



# Examining **Diversity and Inclusion** in the Workplace

By Nina K. Markey, Esq.

Here's an overview of best practices for **recruiting and retaining diverse employees**, as well as implementing diversity and inclusion **initiatives at your company**.

**D**iversity recognizes the inherent value of human differences. Although workplace diversity often focuses on the gender, race, and ethnicity of employees, it includes employees with varied religious and political beliefs, education, socio-economic backgrounds, sexual orientation, cultures, and disabilities. From a business perspective, increased diversity and inclusion (D&I) lead to better decision-making, greater employee empowerment, increased positive company profile, and customer recognition and comfort. It is therefore no surprise that staffing companies and the clients they support are increasingly looking for ways to not only increase diversity in their workforces, but to also develop more effective strategies for

inclusion. This article will provide insight into some of the keys to successful and lawful diversity and inclusion initiatives.

## **What Can't You Do to Recruit and Retain Diverse Employees?**

As a general principle, absent a bona fide affirmative action program, you cannot make decisions to hire or promote someone because of a protected characteristic such as race or gender—even if you are doing so to promote diversity and not discrimination. And this is true whether you are the staffing company or the client; both entities are subject to liability under Title VII as joint employers for any illegal employment decisions. An undue focus on numbers, particularly to the point of establishing quotas, is also legally dangerous. >>>

## What Can You Do to Recruit and Retain Diverse Employees?

To be successful, an organization's diversity program must be supported from the top down. All D&I initiatives should be linked to an organization's core operations, and senior leadership must lead by example. Middle managers must also buy in and participate fully.

### Recruiting Diverse Employees

Diversity cannot be achieved unless diverse candidates are actively sought. This means developing ways to find and recruit diverse candidates and, where they are already on board, to retain those persons so that they can help you continue to recruit new diverse employees.

Some ways that employers can diversify their candidate pool include recruiting at educational institutions where the demographic of interest is well represented; utilizing advertising media that are likely to reach the desired communities; identifying job boards and job fairs with high rates of participation by the desired demographic; and partnering with professional associations and other organizations that serve the desired communities. You should also think creatively and focus on the long term as well as the short term by utilizing internships and developing connections with diverse communities.

Many employers have also adopted versions of the Rooney Rule to increase diverse recruitment and hiring. The Rooney Rule is a National Football League policy that requires every team with a head coaching vacancy to interview at least one or more diverse candidates. One such adaptation is the Mansfield Rule, which seeks to boost the representation of diverse lawyers in law firm leadership by broadening the pool of candidates considered for these opportunities.

### Retaining Diverse Employees

Retention should also be a focal point of any D&I plan, and requires support and the elimination of obstacles for diverse employees. Support includes mentoring, performance development, and effective feedback. Elimination of retention-related obstacles includes providing mentorship

and other support systems, and actively working to recognize and manage bias in the workplace.

### Training

Many managers and supervisors do not understand diversity, or find the topic polarizing. To understand the concept and realize its value, managers must be trained about diversity and inclusion and the values they promote.

### Mentoring

Mentorship programs can improve diversity by providing career networking within the organization, and someone to help diverse employees identify and improve their skills necessary to advance in the company.

### Affinity Groups

An effective affinity group connects its members with the larger employer community. Affinity groups are meant to focus on the needs of a particular group of employees, but they must be open to other employees outside of the group as well.

### Declaring Your Support for Diversity

The company that successfully achieves diversity should do so openly. The public should be told of the company's values in a variety of ways, from mission statements to advertising to support of diversity-related organizations and events.

Staffing firms should utilize these principles in creating and strengthening existing diversity and inclusion initiatives that are increasingly vital to the success of their workplaces. ■

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