

Equity, Diversity & Inclusion in Europe: Take the Challenge to Make *Real* Change

Felicia A. Henderson
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Why Now?

Social drivers

- Murder of George Floyd & global resurgence of "Black Lives Matter"
- Covid-19 pandemic and local contexts of social inequality

Business drivers

- US HQ, stakeholder, and regulator attention to ESG practices
- The "great resignation" and employee well-being

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Two Key Challenges

Are European businesses thinking *enough* about equity, diversity, and inclusion?

Are European businesses thinking *correctly* about equity, diversity, and inclusion?

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Key Concepts

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Diversity

Refers broadly to demographic difference or the *socially meaningful* ways that people differ from each other

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Bias and Stereotyping

In-Group

People who are like **us**;
tend to prefer, view in-group
favorably

Out-Group

People who are unlike **us**;
tend to avoid **them**, view out-
group unfavorably

Out-Group Homogeneity Bias

All members of the out-group are the same and are bad

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Common Dimensions of Diversity

Race	Age	First language	Education
Ethnicity	National origin	Immigration status	Geographic location
Gender or gender identity	Income or socio-economic status	Veteran status	Professional experience
Religion or spiritual beliefs	Physical or mental ability	Marital or parental status	Position, title, function
Sexual orientation	Color	Physical appearance	Seniority or management status

Note: A person may affiliate with multiple identities and the relative or absolute importance or salience of dimensions may vary with time and context.

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“
Increasing diversity does not, by itself, increase effectiveness; what matters is how an organization harnesses diversity.
”

Ely F. Thomas, *Getting Serious About Diversity: Enough Already with the Business Case*, HBR Nov/Dec 2020

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Inclusion

The extent to which an organization's culture/climate provides a sense of welcome, respect, value, belonging to all employees regardless of individual identity characteristics

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Equity

Organizational fairness in access, opportunity, advancement taking into account each individual's varying life experiences as shaped by their social identities

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Why EDI Matters in Business

1000+ large companies, 15 countries
including DEN, FR, GER, NOR, SWE, UK*

Above avg profitability +25% more likely
Most gender diverse executive teams

Above avg profitability +36% more likely
*Most ethnically diverse executive teams

McKinsey & Company, *Diversity wins: How inclusion matters*, May 2020

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Practical Imperatives

Contending With the Pandemic, Wealthy Nations Wage Global Battle for Migrants

Global health crises provide a place where some of the world's most powerful nations wage a global battle for migrants, seeking to secure their borders and control their borders.

New York Times, 11/23/2021

Washington Post, 2/18/2021

For younger job seekers, diversity and inclusion in the workplace aren't a preference. They're a requirement.

Business and Economics: Diversity and inclusion in the workplace aren't a preference. They're a requirement.

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Moral Imperative

That took long enough! Black bodies finally get shoes to match their skin

Black bodies finally get shoes to match their skin. The Guardian (April 2019)

Facing Bias in Facial Recognition Technology



Skin deep



The Guardian (April 2019) Penn Law Reg Review (March 2021) The Times (November 2021)

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Why progress on EDI initiatives stalls

Origins of Denial

Quasi-legal

- Absence of "evidence"
- Difficulty quantifying problem

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Origins of Denial

Social/Cultural

- "False choice"
- Strong taboo
- Espoused values

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Origins of Denial

Individual/Cognitive

- "Blindness" about race
- Inaccurate knowledge of history

"The blindness of dominant groups to the discrimination around them is a reflection of the power of perspective to shape a person's sense of reality."

Henderson & Kinias, *Understanding the Origins of White Denial*, Sept 2020

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Terminology

Race

a *socially-constructed* category, created through colonization, slavery and oppression, grouping people based on *perceived* physical differences

Racism

a *belief* system that sustains unequal treatment of a racial group and its individual members by linking the group to traits that society deems undesirable

Systemic Racism

the complex *combination of practices, attitudes, and unbalanced power and resources* that maintain the power and privilege of the racial group that has historically held advantages

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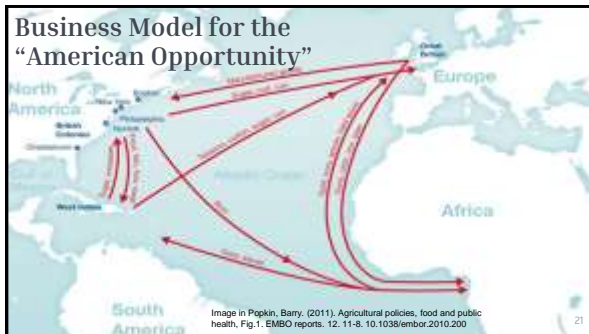
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The Construction of "Whiteness"



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European Construction of Blackness

Hume

"I am apt to suspect the Negroes, and in general all other species of men, to be naturally inferior to the whites."

Kant

"The Negroes of Africa have no feeling that rises above the trifling."

Voltaire

"And one could say that if their intelligence is not of another species than ours, then it is greatly inferior."

Profound & Persistent

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White Supremacy

The belief that white people are superior to other "races" and should therefore dominate other, inferior "races."

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Enduring Impacts of Colonialism



White supremacy a global threat, says UN chief

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EDI is more than
gender or nationality

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Social Context

- Regional and social class differences
- Shifting racial and ethnic demographics
- Evolving attitudes

Proctor & Kottler (2010)

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Business Context

- Awareness of inclusion challenges posed by national culture
- Gender initiatives
- Some progress on disability

Proctor & Kottler (2010)

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Lived inequality in European business today

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Promoting EDI in European Business

Pitfalls and Essentials

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Potential Pitfalls

- Diversity without inclusion or equity
- "Virtue signaling"
- Focus on compliance instead of culture transformation

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Essentials

- Leadership championing
- Inclusive process
- Resources and infrastructure
- Collective learning, patience

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What in-house lawyers can do to advance EDI

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Discussion and Q&A

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The European EDI Challenge

Become an Amateur Social Scientist

A step-by-step guide



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Thank you!

Questions?

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