DIVERSITY, EQUITY, AND INCLUSION POLICIES: ARE ORGANIZATIONS TRULY COMMITTED TO A WORKPLACE CULTURE SHIFT?

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ABSTRACT

This paper proceeds from the premise that true change can only be realized after first coming to terms with harsh realities. The murder of George Floyd in 2020 sent shock waves throughout our collective conscience resulting in a racial reckoning unlike any other in modern history. Calls for change throughout Corporate America had organizations pledging millions of dollars toward the cause of racial justice. But now, over one year later, has there been a significant change in workplace equality following heightened awareness to diversity, equity, and inclusion policies in organizations, or have we settled back into the status quo? This paper will examine obstacles to achieving the level of workplace culture shift needed to claim a spot as a true EEO employer. While generally addressing all legally protected classifications, the paper will specifically focus on racial discrimination in the workplace by exploring root causes of racism through a human behavioral lens. Historical research and legal case studies have shown that racism can be found in all areas of society and racial discrimination in the workplace has existed for numerous decades, however, the Black Lives Matter movement and social unrest of 2020 have found a platform at a time when all aspects of the issue are converging, thereby making the time ripe for changes in legislation and challenging employers to reimagine workplace policies on diversity, equity, and inclusion.

Key words: DE&I policies, diversity, equity, inclusion, systemic racism

INTRODUCTION

An unprecedented year in our nation, 2020 will claim a spot in history for a convergence of high-profile events concerning civil rights issues beneath a backdrop of a world-wide pandemic. On May 25, 2020, George Floyd, a 46-year-old black man, was murdered in Minneapolis, Minnesota by a white police officer, Derek Chauvin, while being arrested on suspicion of using a counterfeit $20 bill. The following day, excruciatingly explicit videos made by witnesses and security cameras went viral, striking a nerve in most everyone who watched them due to the callous disregard for human life exhibited by the police officer. Floyd's murder led to world-wide protests against police brutality, police racism, and lack of police accountability (Hill, et al., 2020). The event launched a modern-day civil rights movement, re-energizing the Black Lives Matter movement, and mirroring the Civil Rights movement of the 1960s. The movement resonated with millions of citizens

of all races, creeds, and ages who either identified with the stories being reported from people who had experienced similar treatment, or who had never experienced such treatment but were struck with horror at how such actions could have transpired. Despite being in the height of a pandemic, the horrific event propelled citizens into action as they took to the streets in protest and participated in the ongoing conversations on the internet. Statistics reveal that between May 26 and June 7, 2020, the #BlackLivesMatter hashtag had been used roughly 47.8 million times on Twitter – an average of 3.7 million times per day (Anderson, et al., 2020).

In response to demands for change from anti-racism advocacy groups, new legislation continues to be passed in several states, as well as police reform bills. President Biden's passage of Juneteenth as a Federal holiday acknowledged historic roots of racism (Pruitt-Young, 2021). Corporate America nationwide rose to the challenge by pledging millions of dollars toward diversity, equity, and inclusion (DE&I) programs and professing promises to do better. But have those promises been kept? Or, has the momentum waned and the initiatives moved down the priority list? Research shows that even the most genuine of efforts has met with challenges and obstacles to creating the paradigm shift necessary to achieve positive change in the area of equality in the workplace. Despite promises, companies are still behind. The number of companies with a Chief Diversity Officer (CDO) has increased only marginally in recent years, from 47 percent in 2018 to 52 percent as of February 2021. Many leaders in this space are realizing that pioneering this emerging field is more challenging than expected and are quickly getting burned out (Gurchiek, 2021).

Through a reminder of key historical events in the history of the United States, this paper analyzes not only the legal, but socio-psychological impacts of systemic racism to determine the underlying reasons racial discrimination continues to occur in the 21st century workplace. A starting point is to understand that history is not repeating itself, rather, just resurfacing. Acknowledging the fact that racism has never been uprooted - a consequence of not facing harsh truths – is a step in the direction toward healing. The discussion will lead to an awareness of the challenges faced in moving forward as well as highlight obstacles to implementing DE&I workplace policies. New methods of training to comport with current updates in the law will be explored with a focus on creating a culture of equality as a means of fostering a diverse, equitable, and inclusive environment for all employees.

CHANGES IN DIVERSITY POLICIES

It is important to understand the expanding definitions of terms from former diversity policies to current diversity, equity, and inclusion policies in workplace settings, both from a legal and sociopsychological view.
Diversity. The basic definition of diversity is the differences between individuals, based on any attribute, that may lead to the perception that another person is different from the self (*SHRM.org*). From a legal policy perspective, considerations of

disparate treatment, disparate impact, and stereotyping, among others, are reflected in policymaking.

Disparate Treatment. Disparate treatment is defined as treating a similarly situated employee differently because of prohibited Title VII or other employment discrimination law factors.

Disparate Impact. Disparate impact refers to a deleterious effect of a facially neutral policy on a Title VII group.

Stereotyping. Stereotyping is a standardized conception held in common by members of a group. Assumptions are made based on such conceptions that do not factually represent all members of a group.

According to Title VII of the Civil Rights Act of 1964, it shall be unlawful employment practice for an employer –

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, national origin, sex, or religion. [Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a).]

If we stop here, with the above law and theories of law in place, a person of color may be hired for a position and not be exposed to any adverse actions by the employer. But that same person of color may not be treated equitably or experience inclusion in workplace groups in the same way as their similarly situated colleagues experience equity and inclusion. The expanded DE&I arena is necessary to holistically address systemic racist and sexist behaviors and implicit biases that have become commonplace in the work environment in order to remedy toxic cultures in the workplace.

Equity. A relative form of equality (equal treatment of individuals and groups) that takes into consideration the needs and characteristics of the individuals, the context of the situation, and circumstances that result in disparate outcomes (*SHRM.org*).

Example. People of color represented in the highest levels of organizational leadership nationwide is an abysmal number. Black people occupy only 3.2% of the senior leadership roles at large companies in the United States and just 0.8 of all Fortune 500 CEO positions (Brooks, K. J., 2019).

Pay equity is another example of an ongoing workplace issue with its roots based in discrimination. Gender pay disparity continues to exist with women earning 82 cents on every dollar that a similarly situated male earns, excepting black females who earn 64 cents on every dollar, and Hispanic females earning 57 cents on every dollar

of their similarly situated white males (Spiggle, T. 2021; AAUW 2021; Payscale 2021).

Intersectionality. Experiencing more than one type of discrimination at a time, e.g., that of being black and female. Intersectionality adversely impacts various populations of protected classes, illustrating the higher probability of discriminatory behaviors involving, for example, racism and sexism occurring at the same time.

Inclusion. The extent to which individuals can access information and resources, are involved in work groups, have the ability to influence decision-making processes, and can contribute fully and effectively to an organization. "Inclusion" is also defined as the fulfillment of needs for belongingness and uniqueness. According to Optimal Distinctiveness Theory, employees' needs of belongingness and uniqueness must be met in order for employees to feel included. To feel included, the unique characteristic of an employee must be valued within a group; more importantly, though, this uniqueness the person brings to the group must be allowed and encouraged to remain. Inclusive culture exists in the workplace when an organizational environment allows people with multiple backgrounds, mindsets, and ways of thinking to work effectively together and to perform to their highest potential to achieve organizational objectives based on sound principles (*SHRM.org*).

Example. It is important to note that workplace protections from sexual orientation and gender identity discrimination did not come to the federal arena until June 2020. Before that time, while members of the LBGTQ+ community were protected from workplace discrimination and harassment under some state laws, they were not protected under the federal statute of Title VII of the Civil Rights Act of 1964 and, as such, some members of the LQBTQ+ community were still shrouded in fear of revealing how they identify regarding affinity orientation and gender identity.

Weaving DE&I policies into the fabric of the core federal workplace discrimination statutes - Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act (ADEA) of 1967; and the Americans with Disabilities Act (ADA) of 1990 – while rolling out training and development policies is a full-circle approach to the personal and professional development of employees and sends a message from leadership that the company is committed to achieving and maintaining a workplace culture of diversity, equity, and inclusion.

A LOOK AT THEN TO NOW

Beyond the legal and political arena, cries for equality were coming from all segments of society during the social unrest of the 1960s. In pop culture, for example, the Beatles did their part in helping to fight racism in the United States when they refused to perform to a segregated audience in Jacksonville, Florida in 1964 (BBC News, 2011). Much of the music of the time reflected the need and

demand for change to address to inequities against Black Americans and women, among other protected classes. It is no surprise that equal rights movements found a voice through music, as "music bypasses the brain and resonates straight into the heart where transformative change happens (Berson, 2020).

When Ruth Bader Ginsburg argued her first sex discrimination case in front of the United States Supreme Court in 1973 in the case of *Frontiero v. Richardson,* she cited abolitionist Sarah Grimké during her oral argument saying, "I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks." The symbolism highlighting oppression against individuals based on their sex or race was a testament to the fact that not much had changed since the turn of the 20th century.

Fast forward to the 21st century and RBG's statement could not be more figuratively and *literally* relevant as when George Floyd was murdered by a knee to his neck. Forcing society to look, once again, at how far we have come – or not come - in over four centuries, revealed that old wounds continue to resurface because the necessary work has not been done to eradicate systemic racism in our society.

Racism and sexism are intertwined and can only be uprooted at the same time (Steinem, 2015). When examining the plight of people of color and women throughout history, the same forms of oppression exist rooted in superiority and patriarchal ideologies. The impact of racism and sexism is far reaching, affecting every aspect of life from access to education, medical services, housing, and job opportunities, among other areas, as illustrated below.

- According to the Brookings Institution, Black college graduates have higher debt loads, on average, than White college graduates. Black debt rises over time. White debt diminishes. Upon graduation, the average Black graduate owes $23,400 vs. the White graduate's $16,000. Four years later, the gap triples. Even at the top end of the income spectrum. Black students have higher student loans ($4,643, on average) than White students ($3,835), and Black parents take out larger loans to help pay for college - $3,303 vs. $1,903 (Brown, 2021).

- A county-level empirical analysis of structural racism and COVID-19 in the USA revealed that Black Americans as a community have experienced a long and well documented history of exploitation and racial discrimination that has in turn manifested in the form of persistent health disparities and preventable deaths (Bin Shin, et al. 2021).

- In the first quarter of 2020, the Census Bureau reported that black households had the lowest homeownership rate at 44%, nearly 30 percentage points behind white households. Racial discriminatory practices prevented people of color from accumulating wealth through homeownership (Williams, 2020).

- Sixty percent of employed Americans have experienced or witnessed discrimination at work on the grounds of race, gender, age, or LGBT identity (Srikanth, 2020). A Gallup poll released in January 2021 found that of the roughly 2,000 Black employees surveyed, 24% reported being discriminated against in their jobs in the past year (Williams, 2021).

Specifically, regarding race discrimination in the workplace, a survey conducted by the Society for Human Resource Management (SHRM) of 1,275 people in the U.S. found that 49% of Black HR Professionals think that race-based discrimination exists in their workplace, but only 13% of White HR Professionals agree. The same survey found that 35% of Black workers say that such discrimination is part of their workplace, while only 7% of White workers say that this is the case (Gurchiek, 2020). The findings from the report, *The Journey to Equity and Inclusion* suggest that while workers agree that racial discrimination exists, there is a vast difference in perception of how widespread the problem is, indicating a need for more awareness and understanding of workplace racial inequality.

The Black Lives Matter movement heightened the need for employers to improve their efforts toward workplace diversity policies. Efforts range across the spectrum from employers outwardly advocating for change because it is the popular thing to do in this climate but have no intention of walking the talk, to employers making genuine efforts toward a paradigm shift in workplace culture but are finding the challenge overwhelming.

OBSTACLES IN MOVING FORWARD

To engage in meaningful professional growth, a foundation of personal growth must be present. Individuals lacking in this foundation may pose a major obstacle to successful DE&I trainings because not every employee is in the same space with regard to their level of personal growth and emotional intelligence. Every person is shaped in some degree by their upbringing, whether cultural, religious, societal, or combinations of all or more influences. Implicit biases and prejudices harbored within are carried forward to the workplace. Individuals who do not possess a mature level of emotional intelligence, may engage in acts that can be interpreted as racist or sexist without realizing the impact of their actions on other individuals. As such, some organizations may need to move forward in the DE&I space at a very basic level.

A starting point would include examining the root causes of racism as a threshold foundation. A look back in history reveals the scourge of slavery and its impact on society over centuries and how the burden has plagued our nation, along with the guilt of those actions weighing heavily on our collective conscience. Superiority ideologies passed down from generation to generation are at the base in the formation of racial prejudice. Without exposure to diversity and the plight of people of color in society in general and in the workplace specifically, individuals cannot

gain the pertinent information or develop the necessary empathy to address such issues and begin to remedy them.

Natural human behavior seeks to avoid these painful memories. At times it is easier to live in denial. Further, when racist actions of violence and discrimination enter our stream of consciousness, a human impulse is to excuse them away as not being a problem anymore or, worse, not our problem. But intellectually we know and are reminded by Dr. Martin Luther King, Jr. that, "Injustice anywhere is a threat to justice everywhere" (King, Jr., 1963).

Egregious manifestations of racism and sexism are found by uncovering significant events which have been expunged from history, leaving people unaware of the perpetuation of racist and sexist actions passed down from generation to generation. For example, until recently, most textbooks did not include historic events related to racism such as the Tulsa Race Massacre of 1921. Before 60 Minutes ran a segment last year of the Tulsa Race Massacre, much of the population had never heard of this or other atrocities committed against African American communities.

Similarly, most textbooks omitted the participation of African American woman in the United States space race of the 1960s. Neither had much of the population been aware of the number of black women mathematicians and engineers instrumental in sending a man into space 1965 until the appropriately titled movie Hidden Figures hit the box office. Without this knowledge, a large segment of our society was left uneducated as to the contributions to science made by African American women.

As if to indicate that if such events are excluded or erased or never spoken of, then they must not have happened is at the root of oppression. This lack of accountability has kept Black Americans and all people of color held back over centuries. Moreover, the release of liability for the heinous crimes committed in the Tulsa Massacre, for example, and atrocious coverup speaks to the enormity of moral turpitude surrounding such events. Failure to be held liable through our justice system, and failure to provide reparations for the victims is an example of the citizenship plurality that our country was built on. It is rooted in our education and criminal justice system, and systematically woven into popular culture.

Facing the harsh truths of racism and sexism requires a deep dive into the root causes of such behaviors. Such exercises are not pleasant and can unearth our own implicit biases and prejudices in a way that can cause us to examine our entire life beginning with our familial upbringing and cultural influences and how such influences have impacted every aspect of our life. Unless and until we do this work, we cannot move forward. With truth comes change. Change is difficult, uncomfortable, uncertain, and disruptive to our daily routine. Remaining in the status quo is simpler, comfortable, secure, and orderly. The truth dismantles the status quo. It forces us to face our own failings and challenges us to do better every day. But facing the truth is not easy. It is easier to stay the same and continue to bury the truth down to the bottom of our list of priorities to handle. As James Baldwin said, "Not everything that is faced can be changed; but nothing can be changed until it is faced" (Baldwin,

1962). While the task to achieving workplace equality may seem enormous, even the smallest efforts toward equality are meaningful and a step in the direction of creating positive change.

TRAINING METHODS REIMAGINED

Far too often and for far too long, diversity training methods have been compliance-based, with a view to mitigating an employer's exposure to legal liability. Most training is perceived by employees as a mandatory task that takes time away from their job duties and deadlines. Many employers are resentful for having to expend resources to remain in compliance with labor and employment laws. Check-the-box training - listening to video lectures in isolation, answering questions, passing the test, receiving a certificate of completion – are the norm. After completion of the training video, the employee does not have to think about diversity issues again for another year or more. The employer, in turn, can check the box that the company has satisfied the requirements of the law, thereby fulfilling legal compliance responsibilities or be ready for any audit that may be conducted by an EEO agency. The company has the necessary documentation to prove that the employees have been trained in workplace diversity laws.

Learning about the elements of the law, however, is quite different from learning how societal norms impact the behaviors of employees and leaders of an organization. What has been missing in diversity training is a holistic approach to the issues of diversity, equity, and inclusion. Tapping into the perceived culture of the company can provide vital information that can be utilized to create necessary interventions and preventive measures to restore the health of the entire organization and all its employees.

STEPS FOR IMMEDIATE ACTION

Conduct a Climate Survey. As with any healthy relationship, the employer-employee relationship should be built on a foundation of trust and respect. The original definition of trust is alliance. If the HR Director is professing that the company is an Equal Employment Opportunity (EEO) organization while individual leaders of the company are overtly or covertly discriminating against employees, engaging in retaliatory actions, or condoning such behaviors by inaction, employees will know that the company's "zero tolerance" policy is simply a façade, designed to shield the organization from legal scrutiny. The policy then plays out as a false commitment, and employees will realize that the leadership of the company is not concerned about fairness, employee wellness, or maintaining a workplace free from discrimination. The breakdown of trust will result in disillusionment and low morale. If trust is lost, the employer-employee relationship shifts from cooperative and collaborative to isolated and adversarial. Climate surveys can be very useful in gauging the morale of employees, especially if employees are not inclined to be forthcoming about problems based on distrust, fear of reprisals, or the existence of a hostile atmosphere. An organizational development consultant can prepare and

administer the surveys independently and in a neutral environment. The results should be shared with the entire organization along with concrete plans to address critical issues and shortcomings.

Perform and Internal Pay Audit. Conduct a voluntary pay audit to proactively assess any racial or gender-related disparities in compensation. Do not wait until a complaint is filed or an EEO commission notifies the company of an audit. Depending on the results of the audit, make immediate pay adjustments accordingly. For example, if the audit reveals a 10% gender pay gap for similarly situated employees in certain positions, then make a 10% adjustment to the adversely affected group. This proactive approach will signal to employees that the company is genuinely concerned about issues of inequity and is making a good faith effort to initiate remedial actions.

Adjust Recruitment Policies. Findings from a report released in September 2021 based on an online survey of 1,115 North American organizational leaders conducted in April and May 2021 revealed: Seventy four percent of all respondents track the diversity of new hires; Sixty-four percent track the diversity of individuals they recruit (SHRM.org, 2021). Tracking recruitment and selection data is critical to a company's DE&I commitments.

STEPS FOR ONGOING ACTION

Onboarding 1-month Class. A new employee's perception of an organization is formed in the first few weeks of employment. Conducting an onboarding training session on Diversity, Equity, and Inclusion in a one-month-long format will be a testament to the new employees that the DE&I statements professed in the company's mission and vision are in fact practiced in the workplace. While the class is held over a period of one month, the time spent each week is only two hours for a total of eight hours over the period of the month. Typically, diversity training is approximately eight hours, but held in one session. The purpose of spreading the time over a period of one month is to optimize the learning process by allowing time for necessary reflections on the sensitive topics. The format and examples of exercises are illustrated below:

Case Studies in a Group Setting. The time is ripe for meaningful, engaging exercises in a group setting. Similar to taking an employment law class, case studies should be utilized in a classroom format, to include group breakout sessions with a subject matter expert facilitating the process. Time should be allowed for journal reflections, along with voluntary sharing to enrich the learning process. Bystander intervention could be incorporated into the case studies to illustrate in group sessions how each person can find their voice and be given the tools to speak up.

Exercise – Reflection Papers. We all harbor implicit biases and prejudices carried over from our upbringing, culture, and life experiences. In order to be able to progress professionally, we must first work on our personal development. Facing our fears and recording them in honest reflections is not an easy task. But when

given as homework to do personally in a quiet environment, profound revelations may occur. Then, later in a safe workplace workshop setting, employees may feel the desire to share and by so doing become enlightened when hearing about experiences of coworkers.

> #1. Write a 2-Page Personal Reflection on the following topic:
> What Do You Believe to Be the Root Cause of Racism?
>
> #2. Write a 2-Page Personal Reflection on the following topic:
> What Do You Believe to Be the Root Cause of Sexism?

Exercise – Cages. Examine the following excerpt of *Oppression* by Dr. Marilyn Frye. Write your reflections in your journal.

Looking at discrimination issues is like looking at a wire birdcage. Look at the wires closely and you can't see why a bird can't just fly around it. But look at it from further away and you see that the wire you are viewing is only one of many interconnected wires that form an impenetrable cage that keeps the bird in place. With discrimination, each little piece may not seem very significant, but put them together and they form a <u>different existence</u> for one group than another, which keeps the group from progressing like those without the barriers.

Exercise – Stereotyping. Stereotyping weaves its divisive thread through all areas of discrimination, sewing its seeds of superiority ideologies, the roots of which run deep and perpetuate from generation to generation. Assumptions based on protective classifications can create a deleterious impact on such groups.

Watch the video below: The Look

https://urldefense.proofpoint.com/v2/url?u=https-3A__www.youtube.com_watch-3Fv-
3DaC7lbdD1hq0&d=DwICAg&c=qwHaVVscXk_NBWd7DQFk0g&r=2GilTHcC
sqRmEHjaWl4fSA&m=pedHAzJXyJO8GjDrCLnK2LXVq7L-
cIoJpYYN6VN4gCE&s=kcAOBZmUvFNU_RtFa-sC7kMGqD3J5kpO-
Yd6e6Hu5nQ&e=

Discuss the observations you made while watching the video. How did you feel while making your observations? What parts of the video, if any, stood out to you? Were you surprised by the ending?

STEPS FOR LONG-TERM ACTION

EQ Training. HR professionals can utilize training methodologies associated with emotional intelligence concepts to orient and train supervisors and non-supervisory employees. Determining the format and venue of the training depends upon the size

of the group to be trained and the type of training to be administered. The communication exercises can be rolled out in a "train the trainer" format for leadership and top management first, then to all employees.

This new approach to training will produce a paradigm shift in workplace dynamics. The process demands a significantly longer expenditure of time and effort than what is required by law, but the preventive measures have considerable value that extend beyond monetary benefits. The importance of additional time spent on meaningful engagement cannot be overstated. The improvement to the company's culture through relationship-building exercises designed to foster authentic communication will go a long way toward creating an environment of trust and respect. Once a community of trust and respect is built, all the members of the community by their behavior will set the tone for what is acceptable, and not acceptable, conduct.

CONCLUSION

DE&I efforts should not end once workers are hired. Leadership must regularly monitor all related metrics and utilize the information implement change toward continuous improvement. In order to fully realize a shift in workplace culture surrounding diversity, equity, and inclusion, strong commitments by leadership at the top levels must be evident and genuine. While there may be a long road ahead to complete eradication of workplace discrimination and inequality, continuing the conversation is imperative to effecting positive change.

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