

BECOMING STRONGER AND BETTER THROUGH DIVERSITY AND INCLUSION

Building Towards a Better Future

2020

Presented by



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Learning Objectives

Discussing the Benefits of, and Business Case for, Diversity

Defining Diversity and Inclusion for Our Discussion

Acknowledging Preconceptions

Being Mindful of the Role of Social Media and Off-Duty Conduct

Examining Diversity and Inclusion Efforts: Building for the Future



A Brief Overview of Executive Order 13950

Executive Order (“EO”) 13950

- **“Training employees to create an inclusive workplace is appropriate and beneficial.”**
- **To whom does the EO apply?**
 - Federal contractors, federal subcontractors/vendors, federal grant recipients, federal agencies, Uniformed Services
- **Regarding federal contractors and grant recipients, what does it do?**
 - Requires federal contractors to agree that they will “not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating, including the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual’s moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race”

Executive Order (“EO”) 13950 (cont’d)

- Also requires federal contractors to agree that they will send a notice to “each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, . . . advising the labor union or workers’ representative of the contractor’s commitments” under the EO; and that they will post copies of the notice “in conspicuous places available to employees and applicants for employment”
 - Directs the Department of Labor, through the Office of Federal Contract Compliance Programs “to establish a hotline and investigate complaints received under both this order as well as Executive Order 11246 alleging that a Federal contractor is utilizing such training programs”
 - Requires the recipient of certain federal funds “to certify that it will not use [such] funds to promote” the prohibited enumerated concepts
- **What are the potential penalties for federal contractors who use such trainings for their employees and do not send and post the notice?**
 - Cancellation, termination, or suspension of federal government contracts (in part or in whole)
 - Declaration of ineligibility for such future contracts
 - “[S]uch other sanctions . . . and remedies . . . as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to” EO 11246
 - **Concerns?**
 - *E.g.*, First Amendment?, attorneys’ professional and ethical obligations?
 - **What is stated about Title VII?**
 - According to the EO, “[t]he Attorney General should continue to assess the extent to which workplace training that teaches” concepts that the EO defines as “divisive” “may contribute to a hostile work environment and give rise to potential liability under Title VII.”



The Benefits of, and Business Case for, Diversity

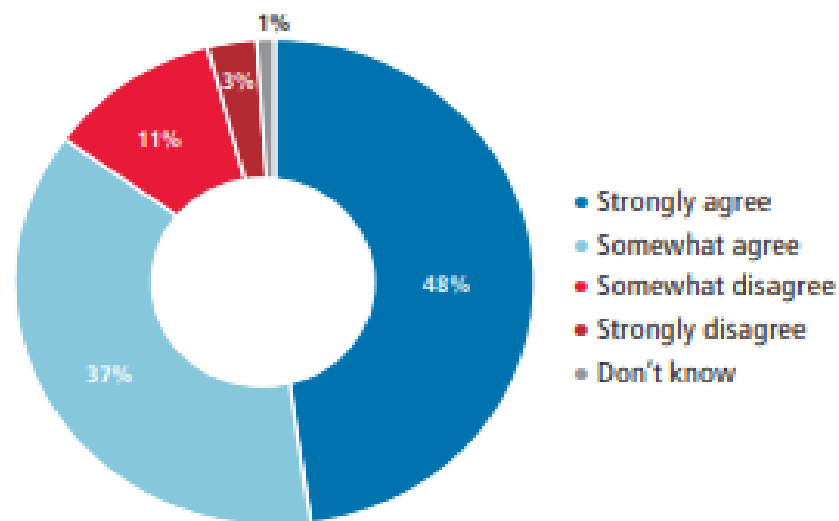
Substantial research shows that diversity brings many advantages to an organization, such as increased profitability and creativity, stronger governance, and better problem-solving abilities.



Diversity and Innovation

A Forbes study concluded that 48% of executives strongly agree that diversity and inclusion are crucial to encouraging different perspectives and ideas that drive innovation.

FIGURE 1: A diverse and inclusive workforce is crucial to encouraging different perspectives and ideas that drive innovation.



Forbes Insight, *Global Diversity and Inclusion: Fostering Innovation Through a Diverse Workplace*,
https://images.forbes.com/forbesinsights/StudyPDFs/Innovation_Through_Diversity.pdf

Diversity Attracts Talent

- Two-thirds of job seekers agree that a diverse workforce is an important factor when evaluating companies.
- Over 60% of women look at the gender diversity of the employer's leadership team when deciding where to work.
- A world-first study showed that companies with female CEOs increased their market value by 5%.



Harvard Business Review, *Research: When Gender Diversity Makes Firms More Productive*, <https://hbr.org/2019/02/research-when-gender-diversity-makes-firms-more-productive> & Annabel Crabb, *World-first research shows female CEOs boost companies by \$80m on average*, <https://www.abc.net.au/news/2020-06-19/women-in-leadership-boost-success/12370516>

The Benefits of, and Business Case for, Diversity



McKinsey & Company Study:

“[C]ompanies in the top quartile for gender diversity on executive teams were **25 percent** more likely to have above-average profitability than companies in the fourth quartile.” For ethnic/cultural diversity, “top-quartile companies outperformed those in the fourth one by **36 percent** in profitability.”



Sundiata Dixon-Fyle, Kevin Dolan, Vivian Hunt, and Sara Prince, Diversity Wins: How Inclusion Matters (May 2020), <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-wins-how-inclusion-matters#>

The Benefits of, and Business Case for, Diversity (cont'd)

“Diversity generated better strategy, better risk management, better debates, [and] better outcomes.”



- Alan Joyce
CEO, Qantas

Juliet Bourke and Bernadette Dillon, *The diversity and inclusion revolution: Eight powerful truths*, Deloitte Review (Jan. 22, 2018), <https://www2.deloitte.com/us/en/insights/deloitte-review/issue-22/diversity-and-inclusion-at-work-eight-powerful-truths.html> (quoting Jackson Hewett, *Alan Joyce says management diversity was key to getting Qantas through turbulent times*, The Australian (Mar. 4, 2016))

The Benefits of, and Business Case for, Diversity (cont'd)

“I like friends who have independent minds because they tend to make you see problems from all angles.”



- Nelson Mandela

Possible Negative Consequences of a Perceived Lack of Diversity



Effect on employee morale



Reputational consequences



Financial consequences



Lawsuits claiming disparate impact



Definitions for Diversity and Inclusion

Before We Start...

Take a minute to think
about what the following
words mean to you:

DIVERSITY
INCLUSION

Diversity Defined



“the condition of having or being composed of differing elements: VARIETY”

(“Diversity.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/diversity>. (last visited Oct. 8, 2020))



“individual differences (e.g. life experiences, learning and working styles, personality types) and group/social differences (e.g. race, socio-economic status, class, gender, sexual orientation, country of origin, ability, intellectual traditions and perspectives, as well as cultural, political, religious, and other affiliations)”
(<https://diversity.gwu.edu/diversity-and-inclusion-defined>)



It is a fact!



We Need to **Include** Everyone, Regardless of, For Example, Their:

1. Race
 2. Color
 3. Religion/Creed
 4. Sex/Gender
 5. Gender identity/expression and sexual orientation
 6. National Origin
 7. Age
 8. Physical or Mental Disability
 9. Genetic Information
 10. Military or Veteran Status
 11. Marital/Partnership Status*
 12. Pregnancy
 13. Caregiver Status*
 14. Familial Status*
 15. Hair Style & Hair Texture*
- * Protected under some city and state laws*



Inclusion Defined



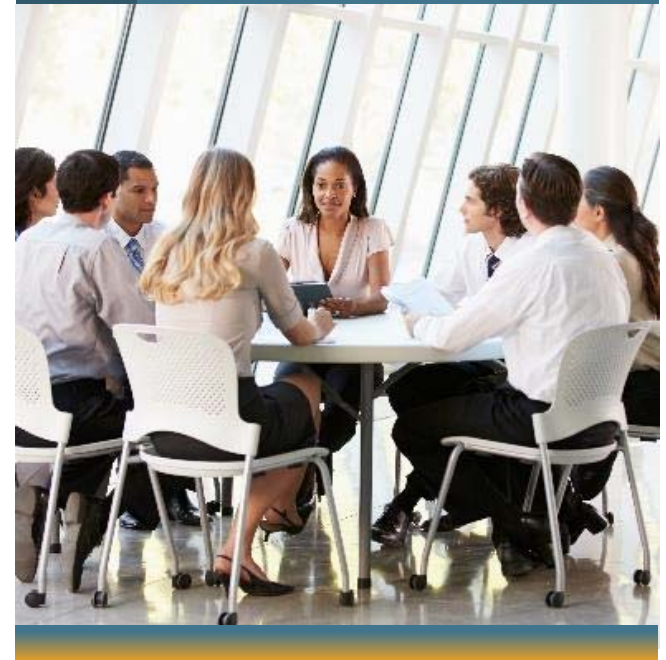
“the act of including: the state of being included”
(“Inclusion.” *Merriam-Webster.com Dictionary*, Merriam-Webster,
<https://www.merriam-webster.com/dictionary/inclusion> (last visited Oct. 8, 2020))



“the active, intentional, and ongoing engagement with diversity – in people, in the curriculum, in the co-curriculum, and in communities (e.g. intellectual, social, cultural, geographic) with which individuals might connect”
(<https://diversity.gwu.edu/diversity-and-inclusion-defined>)



It is a behavior!



Diversity and Inclusion Defined

“Diversity is about headcount”; “inclusion is about making those heads count.”

”

**– Britta Wilson,
VP of Inclusion
Strategies, Pixar**

Take Out a Piece of Paper and Write Down...

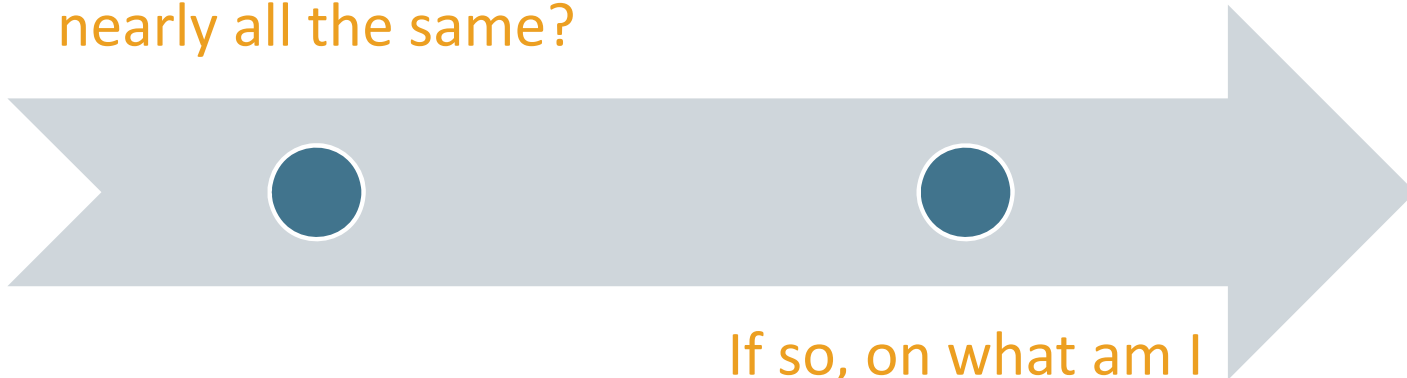
The **5 Most Trusted** Individuals in YOUR Life, excluding family.

If you know, list the following by each name you write down:

- Political affiliation
- Religion
- Gender
- Age
- Race
- Sexual Orientation

Now ask yourself two questions:

Are the
characteristics of the
listed people all or
nearly all the same?



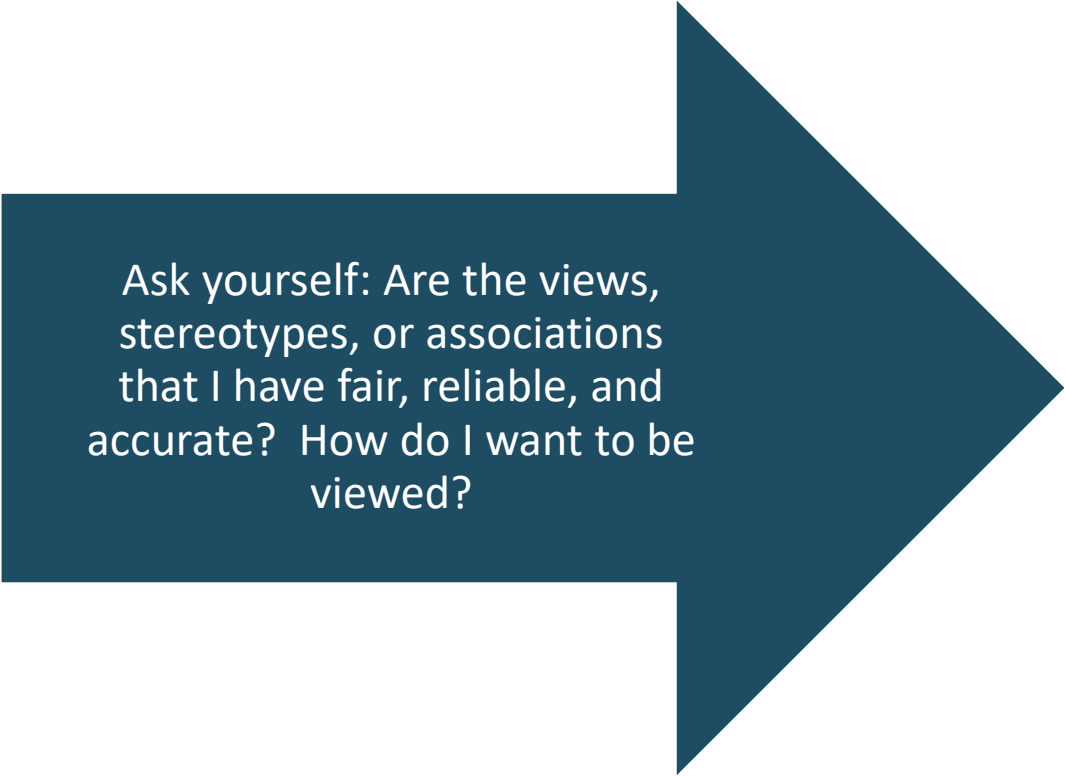
If so, on what am I
missing out?



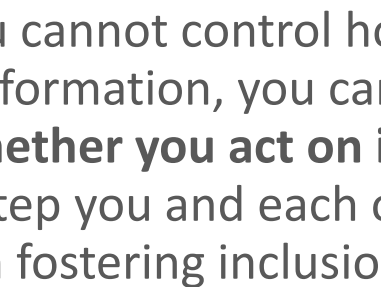
Prevailing Over Preconceptions and Preventing Unintended Consequences

Together, We Can Be Even Stronger!

Recognize the power of perception!



Ask yourself: Are the views, stereotypes, or associations that I have fair, reliable, and accurate? How do I want to be viewed?



Although you cannot control how your mind processes information, you can still control **how and whether you act on it**. That's the affirmative step you and each of us can take in fostering inclusion!

Yellow Paper Series – Written in Black & White, Exploring Confirmation Bias in Racialized Perceptions of Writing Skills, Nextions (Apr. 4, 2014)

Writing skills study involving an identical memo from a “3rd Year Associate” who graduated from NYU

And whose race/ethnicity was listed as either “African American” or “Caucasian”

	Thomas Meyer (African American)	Thomas Meyer (Caucasian)
Overall Score	3.2/5.0	4.1/5.0
Spelling/Grammar Errors Found	5.8/7.0	2.9/7.0
Technical Writing Errors Found	4.9/6.0	4.1/6.0
Errors in Facts Found	3.9/5.0	3.2/5.0

Dr. Arin N. Reeves, *Yellow Paper Series – Written in Black & White, Exploring Confirmation Bias in Racialized Perceptions of Writing Skills*, Nextions (Apr. 4, 2014), <http://nextions.com/wp-content/uploads/2017/05/written-in-black-and-white-yellow-paper-series.pdf>

Yellow Paper Series – Written in Black & White, Exploring Confirmation Bias in Racialized Perceptions of Writing Skills, Nextions (Apr. 4, 2014) (cont'd)

Thomas Meyer (African American)	Thomas Meyer (Caucasian)
<i>“needs lots of work”</i>	<i>“generally good writer but needs to work on...”</i>
<i>“can’t believe he went to NYU”</i>	<i>“has potential”</i>
<i>“average at best”</i>	<i>“good analytical skills”</i>

Dr. Arin N. Reeves, *Yellow Paper Series – Written in Black & White, Exploring Confirmation Bias in Racialized Perceptions of Writing Skills*, Nextions (Apr. 4, 2014), <http://nextions.com/wp-content/uploads/2017/05/written-in-black-and-white-yellow-paper-series.pdf>

Promote Respect in the Workplace

Regardless of their sex or race, some might use statements or actions that convey sometimes indirect and subtle discrimination against or prejudices towards members of a marginalized group.

Such statements or actions can create tension and impact employees' productivity. The more that each of us controls our language and actions, the greater the chance of stimulating a positive work environment.

What Would You Say To The Following?

“You’re so articulate.”

“She’s being dramatic.”

“He is a slave driver.”

*“I’m not
[racist, sexist,
trying to be
offensive]
...but...”*

Actions You Should Take Instead...

“You’re so articulate.”

- Speak up and **commend** the colleague for a job well done in a specific instance, while focusing on the task.

“She’s being dramatic.”

- Find a **more appropriate** way to describe your colleague that does not invoke a stereotypical characteristic.

“He is a slave driver.”

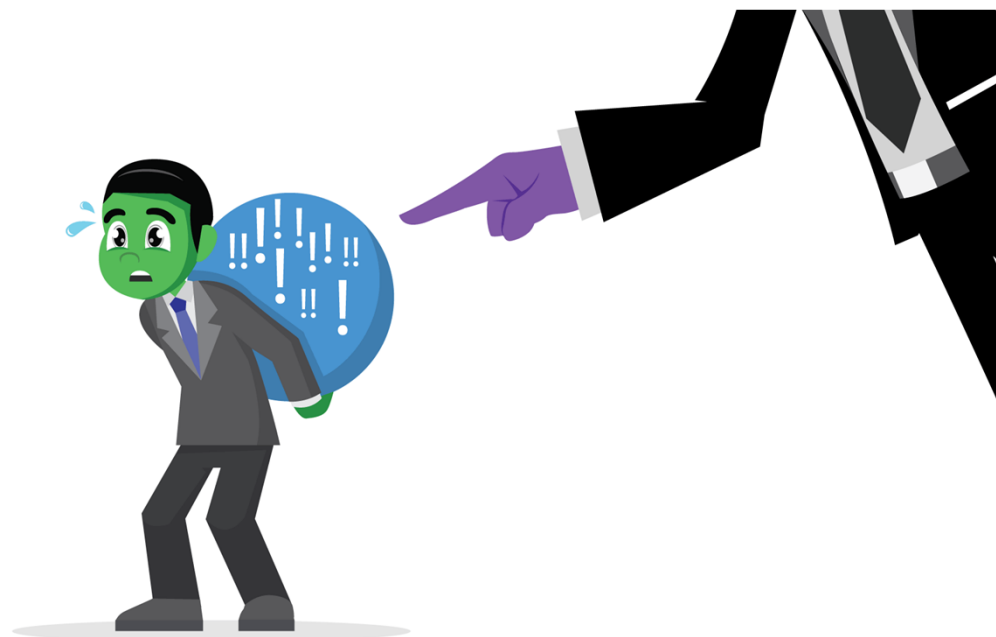
- **Be conscious** of common phrases that are culturally insensitive, and find a different way to describe the colleague.

“I’m not [racist, sexist, trying to be offensive]...but...”

- What you’re about to say is **probably offensive**— simply don’t say it! Instead, **reevaluate** your thought.

Prevent Unintended Consequences of Statements and Actions

Over the course of days, months, and years, no matter how small or subtle these statements might be, they can add up and serve to “beat down” the person who is on the receiving end.





Social Media and Off-Duty Conduct: Be Mindful; They Matter!

Pre-employment Social Media Research

- Press Release, CareerBuilder, *More Than Half of Employers Have Found Content on Social Media That Caused Them NOT to Hire a Candidate, According to Recent CareerBuilder Survey* (Aug. 9, 2018)



<http://press.careerbuilder.com/2018-08-09-More-Than-Half-of-Employers-Have-Found-Content-on-Social-Media-That-Caused-Them-NOT-to-Hire-a-Candidate-According-to-Recent-CareerBuilder-Survey>

Computers & Social Media

- Social Media Law is Evolving
 - Personal/professional lines are blurry
 - Potential for miscommunication and misunderstanding
 - Potential for publicity and widespread dissemination
- Be mindful of:
 - Who you friend
 - What you post
 - What you share
 - Ask yourself – if this is brought up at work, would it pose a problem?
- There is **NO** expectation of privacy on your work computer or other devices
- Do not post confidential information



Strive to be a Leader in All Aspects of Your Life...Including Online!



“Integrity is doing the right thing, even when no one is watching.”

- C.S. Lewis*

*
Some believe that this quote is a paraphrase of a Charles Marshall quote and is not from C.S. Lewis at all.

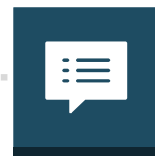


Diversity and Inclusion Efforts: Building for the Future

Examples of Diversity and Inclusion Efforts



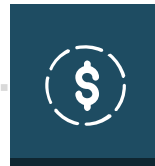
Interviewing a diverse pool of applicants and using structured interviews



Ensuring an inclusive culture where all employees are engaged



Creating formal and informal development initiatives for leaders and talent throughout the organization



Being mindful of diversity and inclusion in performance management

Let's Build a Better Future, by Including Everyone



- **Share** opinions
- **Converse** regularly
- **Give** credit for a job well done
- If you **see something, say something** (be an **ally**)



- **Seek** feedback
- **Advocate** for others
- Make **time**



- Be a **mentor**
- Foster an **open-door** environment
- **Hire** people based on **skills** and **prior experience**, not people who are “like me,” or who are a “good fit”

HIPPO = Highest Paid Person in the Office



“HIPPOS” SHOULD ENCOURAGE OTHER VOICES

- Lower-paid employees often defer to higher-paid employees for decision-making.
- Lower-paid employees often wait until the higher-paid employees speak before sharing their opinions.
- Once the highest paid employee speaks, other employees are less likely to dissent.
- This can crush diverse opinions, thoughts, and suggestions.
- **Should the HIPPO speak LAST?**

The Future is Brighter When **EVERYONE** Has a Voice

- Encourage all to speak up!
 - Remember that sometimes the loudest opinion is not always the best.
 - Evaluate ideas critically. Consider affirmatively asking all participants to share their opinions.
 - Encourage debate and embrace dissenting opinions that are shared respectfully.
 - Reach out! Invite members of different departments and expertise to join meetings.
 - Reward different approaches to problem-solving.

When **DIVERSITY** and **INCLUSION** are prioritized, there are more creative options, opinions, and improvements.

Closing Comment

“Inclusion is not a strategy to help people fit into the systems and structures which exist in our societies; it is about transforming those systems and structures to make it better for everyone. Inclusion is about creating a better world for everyone.”



*– Diane Richler,
Past President,
Inclusion
International*

So...

What are **YOU** going to do to make us better and stronger through diversity and inclusion?

Start becoming a more thoughtful and effective ally, today!

Questions?

Thank You