



**KnowledgeCity®**  
Learning Solutions

# KnowledgeCity® PREVENT DISCRIMINATION AND EMBRACE DIVERSITY





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*“Diversity is about all of us, and about us having to figure out how to walk through this world together.”*

JACQUELINE WOODSON

Author













## Introduction – Discrimination in a Diverse World

In today's world, discrimination still plays a role in how people are viewed in their communities, workplaces and relationships. Even with anti-discrimination legislation, many people experience a form of discrimination at some point in their lives. The United Nations maintains that discrimination across the globe remains widespread.

What is the definition of discrimination? Simply put, it is when a person, or particular group of people, is treated differently or denied rights based solely on prejudices held by others. People acquire prejudices from negative stereotypes. These stereotypes about certain people or groups can be learned as children or acquired as adults. When you hold a negative opinion about someone, or a group, it will affect your decisions, actions and behavior.

Prejudice is usually something developed by a group against another group. It is rarely a reaction of one person against another person. Call it the group mentality reaction. It can create a perception that eventually leads to discrimination.

The U.S. Equal Employment Opportunity Commission (EEOC) is tasked with bringing legal action against businesses that practice discrimination. **Recently, 91,000 charges of workplace discrimination were filed for these reasons:**

- |   |  |
|---|--|
|  Retaliation |  National origin                            |
|  Race        |  Religion                                   |
|  Disability  |  Color                                      |
|  Sex         |  Equal Pay Act                              |
|  Age         |  Genetic Information Non-Discrimination Act |

Nineteen percent of these cases involved multiple victims. Discrimination is not limited to employers. It can be inflicted by coworkers, management and even customers.

If you have been a victim of discrimination, what can you do? Let's start by looking at the different types of discrimination.

## Types of Discrimination



Do you know what the most frequent form of discrimination is? Retaliation. This is when an employer takes adverse action against employees who assert their rights or oppose unlawful employer conduct. Recently, the U.S. reported 42,000 cases of workplace retaliation, ranging from negative evaluations after resisting sexual advances to being transferred to a less desirable workplace when requesting disability accommodations.



Race/color discrimination is next with 35,000 cases reported to the EEOC recently. This is not just direct racial discrimination. It also includes those in a relationship with someone of a different race/color, or even because of characteristics associated with certain race/color. Racial slurs, offensive remarks and symbols, and policies that contribute to a hostile work environment are common discriminatory practices.



Those with disabilities may experience offensive remarks, lack of promotions and refusals to provide reasonable accommodations in the workplace. An employer is not required to endure hardship to accommodate an employee with a disability, and this can lead to not hiring someone with a disability to avoid this issue.



Sex discrimination has been in the news lately and involves unfair treatment of someone because of their sex, gender identity, transgender status or sexual orientation. It often takes the form of verbal/physical harassment or unwelcome sexual advances.



If you are over 40 years old, you may have experienced age discrimination. This charge can be difficult to prove but can include not hiring a qualified older candidate, denying benefits to older employees, or using overt or covert job postings to exclude older candidates.



National origin can cover many areas from discriminating against those from certain parts of the world or speak with an accent to those from a certain ethnic background. Discrimination includes requiring excessive documentation, hiring only lawful residents and requiring English-only on the job, as well as offensive and derogatory remarks.



Religious discrimination includes religious, ethical and moral beliefs. Harassment can involve offensive and derogatory remarks, as well as job assignments that limit customer contact due to religious clothing and denying time off for religious observances.

The EEOC is not the only agency that handles discrimination complaints. Let's look at other entities who work with complaints.





## Discrimination Laws in the United States

There are eight laws that make discriminatory behavior illegal:

**The Civil Service Reform Act of 1978 (CSRA)** – This affects federal employees and applicants and makes it illegal to discriminate on the basis of race, color, national origin, religion, sex, age, disability, marital status, political association or sexual orientation. It also makes it illegal to retaliate against someone for whistle-blowing or filing a complaint, grievance or appeal.

**The Immigration and Nationality Act (INA)** – Employers cannot discriminate against or show preference for an individual based on citizenship, immigration status or national origin. It also prohibits document abuse.

**Executive Order 11246** – Federal contractors and federal subcontractors can not be discriminated against based on race, color, religion, sex or national origin and must have equal opportunity in their workplaces.

**Title VI of the Civil Rights Act of 1964** – Programs and activities receiving federal financial assistance cannot discriminate on the basis of race, color or national origin.

**Title II of the Americans with Disabilities Act (ADA)** – This law applies to people with disabilities and prohibits discrimination in all programs, activities and services offered by state and government agencies.

**Title III of the Americans with Disabilities Act (ADA)** – This prohibits discrimination against people with disabilities by private entities that provide services to the public, known as public accommodations. It requires buildings, programs and services to provide reasonable accommodations.

**Section 503 of the Rehabilitation Act** – This requires federal contractors/subcontractors to take steps to hire and promote qualified people with disabilities and not discriminate against them.

**Section 504 of the Rehabilitation Act** – This prohibits discrimination against people with disabilities in hiring and services/activities they provide to the public.



## Discrimination in Business Practices

The EEOC reported 27 percent of recent discrimination cases involved challenges to systemic discrimination. Systemic discrimination is a pattern of behavior, policies and practices within an organization's structure that put certain groups at a disadvantage.

Advertising is one of the biggest areas where businesses get into trouble. Start by using cultural consciousness. Check images and texts for culturally sensitive issues and the message you are sending. Even the geographic areas where you target your advertising need to be examined.

Recruiting employees is another sensitive area. Watch your wording, and avoid words including/excluding certain groups, such as "mature," "female" or "young." Encourage all qualified applicants to apply and state you are an equal opportunity employer.

Promotions are often areas of resentment, especially when they are not publicized and seem to be the result of back-room deals. Make sure all employees know of a position within the company and are encouraged to apply for it.

Compensation and employment terms are a big issue in the workplace. Recent polls show 21 percent of black adults and 16 percent of Hispanic adults say they have been treated unfairly in hiring, pay and promotion. Twenty-seven percent of women said their gender made it harder for them to succeed, and 18 percent faced discrimination at work. Twelve percent said they earned less than a man doing the same job.

Within a company, monitor contracts, benefits, salaries, terms and conditions to ensure there are no discrepancies or disadvantages for certain groups. Make training flexible and available to all employees. Put clear policies and procedures in writing that apply to all employees and state what will happen if rules are broken. Make sure to have specific policies to address bullying, harassment and discrimination.

If you must terminate an employee, make sure the termination is based on capability or failure to comply with policies, procedures or laws and not on any covered discriminatory factors.

Don't forget about customers, clients and vendors who can also be part of the discrimination process. As the employer, it is your duty to protect your employee from harassment and liability.

Preventing discrimination is not just about following the law. It is also about changing workplace culture to be more inclusive and welcome diversity. Let's look at ways to prevent discrimination within the workplace.



## Preventing Discrimination

Compliance with anti-discrimination laws in the United States is necessary for any reputable business. No company wants a lawsuit or bad publicity due to its discriminatory practices. Yet just being in compliance may not be enough. You need to actively prevent discrimination in the workplace. It starts with realizing diversity and inclusion are not just numbers or words. Individuals within the organization are the biggest drivers of change.

Where do you start? The first step is to create an Equality Policy. **This document should outline:**



The organization's values on equality and diversity



Expectations and acceptable behavior



Identify areas of discrimination and compliance with the law



How violations of the policy will be handled



Ways for employees to make a complaint

**The next step is to create an Action Plan outlining policy strategy and includes:**

- Key tasks in implementing the policy
- Consultation and involvement at all organizational levels
- Training and dissemination of the policy
- Monitoring of the policy
- Making the policy part of the brand identity

Employees need to be aware of their role in making these changes. **Use these best practices in your workplace:**

- Respect cultural and racial differences.
- Be professional in conduct and speech.
- Refuse to participate in, condone or initiate any harassment or discrimination.
- Be cautious with humor, especially culturally offensive or race-based.
- Attend training and know company policies.
- Report all witnessed harassment, discriminatory and abusive behaviors.

Training employees may include challenging their stereotypes and prejudices. Let's learn more about the process.



## Challenging Stereotypes

Where do stereotypes come from? Part of it comes from our need to categorize things to understand them. A stereotype, an often-exaggerated idea about members of a particular group of people, can be the result. Parents, peers and the media also influence our ideas.

As we grow older, we should emphasize values more than stereotypes. Our horizons expand and we come into contact with other races and cultures through travel, work or school. The less experience people have with diverse groups, the more likely they are to cling to fears and prejudices.

Being judgmental is easier for some, because there is no risk and no fear that long-held ideas will unsettle an ingrained belief system. If you run into this in the workplace, it can be uncomfortable and even damaging to your career.

### In the workplace, stereotypes can cause:



Low employee morale



High employee turnover



Loss of customers and sales



Diminished productivity



Difficulty filling  
high-level positions



Discrimination lawsuits  
against the organization

Stereotyping can cause social issues. Children who are discriminated against perform poorly at school. Judging people solely on what you think they are prevents the opportunity to learn and see the workplace from different perspectives.





## Investigating Complaints of Harassment and Discrimination

What should an organization do if an employee reports discrimination or harassment? Of course, you want to make sure your company has written policies and procedures to prevent this from happening. Make sure you have a clear procedure for filing a complaint. If your company does not have a written policy, consult with your human resources office to find out what you need to do to put this process in place.

The next step is taking quick and appropriate corrective action. Failure to do this can land an organization in court. An employer's quick and effective response to complaints can limit or even eliminate liability in discrimination, harassment or retaliation lawsuits.

Manager and supervisor training should be part of this process. When a complaint is filed, a designated investigator from management or human resources should handle the complaint. This person should have a clean background, working knowledge of the company's policies, procedures and equal opportunity regulations, and can conduct an impartial, objective investigation.

### The investigator should collect the facts, including:



Date, time and location of the incident



Employees and witnesses involved



Precise nature of harassment/discrimination



Narrative of events that took place and additional comments

### Here are the next steps the investigator should use to conduct the investigation:



Investigations must be fair and consistent in research and disciplinary actions



Keep harasser away from victim by using administrative leave or suspension



Have a second investigator in the room during interviews to take notes and for corroboration



Do not make promises of anonymity to victim



Caution employees about disciplinary action if they give false statements during interviews



Allow harasser to respond to complaint



Inform participants that interviews are confidential and not to be discussed with others



Reassure witnesses they will not experience retaliation



Reassure victim no retaliation will occur because of the complaint



Conduct follow-up interviews

Review the facts and materials; determine the next reasonable and appropriate actions; and document the process. Many states require organizations to keep documentation for a specified period of time.

If more employees understand how workforce diversity is a benefit, it may result in less need for investigations in the future. Let's look at diversity and how it benefits workplaces.

## Diversity and its Benefits

Diversity has many different meanings. It is how we differentiate groups of people, while expressing respect and appreciation for those differences. Diversity includes ethnicity, gender, age, national origin, disability, sexual orientation, education and religion. In the workplace, colleagues have different perspectives, work experiences, life styles and cultures that can serve as a source of innovation.

Appreciating diversity is one thing; inclusion is the next step. It requires a company culture where diverse groups have a sense of belonging, and where they are valued, engaged and motivated. It also encourages people to work together, leading to innovation.

It is not just because diversity is the right thing to do. **Statistics show diverse workplaces have a bigger share of the consumer market. For example:**

- |               |   |               |   |
|---------------|---|---------------|---|
| <b>85%</b>    | 85 percent of CEOs said their organizational diversity strategy has enhanced business performance (PwC) | <b>85%</b>    | Women impact up to 85 percent of purchasing decisions (Deloitte)  |
| <b>78%</b>    | 78 percent of executives believe diversity and Inclusion are a competitive advantage (Deloitte)         | <b>67%</b>    | 67 percent of job seekers said a diverse workforce is an important consideration when evaluating job offers (Glassdoor)     |
| <b>85%</b>    | 85 percent of executives agreed diversity was crucial to innovation (Forbes)                            | <b>57%</b>    | 57 percent of employees think their companies should be more diverse (Glassdoor)  |
| <b>&gt;50</b> | The buying power of minority communities is outpacing that of white consumers (Deloitte)                | <b>&gt;83</b> | 83 percent of millennials are more actively engaged when they believe their company fosters an inclusive culture (Deloitte) |

Some companies have developed specific inclusion strategies to help overcome intrinsic biases and foster diversity. Let's look at a few successful ideas.



## Inclusion Strategies

Learning to leverage and nurture diversity and inclusion in the workplace is a difficult task. What are some of the biggest companies doing to make that happen? Let's start with the Ford Motor Company.

Ford believes diversity and inclusion are a collaborative effort between employees, dealer groups and suppliers. It has more minority dealers and suppliers than any other world corporation. It actively works to recruit female managers and minorities, including board membership.

### To foster inclusion, Ford offers:



Leadership that champions diversity and inclusion



Employee resource groups to attract and retain talented minorities



Employee resource groups to attract and retain talented minorities



Recognition programs and partnerships to promote diversity within the company and community

Ikea is known for its concern for people and the environment. Nearly 48 percent of its managers are women, and 54 percent of its U.S. employees are minorities. **They further inclusion by:**

- Implementing formal programs to foster professional development for minorities
- Holding executives responsible for meeting formal diversity/inclusion goals
- Hosting events to help employees connect

Atlassian is a tech company on a mission to recruit and retain women and minorities. While aware of the difficulties in finding qualified candidates, Atlassian now employs 25 percent women and 40 percent minorities. **They develop inclusion through:**

- Team building events
- Game rooms and game nights
- The Boomerang program where an employee works with a new team and in a new location
- Mentorship, professional development, support and networking

Despite all the positives emerging from diversity and inclusion, it can be difficult to identify and overcome old, ingrained biases. This is the starting point for embracing diversity. Let's look at how to get the process going and improve your organization's culture.

## Conclusion – LET GO OF YOUR BIASES AND EMBRACE DIVERSITY

Old biases don't just disappear. Despite moving from being in compliance with laws to understanding how diversity can foster problem solving and creativity, they still exist. Biases can be hardwired into your brain from childhood from when authority figures said something that formed one of your own intrinsic belief system bases. It distorts your reasoning process and leads to a narrow-minded view of someone or a particular group.

Since biases are shaped early by our culture, religion, family, environment and economic situation, and are stored in our unconscious mind, we need to identify these biases and be willing to change them using concrete evidence. Working in an organization that fosters inclusiveness helps overcome the problem.

### What traits do organizations that foster inclusiveness have in common?



Leadership makes diversity and inclusion a business priority.



Provides training on unconscious bias, diversity, cultural sensitivity and inclusion.



Company diversity and inclusion statistics are transparent.



Opens opportunities for employees to connect and engage with each other.



Seeks to improve diversity in recruiting.



Offers benefits and services available to all employees.



Creates partnerships to find diverse talent.



Creates resource groups that advocate for diversity awareness.



Networks with suppliers and vendors who are also committed to diversity and inclusion.



Delivers programs and services to help women and minorities succeed.

### What can you do to support diversity and inclusion in your organization?

- Understand the organization's vision for diversity and inclusiveness and how your role at the company impacts the success of the company's objectives.
- Be open to a culturally diverse workplace; welcome different ideas; and support colleagues. Take it one step further and learn about your coworkers' different cultures.
- Actively engage in the company's diversity efforts: volunteer as a mentor or take advantage of the mentoring offered. Help organize events and activities; join an Employee Resource Group; and answer employee surveys honestly.
- Understand that diversity refers to more than race, gender, and culture. It also includes other areas, such as socio-economic background, education level, geographic location, sexual orientation, age, disability and other characteristics
- Treat people with respect and the way you would want to be treated.
- Have patience and tolerance. Commit to continuous improvement and look for opportunities for growth.



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## Prevent Discrimination and Embrace Diversity



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