

Diversity & Inclusion

COMPLETE TOOLKIT





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EEOC Compliance Guide

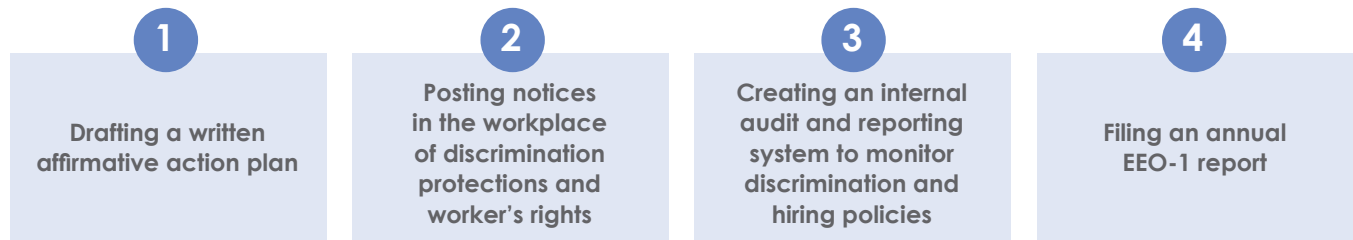
The Equal Employment Opportunity Commission was created in 1965 as a result of the Civil Rights Act of 1964 to monitor and prevent workplace discrimination based on race, national origin, and sex. The commission handles complaints of workplace discrimination and harassment, including sexual harassment, and fines employers as a penalty and deterrent. It also tracks hiring data and may launch a compliance investigation into employers who display problematic hiring patterns or fail to report necessary data.

The standards which employers must meet have also been changing quite rapidly in the past decade or so. Specifically, the EEOC has determined that sex discrimination protections apply to sexual orientation, transgender status, and gender identity. And as of September 2019, employers now need to report employee pay data by race, ethnicity, and gender in addition to hiring data.

So how do you maintain compliance with the EEOC and avoid discrimination or harassment complaints?

Maintaining Compliance

There are four main requirements for compliance with the EEOC.



For our purposes, we're going to focus on item four: the EEO-1 report. The EEO-1 report contains all of the hiring and pay data which the EEOC uses to evaluate employers for signs of discrimination. Failing to submit accurate and complete reports can result in non-compliance, so producing the reports is the number one EEOC challenge that many businesses face. Bear in mind that you may not be required to complete the report if you have fewer than 100 employees and do not have any government contracts.

To complete the EEO-1 report, you have to record your employment data by ethnicity, race, gender, job category, and salary. The easiest way to maintain compliance and make it easier to assemble the reports each year is to collect the necessary information from new employees at onboarding and update the data with position or salary change. You will also likely have to collect data about how many hours each employee works, so investing in a time tracking service can save you significant effort and help prevent compliance issues.

But EEOC compliance is not just about reporting. It is also about actually preventing discrimination at your workplace, which involves doing whatever you can to prevent, identify, and resolve issues before complaints are filed. Not only is preventing and addressing discrimination morally right and necessary to create a happy, productive team, but it also can protect you from fines, public relations issues, and bureaucratic nightmares.

Avoiding Complaints

Of course, one of the best ways to prevent discrimination in your workplace is to promote the principles of diversity and inclusion. Making D&I central to everything that your business does will discourage harassment and discrimination, encourage open internal dialogue which can identify issues before they become large enough for the EEOC to take notice, and promote genuine diversity that will result in very positive numbers for your EEO-1 reports. So, you can significantly reduce the risk of EEOC complaints by leveraging the information contained in the rest of this toolkit.

As an employer, you are ultimately dependent on your employees for EEOC compliance. You can do everything you can to eliminate organizational discrimination and still have to defend against complaints due to individual discrimination.

What You Can Do

1 The first thing to do is to establish an open-door HR policy with no retaliation. Encourage employees to bring up any complaints against other team members or managers directly with HR before the issues devolve to the point of EEOC involvement. When an employee comes forward with concerns, you must follow through to do everything in your power to resolve genuine issues and correct any larger problems which they might reveal. This might require taking a hard look at your HR policies and processes to make sure that employees feel welcome, heard, and supported.

2 The second thing to do is to conduct compliance training to raise awareness of discriminatory practices, consequences for discriminatory behavior, and available resources and paths of recourse for employees who face discrimination. The EEOC provides an extremely useful checklist for effective compliance and harassment prevention training. This list is not a requirement for compliance but rather a resource to help employers prevent complaints. You can also work with a D&I consultant to organize training programs which encourage employees to celebrate diversity, build a more inclusive workplace, and empathize with coworkers of different races, ethnicities, disability statuses, genders, and sexual orientations.

Hiring Best Practices for D&I

The Role of Bias in Hiring

Unconscious bias is the single greatest threat to any D&I initiative. Even when companies have the best intentions and invest heavily in D&I strategies and solutions, they are likely to fail if they don't address unconscious bias. That's because any initiative has to be carried out by people and people inevitably have preconceived notions and associations which affect how they perceive and interact with potential and current employees, coworkers, customers, and business partners. These biases will shape your business unless you make a concerted effort to address them.

Part of the issue is that D&I initiatives are fighting against the status quo. As the Harvard Business Review noted in its excellent article on the subject, 95% of CEOs are white men and there are more CEOs named David than CEOs who are women. Multiple studies have shown direct correlations between factors such as race, gender, and sexual orientation and perceived performance, viability as a potential employee, and qualification for promotion.

What To Look Out For

So what should you look out for when it comes to your hiring decisions, performance reviews, and choices for leadership roles? Here are some common forms of bias that may be unconsciously influencing your decisions:

Similarity/Affinity Bias

We prefer what is like us over what is different

Conformity Bias

Bias caused by group peer pressure or "group think"

Beauty Bias

Gravitating towards attractive people (example: 60% of CEOs in the US are over 6 foot, only 15% of the total population is over 6 foot tall. And while 36% of US CEOs are over 6.2 feet, only 4% of the US population is over 6.2 feet tall)

Halo Effect

We see one great thing about a person and let the halo glow of that one thing affect our opinions about everything else about the person. We are in awe of them due to that one thing (eg: they went to a highly-regarded school or worked at a top-brand company)

Horn Effect

The direct opposite of the Halo effect; we see one bad thing about a person and we let it cloud our opinions of their other attributes

Confirmation Bias

We expect an outcome and look only for evidence that supports that hypothesis

Diverse Hiring Strategies

One of the most important things when trying to build a diverse team is to highlight and celebrate the diversity that already exists in your organization. If potential employees look at your website, talk to recruiters at their university campuses, or go into interviews and don't see people who look like them, they are less likely to join your team. Representation matters and it starts with how you present yourself to the outside world, particularly to people who might work for or with your company.

Another important step that you should take is to review your job descriptions on your website and job boards. Everything from how you describe a position and the candidates you are looking for to fill it to the types of language you use in the job postings can influence your job descriptions' inclusiveness. Once you've combed through your descriptions, post them to diverse and inclusive job boards to attract a more robust and diverse pipeline of applicants.

Modifying your hiring staff, job descriptions, and online image isn't just about self-selection, either. Shaping the way that you present your business can help you identify issues and discover opportunities to create a strong, more diverse workplace. By meeting the challenge of attracting diverse talent you will almost by necessity become a more inclusive employer. Not to mention, while people of all backgrounds have unconscious biases even against people of their same demographics, including more diverse voices in the hiring process can reduce the impact that bias has on your hiring decisions.

But you shouldn't stop at building a more diverse hiring team. And you may find that your workforce simply isn't diverse enough to attract the talent you need on its own. You should celebrate what diversity you do have, but it will take deeper work to deconstruct your unconscious biases and create a fairer, more inclusive hiring process.

Focus Your Efforts in Two Main Areas:

Personal Changes and Structural Changes

To overcome bias, you first have to identify it. Ideally all employees, but especially those involved in hiring should take tests like Harvard's Implicit Association Test to identify their unconscious biases. You can use the results to guide your training programs and encourage employees to confront the associations that they discover in themselves. Ultimately, though, it is impossible to guarantee that employees have eliminated their unconscious biases. Which is why it is important to establish institutional safeguards that reduce the effect that potential biases have on hiring.

Blind Resume Reviews

It is an unfortunate truth that candidates' names have a significant impact on how hiring managers view their resumes. Neuroscientist Vivienne Ming reported in an article for HR Magazine that several studies showed direct correlations between favorable opinions of identical resumes and names that were perceived as male or white. The studies even found that the correlation held even when the employers were themselves neither male nor white. Removing information such as names and addresses is a simple, effective way to reduce the role that bias plays in your hiring process.

Interview Rubrics

While blind resume review may help you put together a more diverse pool of candidates, it's much more difficult to hide a person's race or gender when they come in for an interview. Nor can you avoid the biases that these will inevitably trigger despite the best intentions. One solution that many companies turn to is to make interviews as formalized and objective as possible by creating standardized interview rubrics.

As part of your efforts to eliminate bias in hiring, you should have multiple people interview each candidate and score them using the same rubric. By collating the responses you can get a more accurate sense of the candidate's performance. Interview rubrics should score overall performance and perceived competencies in specific areas such as Problem Solving, Communication, and Teamwork.

Interview Diversity Policies

Blind resume reviews help eliminate bias but they do not guarantee diversity. That is why some employers implement diversity policies which require hiring managers to interview candidates from diverse backgrounds. For instance, employers can choose not to extend an offer to any candidates until they have interviewed a sufficient number or percentage of diverse candidates. Harvard studies found that employers can use their bias towards the status quo to promote diversity by interviewing more candidates who are from minority groups than who are not from minority groups. When developing your policy you should keep in mind that diversity can be defined along several axes, including:

Age

Gender

Sexual

Orientation

Physical Ability

Race

Ethnicity

Religion

Socio-Economic

Status/Class

Diverse Recruiting Sources

Diverse & Inclusive Job Boards and Communities

Incluizion.co - hire Black, Latinx, and Female freelancers

Fairygodboss.com - job board for women

PowerToFly.com - job board for women, trans, non-binary and gender non-conforming people looking for remote tech positions

Pink-jobs.com - LGBT-friendly jobs

Jopwell.com - career advancement platform for Black, Latinx and Native American students and professionals

BlackTechJobs.com - job board for blacks in tech

Retiredbrains.com - Retirees looking for part-time and virtual roles

Recruitdisability.org - job board for people with disabilities

Abilitylinks.org - job board for people with disabilities

Vetjobs.com - job board for veterans

Inclusive Conferences

DiversityInc Conference

BITCON Blacks In Technology Conference

Reaching Out LGBTQ MBA & Business Graduate Conference

NY Leadership Summit and San Francisco Summit - Lesbians Who Tech

Catalyst Awards Conference - for women in the workplace

D&I Engagement Surveys

Employee engagement can make or break a team or organization. High levels of engagement increase performance and retention while lagging engagement can cause decreased productivity and high turnover. This should make employee engagement a top priority for any employer.

And for any engagement initiative to be truly successful, it should engage all of the company's employees. An organization's ability to engage employees across a spectrum of identities and backgrounds is essential to its ability to develop a strong talent strategy and organizational culture that fosters inclusion, teamwork, trust, and retention of top talent.

The first step that employers should take to increase their employee engagement is to measure the current level of engagement and identify key strengths and weaknesses. This means having your employees fill out an engagement survey that asks them to rank their satisfaction in various aspects of their work and provide open-ended qualitative feedback. The quantitative rankings allow for in-depth analysis while the qualitative responses can provide unexpected insights into your employees' opinions of your organization.

Engagement surveys can also be extremely useful tools in improving diversity and inclusion at your company. Asking questions that can help link engagement to identity and analyzing engagement data through a diversity lens can help you identify satisfaction levels and unique issues for employees of different backgrounds and demographics. D&I engagement surveys provide valuable data which can inform targeted strategies to bolster inclusion and engagement, and ultimately retention and performance, of all of your employees.

Diversity & Inclusion Engagement Surveys:



- **Assess baseline strengths and areas for improvement related to inclusion and diversity efforts.**
- **Measure the level of workplace engagement among specific demographic groups.**
- **Identify data-driven strategic opportunities for inclusion and diversity change efforts.**
- **Determine progress toward organizational inclusion goals.**

Example Survey Questions

On a scale of 1 to 10, how happy are you at work?

To accurately understand employee engagement, you must start with this question and ask it regularly. This direct and quantifiable question allows for tracking over time and across populations.

On a scale of 1 to 10, how likely are you to recommend our organization to your family or friends?

Many employers use responses to this question as employees' Net Promoter Scores (eNPS). Tracking key metrics such as average eNPS can help measure the success of engagement and D&I efforts.

Do you have a clear understanding of your career or promotion path?

A poll by Gallup found that employees who get the opportunity to continually develop are twice as likely to say they will spend their career with their company. Find out if your workers have a clear understanding of what lies ahead of them. If their answers are negative, you'll need to start offering developmental opportunities to prevent people from quitting in rapid succession.

Do you believe we live authentically by our organizational values?

Do your employees feel like the organization's values are authentic, or just words on the walls? Do they believe that leaders are living out the values? An organization with strong engagement lives by its values and employees who believe that those values are upheld trust their organization and have higher engagement and loyalty.

Please rate how important the following elements of your employment are for your overall experience. + Please rate your overall satisfaction with the following elements of your employment.

Asking each of these questions allows you to understand them independently, but even more to combine the results and match satisfaction with priority. Even if an employee indicates strong satisfaction with your childcare program, it won't have a meaningful impact on their satisfaction, engagement, and retention if they don't think it's important.

In-House D&I Programs

Once you have moved to eliminate bias and increase diversity in hiring and measured employee engagement across the full diversity spectrum, it's time to implement ongoing diversity and inclusion programs in your organization.

In-house programs generally fall into one of two categories: analytics and employee empowerment. Analytics allow you to measure the effects of your D&I efforts to inform your strategy decisions, justify investment in D&I, and build more effective partnerships with D&I and HR experts. And by identifying members of your employee community who are passionate about diversity and inclusion and inviting them to demonstrate leadership in these efforts, you can boost engagement and allow your talent to shine while advancing your diversity goals.

Define Diversity Goals & KPIs

One of the best ways to make sure that something gets done is to measure it. Creating goals and measuring success against those goals through predetermined key performance indicators (KPIs) establishes a system of accountability which will fuel your D&I efforts. It will also make it easier to demonstrate return on investment for D&I initiatives. Which will help get your entire team behind the push for diversity and facilitate cooperation between finance, HR, and business leadership.

Establish your baseline for key aspects of your organization and what you are aiming for. Your goals and KPIs should help answer questions such as:



- **Who are you hiring?**
- **Who are you promoting?**
- **Who are you retaining?**
- **Is your retention level consistent across women and minorities?**
- **Are your demographics uniform across different departments?**

Data & Analytics

Once you've established your goals and KPIs, it's time to collect and analyze the data which will measure your current D&I standing and your progress towards your goals. There are excellent software solutions available to help you measure and track employee data, which your D&I or HR partners can help you select.

Wondering what data to collect and what a D&I strategy with a data-based approach can do for your organization? eBay published a comprehensive Diversity and Inclusion Report which provides an excellent model for employers.

Leveraging data and analytics as part of your D&I strategy allows you to:

Identify existing diversity gaps overall, at various levels of seniority/leadership, and in promotion/compensation outcomes

Establish equitable compensation structures by closing gaps on gender, ethnicity, orientation, age, or other demographic spectra

Determine opportunities for engagement and retention improvements

Employee Benefits

Employee benefits make up a significant portion of total compensation and are extremely useful in attracting, engaging, and retaining top talent. Just as it is important to maintain pay equity for employees of all demographics, your benefits package should provide for the unique needs of all employees.

Your benefits broker can recommend benefits which are generally particularly important to different employee groups. But the very best way to determine your employees' needs and desires is to ask employees themselves. Employee surveys and health-risk assessments (HRAs) can identify what benefits are most important to your team members and what specific benefits gaps and opportunities are affecting your diversity and inclusion efforts.

You should tailor your benefits to meet the unique needs of your employees, but here are some examples of benefits that can contribute towards a more diverse and inclusive workplace:



Comprehensive health coverage



Telehealth/telemedicine



Parental leave



Subsidized or onsite childcare



Fertility benefits



Gender transition support



Work-from-home and flexible hours to accommodate non-work needs (childcare, care for aging parents, etc.)

Employee Resource Groups

One of the best ways that you can foster diversity and inclusion at your organization is to help your employees become a source of support and resources for each other. You can create affinity-based Employee Resource Groups which allow employees who face similar challenges due to their race or ethnicity, gender, sexual orientation, or age to meet and share their experiences.

Some employers are also starting to form interest-based groups which allow employees with a shared passion for topics such as environmental sustainability, community service, or workplace wellness to meet and discuss how to further their causes within the workplace.

ERGs can create safe spaces for employees to air concerns and come up with their own solutions and foster a culture of engagement and inclusion. In recent years they have also proven to be effective in facilitating recruitment and retaining diverse talent, fostering company culture and branding, and contributing towards employee training and professional development.

Which ERGs you should encourage in your organization depends on the makeup and needs of your employees but these are some of the most common types of groups:



D&I Council

While ERGs contribute significantly towards creating a more open and diverse workplace, they still don't give your employees a voice in the D&I decision making process. Which is why many employers create a Diversity and Inclusion Council made up of employees from every department or team.

Launching a Diversity & Inclusion Council is an excellent way to capture the collective energy and engagement of your employees to drive sustainable initiatives that have buy-in from both leadership and employees. The council gives your employees a venue in which to come up with D&I solutions and creates a grassroots approach to diversity and inclusion. The council can identify issues and solutions based on its unique employee-based perspective which can turbocharge your diversity and inclusion initiatives. Not to mention, giving your employees a greater voice in your organization is a surefire way to increase inclusion.

How to Create a D&I Council

These are some key steps which you should include:

- 1 Define the roles, responsibilities, and scope of influence of the council
- 2 Establish goals and define success
- 3 Designate budget and process requirements
- 4 Identify partners for key initiatives
- 5 Establish thoughtful representation
- 6 Determine membership expectations
- 7 Optimize meeting cadence
- 8 Track and showcase progress
- 9 Continually recruit new members

Getting Help to Create a Diverse and Inclusive Workplace

Many employers want to promote diversity and inclusion at their businesses but do not know how to go about it. There are many steps which we have outlined in this toolkit which you can implement on your own to foster a diverse and inclusive workplace. But you can make your job easier and build more effective D&I initiatives by enlisting the help of outside experts. Third-party D&I consultants like The Darkest Horse and HR advisers like Launchways bring years of D&I experience and proven strategies which will help you build a strong, diverse, and productive team.

Beyond guiding your D&I efforts using their expertise, D&I consultants offer several services which can complement and empower your D&I initiatives. Here are some of the most important roles that outside consultants can play in your D&I strategy:

Assessments

Employers often don't know where to start when it comes to gathering the data they need to shape their D&I approach. Consultants know what questions to ask, how to distribute surveys and collect responses, and how to analyze survey results. Outsourcing these functions is often cost-effective considering the drain on your HR resources that the assessments would require, and it also produces more effective results. Your D&I partner can also recommend software solutions to collect, analyze, and track assessments and key D&I and HR metrics.

It can be extremely difficult to get an accurate picture of the current state of your organization and any necessary improvements from within. Consultants bring an outside perspective which is inherently more objective and can produce valuable insights. They can help you identify and define core values and organizational culture as well as your D&I status quo, issues, and opportunities. Not to mention, employees are more likely to give their honest opinions and open up about their concerns in third-party surveys.

Assessments which your HR and D&I partners can conduct:

**Employee
Engagement
Surveys**

**Benefits Surveys
and Health Risk
Assessments**

**Cultural
Assessments**

**Focus Groups
and Retreats**

Training

Training is an effective tool to raise awareness of the topics of diversity, inclusion, equity, and accessibility. Training programs can help employees identify and overcome their biases and understand diverse perspectives. They educate employees on what diversity and inclusive thinking means in their day-to-day interactions with co-workers, customers, partners, vendors, and others. And they can help create a shared language and establish a cultural norm around confronting bias head-on and celebrating difference in your organization.

There are plenty of more cynical reasons to provide diversity training as well. Implementing diversity training is an important step to reduce the risk of workplace discrimination and harassment claims which are not only expensive but also damaging to your brand as an employer. Mandatory training is also often a condition of EEOC discrimination settlements.

Facilitation

It can be extremely difficult to break free from established beliefs, processes, and attitudes without an outside perspective that encourages the kind of genuine honesty that enables radical change. Your company's history, leadership, employee population, geographic location, industry/sector, size, and other elements create a unique relationship with diversity, inclusion, equity, and accessibility. Objective facilitators can help you understand what your current state is and what the path forward looks like for your organization and team.

Leadership Executive Coaching

Successful company cultures based on diversity and inclusion have to come from the top as well as from the bottom. If leadership isn't living the values it wants employees to follow, then diversity efforts will not succeed. Essentially, leadership has to walk the walk if they're going to talk the talk. Which means that they have to receive training to address their own biases and foster attitudes of diversity and inclusion within themselves first for D&I initiatives to succeed.

Leadership diversity and inclusion coaching can help senior executives deal with personal and corporate challenges to help them reduce bias and drive change within their organizations more quickly and effectively in a sustainable fashion. It can also help your leadership team develop more innovative and impactful D&I strategies.

Looking for help?

The Darkest Horse is available to provide an array of diversity, equity, inclusion, accessibility and belonging consulting services. To inquire about their services or to request a consultation, please email hello@thedarkesthorse.com.



Employee Benefits Should Meet the Needs of a Diverse & Inclusive Workforce

Our complimentary Benchmark Report will ensure your Employee Benefits meet D&I best practices

Visit www.launchways.com/diversity to Request Your FREE Benchmark Report

Your comprehensive Diversity & Inclusion strategy should address these key items:

Intentional & Thoughtful

Being intentional and thoughtful that your Employee Benefits are of value to ALL is the right thing to do if you want to create a truly inclusive environment.

Inclusion

When not addressed properly, certain groups within the company may feel excluded and also endure financial loss that others in the company do not.

Compliance

Compliance around this topic is gaining traction in the legal community and it's likely to begin having an adverse impact on employers who are not addressing this.

Attract & Retain Talent

There is a missed opportunity to attract and retain talent by offering Employee Benefits that truly benefit a diverse "A" level workforce.