



Diversity, Inclusion, and Compliance: Similarities, Differences, and How They Can Work Together

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When one hears the words “diversity,” “inclusion,” and “compliance,” similar ideas may come to mind. However, although these words have related associations, they each have a distinct meaning that should be understood in order to apply each concept appropriately in day-to-day discussions. Having a clear understanding of how workplaces can be diverse, inclusive, and also compliant could aid organizations in creating an atmosphere that not only includes people with a variety of beliefs and from a variety of backgrounds, but also makes them feel respected and accepted. By doing so, companies can ensure that they are moving closer to becoming compliant with equal employment opportunity practices.

Diversity and Inclusion

“Diversity” and “inclusion” are often used interchangeably in the workplace, but they are actually quite different.

Diversity refers to the long list of characteristics attributed to persons. A diverse workplace has individuals who represent different races, national origins, ethnicities, genders, abilities, sexual preferences, ages, interests, backgrounds, levels of educational achievement, socioeconomic statuses — and the list goes on.

Inclusion, on the other hand, refers to how the individuals working in these diverse environments feel they are treated by their co-workers and managers — whether they feel respected and whether they have opportunities within the organization to grow and move up the ladder. In other words, diversity looks at the composition of a workforce, whereas inclusion measures how fair and inclusive the interactions and practices are within that workforce.

I have seen the following happen time and time again. A company is given a diversity goal to employ a certain percentage of minorities. Management then involve recruiters and hiring managers, who advise how to reach these goals to increase the organization's minority population; management might offer incentives to these key players if they meet the goals. Recruitment strategies are set for posting job openings in vehicles that target minorities, and recruiters might even reach out to historically black colleges and universities, for example, or other places with large minority populations, to increase the likelihood of meeting these hiring goals. Time passes, and sure enough, the diversity goal for increasing minority hires is met. Everyone should be happy, right? Not necessarily.

This is where inclusion comes in. Instead of focusing entirely on attracting diverse groups of people, companies also need to ensure that everyone feels included in all aspects of company activities — promotional, mentoring, and training opportunities, as well as volunteer activities and company-sponsored events.

It is not enough to check a diversity hiring goal off the list. It is imperative that key persons identified within the organization are in charge of making sure employees are not just treated fairly, but are also encouraged to contribute their unique ideas and experiences. In that way, the company increases the likelihood of it retaining the best and brightest talent available while gaining access to ideas for becoming more innovative and efficient than it might have been had it not embraced the uniqueness of every individual who is part of the team.

Keep in mind that diversity and inclusion are not simply about race, ethnicity, and gender. We are living in a time when the retirement age is being pushed back further and further because of various factors, including financial hardship. This means we find ourselves working with individuals from a wider age range. One size does not fit all when it comes to matters such as communication style.

We also find ourselves paying more attention to disabilities in the workplace, both because people are working longer and are older, which increases the likelihood of having employees with disabilities, but also because federal agencies are focusing more attention on ensuring that employers are giving individuals with disabilities equal access in all phases of employment.

Imagine, for example, an organization that spends a lot of time and effort recruiting individuals with disabilities, targeting job fairs through agencies whose goal is to place individuals with disabilities. However, what good does it do if, for example, the building where these individuals come to interview or work is not accessible? I have witnessed scenarios in which companies boasted that they had ramps leading up to the front door of their building and automatic doors at the entrance, but there were no elevators or chair lifts to get someone from the first floor to the company's offices. How inclusive of an environment would this be for individuals in a wheelchair or those unable to climb stairs?

Another group gaining attention in the workplace lately due to legislative changes is the LGBTQ population. Recruiting vehicles are available to reach this demographic, but once again, employers need to ask themselves, "Does my organization have a work environment that would seem inviting and inclusive to persons within this group?" Or, "Do we have policies, procedures, or attitudes that would come across as isolating or non-inclusive?"

Compliance

Compliance refers to ensuring that equal opportunity exists in all aspects of employment phases: recruiting, hiring, promoting, demoting, transferring, training, terminating, and benefits. For most employers with 15 or more employees, this means following guidelines set by the Equal Employment Opportunity Commission (EEOC) under the laws which they enforce. One such law is Title VII of the Civil Rights Act, which protects applicants and employees against discrimination or retaliation for filing a complaint, based on race, ethnicity, gender, religion, national origin, or pregnancy.

Other laws enforced by the EEOC include the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act.

Employers doing business with the federal government as a contractor or subcontractor are also required to abide by additional regulations enforced by the Office of Federal Contract Compliance Programs (OFCCP). These laws include Executive Order 11246, which has similar protections as the Civil Rights Act and protects applicants and employees against discrimination based on race, ethnicity, national origin, gender, sexual orientation, and gender identity. Section 503 of the Rehabilitation Act protects applicants and employees against discrimination based on a physical or mental disability and requires employers to make reasonable accommodations as needed by employees. Finally, the Vietnam Era Veterans' Assistance Act protects against discrimination based on an applicant or employee's status as a protected veteran.

Federal contractors, who are required to prepare an annual affirmative action program, must also engage in practices to attract qualified women, minorities, individuals with disabilities, and veterans. These contractors are further required to maintain records and request that applicants voluntarily self-identify regarding their gender, race and ethnicity, veteran status, and disability status at both

the applicant and post-offer stage. This information is used to prepare a statistical analysis to determine whether significant differences exist in the number of women and minorities employed compared with the number of women and minorities available internally and in recruiting areas who have the necessary skill sets.

In addition, metrics must now be maintained regarding the number of veterans and individuals with disabilities who apply for jobs and are hired. Federal contractors and covered subcontractors must also conduct annual compensation reviews to determine whether any pay inequities exist.

How These Concepts Fit Together

Putting forth an effort to have a diverse workplace is not only a wise business move, but also a requirement for federal contractors. Should an employer not create an environment in which persons of all races, genders, abilities, and other distinguishing characteristics are respected and feel welcome, this lack of effort will affect the organization's ability to attract a pool of qualified, diverse talent and increase the likelihood of employees either leaving the organization or staying and being unhappy. It could also lead to increased internal complaints of harassment or discrimination, as well as complaints filed with agencies such as the EEOC or OFCCP.

Therefore, while striving to increase diversity within all areas, companies should also keep in mind that they are obligated to train employees and management staff on EEOC laws, OFCCP regulations, and the company's "no harassment" policy. Inclusion training and employee resource groups are additional tools that can increase the likelihood of an inclusive environment.●

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