplace that is adaptable to change in a fluctuating marketplace that is becoming increasingly diverse.
- Improved morale. Diversity is a low cost way to improve the workplace and employee morale.
- Corporate mission and philosophy. Certain diversity initiatives can demonstrate a corporate philosophy or mission. For example, a military contractor may have a diversity initiative to hire disabled veterans.
- Global marketplace. A global marketplace requires a workforce with multicultural capabilities and competencies.

Challenges and Barriers to Diversity

An employer looking to create and maintain diversity in the workplace may face many challenges and barriers including:

- Communication. Language and cultural barriers can inhibit effective communications with employees and among co-workers.
- Resistance to change. Individuals are often unknowingly tied to preconceived notions.
- Increased conflicts. Workplace conflict and tension based on differences among employees can lead to decreased productivity and high turnover of employees.
- Stereotypes. A generalization about a person or a group of people based on preconceived judgments and thoughts that lead an individual to make an unfair judgment or assumption about that individual or situation.
- Prejudice. Unfair or unfounded opinions either in favor of or against something or someone that may or may not be truthful. Often strong feelings are difficult to change because they are deeply rooted within an individual.
- Discrimination and harassment. Occurs when individuals act based on their stereotypes or prejudices which may result in another individual being denied his or her equal rights and the opportunities the law provides.
- Perceived preferential treatment. Employees may believe one group is receiving favorable treatment at the expense of another.
- Cost. Concerns about costs (training, accommodation, time, potential high turnover, etc.)

**Tip**

As the economy becomes more global, diverse employers will have a distinct advantage in the marketplace in terms of insights into different markets and communication with customers.

Risks to an Employer Who Is Not Diverse

An employer whose workplace is not diverse faces many risks which may harm its business and reputation including:

- Tension in the workplace. If an employer is not diverse, this may lead to tension in the workplace, conflict and lost productivity.
- Lawsuits for discrimination. An employer who is not diverse may be faced with lawsuits for discrimination and harassment.

Types of Diversity**Gender Diversity**

In order to have a gender diverse workplace, it is critical that the following steps are taken:

- Provide equal opportunities to women in the workplace;
- Provide equal pay;
- Treat pregnant women equally;
- Provide women with leadership opportunities; and
- Eliminate family responsibility/caregiver discrimination.

A supervisor should do the following in order to promote gender diversity:

- Use gender neutral criteria when evaluating male and female performance and conduct;
- Avoid stereotypes based on gender and strive to eliminate them through gender sensitivity training;
- Be aware of and understand male/female differences in conduct, emotions, behaviors, perspectives;
- Eliminate improper language and improve communications between sexes; and
- Promote a family friendly workplace - accommodate schedules, provide daycare, and provide flexibility.

Age Diversity

Diversity based on age involves:

- Avoiding discrimination and stereotypes against both younger and older workers;
- Noting that performance and ability may not correlate with age; and
- Valuing individuals for who they are.

A supervisor can take the following steps to promote diversity based on age:

- Take advantage of the experience of older workers and learn from them;
- Be careful about age when it comes to job advertisements and preemployment inquiries;
- Make sure workplace policies do not adversely affect older workers or younger workers;
- Conduct layoffs without regard to age; and
- Avoid forcing individuals to retire based on age or providing them with fewer workplace opportunities.

Racial Diversity

It is important to be aware of the following elements in order to understand and promote a racially diverse workplace:

- Recognize that there may be racial as well as color discrimination;
- Be aware of discrimination between certain groups, i.e., Blacks versus Hispanics;
- Racial discrimination can exist between members of the same or different races; and
- There can also be color discrimination based on skin color or complexion (light/dark skin color).

Some steps a supervisor can take to become more diverse based on race include:

- Avoid hiring procedures and employment tests that have an adverse impact based on race;
- Steer clear of stereotypes and preconceived notions even if well-intended (i.e., all blacks know the rap and hip hop music scene well); and
- Be careful about racially-charged jokes and cartoons intended to be humorous, but end up having the opposite effect.

Religious Diversity

Encouraging a religious diverse workplace involves the following elements:

- Value all religions - Christian, Hindu, Muslim, Jewish, other religions;
- Be careful to avoid religious discrimination and stereotypes (i.e., all Jews are into money, all Christians are very conservative); and
- Avoid forcing or encouraging employees to practice or observe a particular religion (i.e., attend a religiously themed Christmas party).

A supervisor can take the following steps to encourage religious diversity:

- Provide employees with reasonable accommodations based on religion if doing so would not present an undue hardship;
- Provide employees with time off to pray at work (i.e., a Muslim worker seeks to pray during the day at work);
- Consider allowing employees to display imagery in the workplace (i.e., a Christian worker seeks to display picture of Jesus in his or her cubicle);
- Provide employees with time off for holidays and religious worship. Time off can be full days (i.e., a Muslim worker requests Ramadan as a day off) or a change in schedule to accommodate a religious practice (i.e., a Jewish worker who refuses to work after sundown on Friday because of Sabbath);
- Be careful when it comes to policies regarding dress, hairstyles and grooming (i.e., a Muslim woman refuses to wear pants or insists on wearing a headscarf; or a Sikh man seeks to wear a turban); and
- Be prepared to possibly face objection over vaccinations based on religious reasons.

Disability Diversity

Disability diversity entails many things. For instance, it is important to recognize that disabilities may be physical or mental and are any impairment that substantially limits one or more major life activities. An individual also may be considered an individual with a disability because the individual has a record of such an impairment or is regarded as having such an impairment. A disability may not be immediately visible. Impairments that may be episodic or in remission, yet still be disabilities include, but are not limited to, epilepsy, cancer in remission, multiple sclerosis, diabetes, chronic asthma, and bipolar disorder.

Also, a supervisor should avoid stereotyping individuals with disabilities and focus on whether the individual is qualified to perform the job. Under federal, state and local law, employers are required to provide individuals with disabilities with reasonable accommodations in the workplace if it would enable them to perform the essential functions of the job.

A supervisor should do the following in order to promote a workplace inclusive of individuals with disabilities:

- Make sure the workplace is physically accessible to individuals with disabilities;
- Recognize that individuals with disabilities have a significant market share and thus employees with disabilities are a valuable resource;
- Provide resources and assistance to individuals with disabilities that will allow them to effectively perform their jobs;
- Recognize that service animals are not only for the visually impaired but may also be used for other disabilities;
- Do not assume which jobs are appropriate for an individual with a disability or make decisions for them in that regard;
- Train other supervisors and employees to be sensitive to the needs of an individual with a disability and train to avoid bullying and harassment;
- Avoid making assumptions and generalizations about individuals with disabilities based on appearance because disabilities are not “one size fits all;” and
- Steer clear of using outdated terms such as “handicapped” and “crippled.”

National Origin Diversity

Diversity based on national origin extends to individuals from different countries, regions, parts of the world and ethnicities, and to individuals with certain accents or mannerisms.

Some steps an employer can take to encourage national origin diversity include:

- Be careful about “English only” rules that may discriminate;
- Celebrate different cultures - have work-sponsored events where employees bring in ethnic dishes to share; and
- Recognize the business benefits of ethnic diversity and the ability to connect with different cultures in the marketplace.



Did you know?

According to the US Census, by 2050 there will be no racial or ethnic majority in the United States.

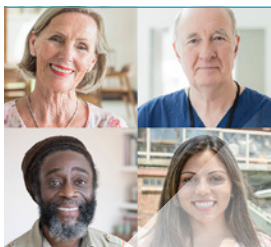
Steps to Increase and Manage Workplace Diversity

Hire a Diverse Workforce

In order to increase workplace diversity, a supervisor should aid in building an inclusive workforce that attracts and retains talented people, encourages creativity and innovation and obtains commitment from employees.

A supervisor should do the following:

- Aim to make the workforce resemble the community where the employer is located;
- Utilize community organizations such as churches, synagogues, colleges, and veteran's organizations for employee referrals;
- Use the internet to reach a wide and diverse applicant pool;
- Be careful with job advertisements and make sure that they are neutral enough to attract a wide variety of candidates;
- Offer attractive benefits or try to provide perks and advantages such as child friendly perks as well as days off for religious and cultural celebrations which will appeal to a wide variety of groups;
- Eliminate biased questions during interview process and focus on job requirements, ability, qualifications and performance;
- Provide accommodations for applicants with known disabilities;
- Have more than one person interview the applicant and make sure the individuals conducting the interview are diverse themselves in terms of job title, length of time employed, life experiences and personal characteristics;
- Show that the workplace is diverse from outset; and
- Make sure job descriptions are detailed, well-written and free of bias.



Tip

Employers should aim to be diverse from the start and focus on hiring a diverse workforce and valuing applicants from all backgrounds.

Carefully Onboard and Manage Employees

It is critical to provide orientation to new hires with respect to job duties, responsibilities and expectations, but also to workplace culture and atmosphere. When onboarding and managing employees, a supervisor should:

- Physically create an inviting space and open office environment;
- Be willing to mentor those who are different from himself or herself;
- Provide a flexible work culture;
- Delegate work fairly; and
- Encourage an “open door” environment.

Avoid Stereotypes

Avoiding stereotypes is an important part of building and maintaining a diverse and tolerant workforce and one in which employees treat each other with respect. In order to achieve it, however, a supervisor should:

- Recognize preconceived notions and stereotypes, and determine why an individual thinks in a particular way. It may be that such thoughts originate with friends, family, co-workers, religion, personal experience and rumors.
- Assist individuals in changing their minds by expanding knowledge about an individual or group of individuals and discouraging employees from being ignorant, judgmental or fearful.
- Encourage employees to eliminate personal biases, and preconceived notions and judgments based on outward characteristics such as accent, dress and appearance.

Implement Policies Fairly and Consistently

It is important for policies to be implemented fairly and consistently. A supervisor should make sure that seemingly neutral policies do not unintentionally discriminate against certain groups. Carrying out the employer’s antiharassment, antidiscrimination, antiretaliation and antibullying policies is a critical element of diversity. A supervisor should aim to:

- Create a mentoring system to provide support to new employees and guidance on workplace policies;
- Consider individual needs when enforcing company policies;
- Evaluate performance objectively; and
- Incorporate diversity into policies, plans and procedures.

Respond to Complaints

A supervisor should immediately respond to complaints about offensive jokes, comments and behavior and show that such inappropriate conduct is not tolerated. A supervisor should address workplace conflict when it occurs and not wait for the situation to worsen. A supervisor should:

- Implement an “open door” strategy and encourage employees to report ideas, complaints and concerns and make them feel valued;
- Implement conflict resolution strategies;
- Take action when witnessing harmful interactions or hearing hurtful conversations between employees; and
- Consider remedial and interim measures such as separating complainant and alleged harasser and requiring sensitivity training.

Lead by Example

A supervisor should set an example for the workforce and make sure to treat all employees equally.

A supervisor should consider doing the following:

- Talk to co-workers and get to know them. Understand their strengths and talents as well as their weakness. Learn their hobbies and interests outside of work.
- Keep an open mind and be open to different ideas and opinions.
- Use a suggestion box.
- Employ the golden rule: do unto others as you would have them do unto you.
- Define and communicate what constitutes appropriate and inappropriate behavior.
- Promote diversity in leadership and choose individuals to lead who may not ordinarily get chance to do so.
- Volunteer in the community to teach sensitivity and tolerance.
- Recognize achievements through rewards and recognition.
- Conduct an exit interview to find out why employees leave and gain insight into problems that should be addressed at the organization.
- Embrace change.
- Learn from others.
- Show respect for different cultures and opinions; and
- Explore differences and similarities between co-workers.

Increase Sensitivity

A supervisor should be open minded, tolerant and accepting of differences and of others who may not necessarily agree with them. Additionally, a supervisor should avoid being judgmental and be open to learning about new cultures and ideas. To increase sensitivity, a supervisor should:

- Value and support the opinions of others and give others the benefit of the doubt in a dispute;
- Acknowledge differences whether they be based on culture, religion or gender;
- Not be overly defensive and sensitive;
- Seek to understand through open communication; and
- Emphasize civility and respect of differences in the workplace.

Eliminate Miscommunication

A supervisor should try to listen more than talk and encourage employees not to hesitate if they do not understand something. A supervisor should caution others to avoid hurtful words and language that can offend.

Build Relationships

A supervisor should focus on building and encouraging relationships with different types of individuals. Employees should be encouraged to work to their strengths. A supervisor may also want to consider:

- Creating cross functional teams and creating opportunities for individuals to interact with leaders;
- Including and encouraging participation on all levels of the organization and creating employee bonding situations; and
- Implementing employee resource groups as an effective strategy to reduce turnover and feelings of isolation on the part of diverse employees.

Handling Conflicts

Workplace conflict is not always a bad thing, and there are some benefits to it.

Benefits of Conflict	Costs of Conflict
Puts parties on equal ground	Lowers productivity and employee morale
Focuses on real issues and gets them out in the open	Increases turnover
Increases teamwork in the aftermath	Results in absenteeism and sick days
Encourages growth and change	May promote violence and bullying

Types of Conflicts

There are different types of conflict in the workplace including:

- Interpersonal conflicts. Try to get individuals to meet in the middle, to understand the cause of conduct and behavior and to determine if there are any viewpoints which can be changed.
- Scheduling conflicts. Make sure all individuals are treated fairly and try to understand reason for requested change in schedule.

Steps to Take When Addressing Workplace Conflict

When addressing workplace conflict, a supervisor should:

- Evaluate the situation;
- Find common ground;
- Eliminate stereotypes/prejudices/bias;
- Provide diversity and sensitivity training to all employees so they are aware of cultural differences in the workplace;
- Stress the importance of reporting harassment experienced or witnessed;
- Open the lines of communication - Make sure individuals feel their voices are heard;

- Find out the root of the conflict (i.e., membership in protected class, religious or political beliefs);
- Acknowledge feelings on both sides;
- Assess if there are safety and health reasons that come into play;
- Assess the employer's interest in the conflict - is productivity affected? Is the employer's public image at risk?
- Try to correct any misunderstandings and miscommunications early on. Very often conflict occurs because individuals do not understand where a co-worker is coming from. Detecting and working to resolve misunderstandings and miscommunication at the first instance can be extremely beneficial.
- Be careful about jokes and slang or innocent conversations about race, religion and politics and aim to prevent them from escalating into workplace conflict;
- Maintain objectivity and gather all of the facts;
- Document the conflict and what occurs next; and
- Impose discipline, if needed.

Test Yourself

1. What can a supervisor do to eliminate stereotypes in the workplace?

- a. Be aware of stereotypes.
- b. Learn about other cultures.
- c. Expand knowledge of different groups.
- d. All of the above.

2. Which of the following questions is acceptable to ask in a job interview?

- a. How many children do you have?
- b. Tell me about your prior experience in sales and how it would help our company?
- c. Is English your first language?
- d. When did you graduate from high school?

3. Which of the following statements about diversity is false?

- a. A diverse workforce can have a more innovative approach to problem-solving because of the various viewpoints of employees.
- b. Diversity is required by federal and some state laws.
- c. A diverse workforce may have an increased ability to serve customers.
- d. Diversity can be positive for building an employer's brand and public image.

Answers

- 1. d.** In order to strive to eliminate stereotypes in the workplace, a supervisor should be aware of stereotypes, aim to learn about other cultures and expand their knowledge of different groups, among other things.
- 2. b.** Job interview questions should focus on a potential employee's experience, skills and qualifications and not their membership in a protected class. Interview questions should be free of bias. Choice a is potentially discriminatory based on family responsibilities. Choice c is potentially discriminatory based on national origin. Choice d is potentially discriminatory based on age.
- 3. b.** Diversity is not required by any federal or state law. However, it is best practice to have a diverse workforce because in doing so an employer may be able to avoid claims of discrimination. Choices a, c, and d are all true statements.

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