

Becoming an Equal Opportunity Employer

by Susan Schneider and Anne Hobbs



Susan Schneider



Susan Schneider is a second year law student at the University of Nebraska College of Law in Lincoln. She is currently completing a summer externship with the Nebraska Equal Opportunity Commission. After graduation, Schneider plans to practice as an attorney in the area of corporate diversity.

Anne Hobbs



Anne Hobbs was selected as the Director of the Nebraska Equal Opportunity Commission in June 2005. As an attorney specializing in inequality within the juvenile justice system, she has consulted on equality and juvenile justice topics for both the county as well as the state. Hobbs' extensive range of knowledge and diversity extends beyond the boundaries of Nebraska, and includes working

with the disadvantaged and homeless in Mexico, Harlem, San Francisco and Alaska. She is currently pursuing a PhD in Sociology, volunteers in a number of capacities, has four active children and a very supportive spouse.

Over 75,000 charges of discrimination were filed in federal district courts in 2006. A total of 44.3 million dollars were recovered in monetary damages. This does not include injunctive types of damages. Developing and maintaining equal opportunity practices in the workplace is one of the best decisions an employer can make. Unfortunately, these policies are often left on a "to do" list and are either never drafted, or are only afforded a paragraph of attention in the employee handbook.

One of the most commonly asked questions is whether a particular group, company or agency is an "employer" within the meaning of equal opportunity laws. An employer is defined as an entity with 15 or more employees and includes a wide range of businesses, companies, partnerships and governmental agencies. Many associations are included that might not generally be considered an "employer," like the court systems, labor unions, and trustees in bankruptcy, or receivers.

"Who is protected by fair employment laws?" is also a common inquiry. Membership in a protected class is currently defined by the Nebraska Fair Employment Practice Act as "race, color, religion, sex, disability, national origin, or marital status." Denying someone employment, or treating them differently, based upon their "protected class" is illegal. In addition, age discrimination is prohibited by the act prohibiting discrimination due to age. Other protected classes may be included by local or city ordinances.

The next most common question is whether you need an explicit Equal Opportunity Policy. The briefest answer is "yes!" If you ever find yourself in the position of defending a lawsuit,



the court will look to your written policies and procedures for addressing problems in the workplace. The legal authority for this requirement was established by the Supreme Court in two decisions concerning harassment liability, *Burlington Industries v. Ellerth*, 524 U.S. 742 (1998), and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998).

In *Faragher*, the Court found a city government liable for discrimination—citing the size of the agency as part of its rationale. The court found that an employer, with many departments in multiple locations, could not possibly protect against harassment without communicating some formal anti-harassment policy with a sensible complaint procedure. Formal policies are necessary to show that agencies have taken reasonable care to prevent and promptly address harassment. In both cases, the Court stressed that Title VII of the Civil Rights Act of 1964 was designed to encourage the creation of anti-harassment policies and to shape effective grievance mechanisms.

A policy that is well thought out and designed to treat every employee respectfully is a tool that can enhance the atmosphere of your business and easily save your company hundreds of thousands of dollars. In addition, research shows that your customers will notice a respect for diversity.

Even an employer with a very detailed and thought-out policy cannot escape every discrimination complaint. Sometimes an employee genuinely does not understand an employer's actions or sometimes the employee simply does not have access to information that would reveal non-discriminatory and legitimate business reasons. Of course, there are also times when an employee has a genuine complaint.

Whatever the case may be, taking the opportunity to clearly write a policy that communicates your respect for your employees and lays out a consistent approach to address problems—should they arise—is well worth your time. The rest of this article will focus on some of the issues you should consider when developing a written policy.

Hiring and Promotion

Job Description

The first element of a well thought-out hiring and promotion policy would include consideration of the job description, and whether it reflects the actual work to be performed. This can be explored through direct observation or by discussing the position with persons performing (or familiar with) the work. The job description should not include elements that would tend to screen out any particular group (or members of a protected class) unless the employer has a need for such specificity. In such a case, the employer should examine whether the impact of such element could be reduced or eliminated without substantially altering the reason for the existence of the position.

Recruitment

Numerous studies show a diverse workplace is a crucial component of a healthy working environment. Ideally, all qualified candidates should be made aware of available positions, and based on their knowledge, skills and abilities, be candidates for consideration. Any discussion about hiring and promotion practices therefore should begin with the recruitment efforts, whether a position is internally or externally posted. To create a diversified workforce, one must cast the net far and wide. This is accomplished by both the strategic placement of advertisements as well as the content of those advertisements. Such recruitment includes all qualified people regardless of the newspaper they read, or who they know, or what area of the city they reside in.

Selection and Screening Process

An employer should consider it a duty to handle each application in a non-discriminatory way. When bias (whether legal or illegal) enters into the selection process, there is a suspicion that despite standardized objective and subjective criteria, the most qualified candidate will not receive fair consideration. Some employers accomplish the reduction of bias by engaging in multiple levels of selection and having multiple persons involved in the selection process. It may also be helpful to use pre-printed application and interview devices with the goal of achieving consistency in the following areas: screening of applications, interviews of applicants, follow-up interviews of applicants, etc. Of course, a prudent employer will discern if any particular group of individuals has been screened out, and will retain its documentation of this process for a minimum of two years. Those involved in the selection process should be cautioned to adhere to their instructions in their “scripts” of questions and responses. Needless to say, some persons may require training in non-discriminatory practices, prior to interviewing and selecting applicants.

Special Consideration

Finally, although current law allows an employer to select from equally qualified candidates, a business should examine its workforce and determine if any group of persons is underrepresented in its workforce.

Disciplinary Issues

A disciplinary policy must address two main areas. First, the type of employee conduct that will be subject to disciplinary action should be described and secondly, the disciplinary process should be set forth in some detail.

An employee should be able to read an employer's policy and have a good understanding of behaviors that are considered



BECOMING AN EQUAL OPPORTUNITY EMPLOYER

inappropriate and grounds for disciplinary action. When describing reasons for imposing discipline, an employer should be as specific as possible. Specific examples might include:

- Unauthorized use or abuse of any type of leave or break period,
- Insubordination, including refusal to accept or follow a lawful supervisory directive or work assignment,
- Falsification of work documents, including an application for employment, time sheets, and other work related documents.

The Disciplinary Process

The disciplinary policy should identify not only behaviors that are inappropriate, but the steps that will be taken to correct the situation. A well-considered policy will provide a detailed description the process disciplinary action will take if an employee has violated the employer expectations. It is strongly recommended that the policy document the progression of steps to be followed. For example, an employer may use the following progressive discipline.

- Verbal warning
- Written warning
- Unpaid suspension
- Probation
- Termination

It should be noted in the disciplinary policy if management has the discretion to initiate disciplinary action at any step in the process when it is deemed necessary; however, it is best to identify what specific types of conduct are likely to result in higher levels of disciplinary action (such as workplace violence, illegal behavior, etc.).

Consistency

When using discretionary discipline, it is **CRITICAL** that the employer issues discipline consistent with business necessity. It is also **CRITICAL** that the employer is consistent with all employees and enforces the policy without regard to an employee's protected class. If **ANY** exception is made, the employer should document in detail why a specific policy was not followed.

Documentation

In cases of discretionary discipline, an employer must be prepared to reasonably justify its actions. All disciplinary action should be documented in detail, and should include at a minimum: the date of the supervisor's note, the writer's name, the employee conduct and date of occurrence, a list of any witnesses to the event.

Disciplinary Notice

Ideally, disciplinary notices should be signed by the employee and the individual imposing the disciplinary action. The notice should indicate that by signing the notice, the employee is not necessarily in agreement with the notice, but simply acknowledging receipt of the document. If the employee refuses to sign the disciplinary notice, this should be indicated on the form.

Ideally, a disciplinary notice policy should explain how long a disciplinary notice will be kept as part of the employee's personnel record. It should also identify under what circumstances an employee may lodge a grievance and the process for doing so (if this option is available to the employee).

Pursuant to EEOC requirements, disciplinary records must be kept for at least two years from the date of creation or personnel action.

Anti-Harassment Policies

Harassment liability was the underlying issue raised in both *Burlington Industries v. Ellerth*, 524 U.S. 742 (1998), and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998).

A bare minimum harassment policy should outline at least four elements: 1) the purpose of the policy, 2) a definition of what constitutes harassment under the policy, 3) the process for filing a complaint, and 4) a detailed explanation of the steps the employer will follow upon receipt of a complaint.

Purpose

Typically a harassment policy will state its commitment to equal opportunity and a workplace free of harassment. As part of the purpose statement, an employer may want to indicate that any form of harassment is prohibited and subject to disciplinary action, up to and including termination.

What Constitutes Harassment?

An effective policy should define what constitutes harassment and should not limit its scope to instances of sexual harassment. Other protected bases under which an employee may experience harassment in the workplace (such as race, age, disability, national origin, religion, etc), should be acknowledged. The policy should clearly describe all types of behavior that may constitute harassment under the policy, to include verbal comments, gestures, jokes, and physical touching. The policy should also describe who the policy covers (coworkers, supervisors, customers, contractors, vendors, etc).

Process for Filing a Complaint

A harassment policy should specify that any employee who is subject to, observes, or has knowledge of an act of harassment should report such harassment to the appropriate person.

Although most policies instruct employees to report harassment to his/her direct supervisor, a good policy will identify several alternate sources to whom a complaint can be made, such as the Human Resources Department, a 1-800 complaint line, or other upper management personnel. Ideally, the telephone number or other contact information should be included in the policy.

Employer Response

It is vital that a harassment policy explain the steps an employer will take upon receipt of a harassment complaint. Typically, this process includes an investigation of the complaint including confidential interviews with the person filing the complaint, the alleged offender(s), and any identified witnesses to the harassment. The policy should explain what information will be shared following the completion of an investigation (frequently an employee believes that his/her employer took no action on a complaint because no follow-up information or conclusion was provided). It is not necessary to provide the employee with information about the specific action taken. However, it would be appropriate for an employer to advise the complaining party whether their complaint was substantiated and if so, confirm that appropriate action was taken.

Other Harassment Issues

A harassment policy should clearly state that retaliation against an employee who has reported harassment, or who was involved in the investigation of a complaint, is prohibited. An employer should follow up with an employee who has complained of harassment, to ensure that the employee has not been subjected to any further harassment and/or retaliation. As always, this follow-up action should be well documented by the employer.

An employer should also outline expectations for management/supervisory staff with respect to reporting harassment and should clearly identify the consequences (such as discipline) for failing to do so. Employers should ensure that their supervisors and managers receive periodic training so that they understand their responsibilities under the agencies' anti-harassment policy and complaint procedure. Such training should explain: the types of conduct that violate the agency's anti-harassment policy; the seriousness of the policy; the responsibilities of supervisors and managers when they learn of alleged harassment; and the prohibition against retaliation.

Ideally, each employee should be given a copy of the harassment policy and should sign a copy to designate receipt. It is further recommended that the policy, or at least the reporting structure, be posted in common areas of the workplace such as the employee break room.

Disability Accommodation Policy

An employer who appreciates diversity will also make every effort to accommodate an employee, if it is fiscally able to do so and the request is reasonable. A reasonable accommodation policy for an employee/applicant with a disability requires the employer provide the accommodation unless the employer can show that providing such accommodation would create an undue hardship in conducting its business.

What Constitutes a Reasonable Accommodation?

Many employees, or applicants for employment, are qualified to perform the essential functions of the job and do not need any accommodation. However, if a qualified employee/applicant with a disability cannot perform one or more essential job functions because of his/her disability, the employer must see if there are any modifications or adjustments to a job, an employment practice, or the work environment that would allow the employee/applicant to perform the essential functions of the job, to receive equal benefits of employment or to ensure equal opportunity in the application process.

Obligations of the Parties

The employer must notify all applicants of its obligation to provide a reasonable accommodation. Generally, the applicant/employee must notify the employer of his/her accommodation need. An employer may request documentation if the disability is not obvious or the employer does not believe the accommodation is necessary. The employer and employee/applicant should engage in an interactive process to determine the appropriate accommodation. One of the most serious mistakes many employers make is that they fail to engage in this interactive process because they are unsure of what their rights and responsibilities under the Americans with Disabilities Act.

If an employee is indeed a qualified individual with a disability and there are several effective accommodations, the accommodation selected should best meet both the needs of the employee/applicant and the employer. The employer may choose the less expensive or easier to provide accommodation as long as it is effective.

Examples of Common Accommodations

Some common accommodations include: making facilities accessible; job restructuring; modified work schedules; obtaining or modifying equipment; providing readers and interpreters; modifying examinations; modifying policies; use of either paid or unpaid leave; providing reserved parking; and, lastly, reassignment to a vacant position. Reassignment should be considered when there is no accommodation that will enable the employee to perform the current job. An employer is not required to create a new job or move another employee from a job in order to provide a reassignment. ➡

BECOMING AN EQUAL OPPORTUNITY EMPLOYER

Undue Hardship

An accommodation is an undue hardship if it requires a significant difficulty or expense in a relation to the size of the employer, the resources available, and the nature of the operation. Undue hardship may be shown if providing the accommodation would fundamentally alter the nature or operation of the business. Undue hardship must always be determined on a case-by-case basis. Generally, a larger employer will be expected to make accommodations requiring greater effort and expense than smaller employers. Employers cannot show undue hardship because they believe workplace morale will decline if the accommodation is provided.

Issues of Religious Accommodation

The policy of accommodating a religious practice or belief should outline at least three aspects of religious accommodation. First, a religious accommodation policy should contain a statement indicating that an employer values differences and will provide accommodation for religious beliefs and practices whenever possible. Second, the policy should explain how an employee could request an accommodation. Finally the policy should explain that the employer may be unable to provide such an accommodation if the request creates an undue hardship.

What Constitutes a Religious Practice or Belief?

The concept of religious practice is defined in a broad way that includes moral or ethical beliefs. Any belief as to “right” and “wrong,” if sincerely held by the individual, may be covered under religious belief. An employee does not need to state an explicit or known religion to be covered under the law. In fact, freedom not to believe is also a protected religious belief. However, belief in a social, political or economic philosophy is not a religious belief and does not need to be accommodated by employers.

Obligations of the Parties

An employee or applicant who needs an accommodation must make the employer aware of the need for a religious accommodation and must cooperate with the employer during

the accommodation process. The employer may inquire about the sincerity with which the employee holds the beliefs.

After receiving the request, the employer has the responsibility to offer an accommodation that will reasonably accommodate the employee unless undue hardship can be shown. The employer does not have to provide the accommodation preferred by the employee as long as the accommodation provided eliminates any religious conflict.


Examples of Common Accommodations

Flexible scheduling; voluntary substitutes and swaps of shifts or assignments; lateral transfer or change of job assignment; and modifying policies, procedures and practices are all examples of religious accommodations that can be a minimal cost to the employer.

Undue Hardship

Employers do not have to provide a religious accommodation if it will cause an undue hardship. Whether an accommodation will cause an undue hardship is determined on a case by case basis. Employers are not required to provide accommodations that require more than a de minimis cost. The employer would need to show that the costs of providing the accommodation would be more than just administrative or marginal costs. Additionally, an employer can show an undue hardship if providing the accommodation would be disruptive and burdensome to the employer.

Clearly developing and following a few core equal opportunity principles will promote a healthier work environment for every employee in your agency. Although not every complaint can be prevented, practices that are well thought-out, consistently implemented and sufficiently documented, are proven strategies for reducing complainants and quickly resolving legal claims.

In Part II of this series, the authors will go beyond “lawsuit prevention,” to address truly honoring and appreciating your employees. As many employers are finding out, promoting a diverse work environment and becoming a model employer has numerous financial benefits. 

The Nebraska Lawyers Assistance Program Can Help

NLAP offers help to lawyers, judges, and law students troubled by substance abuse problems, stress, depression, and other types of disorders which may impair their ability to perform in a competent and professional manner. NLAP was created in 1995 to help. The foundation of NLAP is a network of lawyers and judges throughout Nebraska who stand ready to help their colleagues. If you or someone you care about is suffering, professional and peer assistance is available to help bring about a positive change.

NLAP—Nebraska Lawyers Assistance Program

24 hours, 7 days • Toll Free (888) 584-NLAP (6527)

Part Two:

The Business Case for Workplace Diversity

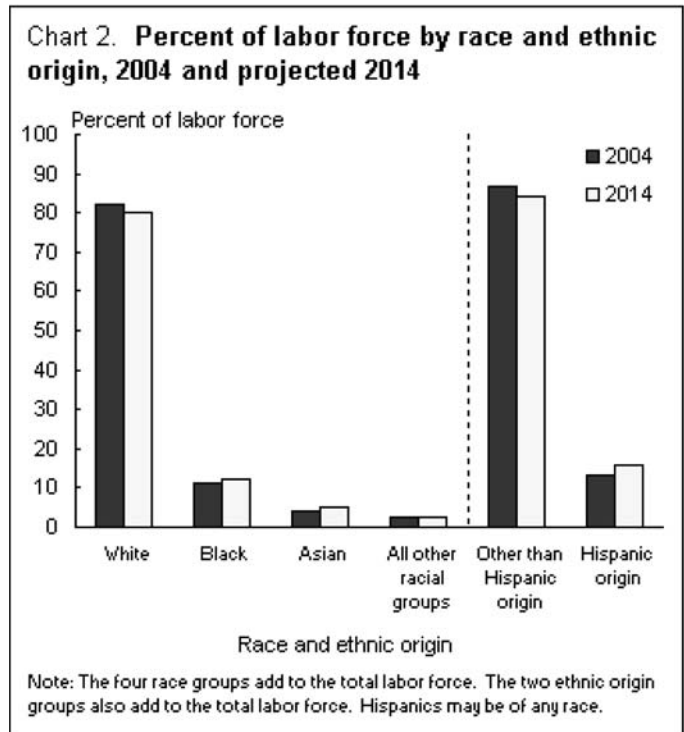
A handful of highly successful companies now recognize that no organization in today's competitive global market can afford to waste resources. These companies are instituting diversity programs, ensuring full engagement of the organization's talents and unleashing the creative power of the workforce. Unfortunately, the majority of American companies have not yet discovered the benefits of workplace diversity. Consequently, they are not maximizing the full potential of all employees and managers. In the absence of an inclusive culture, productivity cannot be maximized. Many managers are only able to capitalize on the potential of a distinct few employees while assuming the majority has limited contribution capacity. The organization, consciously or not, creates a large employee pool where mediocre performance is expected and tolerated. Such a climate creates barriers and exclusionary attitudes which in turn prevents employees from peak performance. A real diversity program inspires employees on a personal level—they feel valued and respected within the organization. Without a diversity initiative that realigns your corporation from top to bottom, your company is ill prepared to compete in the changing marketplace or recruit the most talented employees.

Thriving organizations and firms realize the need to diversify to keep up economically. Competitive organizations recognize our nation is dramatically changing and to compete they must be aware of the demographics of their markets, including the labor, investor, and consumer pools. As one of the founders of *Diversity Magazine* framed it: "If you want to compete globally, you have to understand that 80% of the globe isn't white, and 50% isn't male."

So what will our work force look like in the near future? Projections by the U.S. Department of Labor indicate that an astoundingly diverse workplace is just around the corner. By 2008, women and minorities will represent 70% of the new labor force and by 2010, 34% of the US workforce will be non-Caucasian.

As the table to the right indicates, the white population is the only portion of the workforce that will experience a decline in the number of persons entering it, with all other minority groups expanding their presence in the next decade.

Our workforce is also aging. By 2010, the US workforce will have 29% more employees in the 45-64 age group, a 14% increase in the 65+ age group and a 1% decline in the 18-45 age group. As skilled workers retire and a more diverse workforce



will be waiting to fill those positions. Diversified firms will be more suited to attract the best talent from that pool.

Competitive firms know that the workforce is not the only thing changing. The face of our nation is also changing, and this impacts the markets from which we draw our customers. In 1950, the ratio of whites to people of color was 9 to 1. Today for Americans under 40, the ratio is less than 1.5 to 1 and for children under 10, it is close to 1 to 1. According to the Selig Center for Economic growth, the purchasing power of minorities in the US will quickly outpace whites in the next five years. In 2009, the combined buying power of African Americans, Hispanics, Asian Americans, and Native Americans is expected to exceed \$1.5 trillion dollars or an increase of 242% over the 1990 level. In contrast, the buying power of whites will increase by only 140%. Clearly, our consumer base is changing. Buying potential is also changing. Research indicates households of color have been increasing their household income at more than double the rate of white households since 1990.

A changing world demands a diverse workforce, diverse boardroom and diverse thinking. Many Fortune 500 companies

THE BUSINESS CASE FOR WORKPLACE DIVERSITY

realize the necessity of respecting a changing world and have been on the cutting edge of these changes. Heidrick & Struggles examined 20 Fortune 500 organizations with the highest number of African Americans on their boards. Seventy percent (or 14 of the 20) outperformed the S&P500 over the past five years. The group as a whole was up 134% during a period of very lean years for most of us.

Why Diversity?

These statistics demonstrate the absolute need for your company or firm to initiate a diversity program to remain competitive. We are no longer living in an isolated marketplace. Our global market economy brings competition from nearly every continent. In order to sell products and services to a global marketplace, your company needs employees with varied experiences and perspectives. You need executives who understand different countries and cultures in order to identify with the market you are trying to reach. You need attorneys who can understand their client's perspective. An organization can better capture, retain and serve a diverse customer base when its own workforce, including sales, marketing and customer relations, understands the perspective of other cultural and ethnic groups. Such recognition leads to gaining and keeping greater market share and increased sales and profits.

A diverse workforce is a more productive one. Many Fortune 500 companies have come to realize a diversified company attracts and retains the best talent. Employees who are valued and feel like their talents are put to best use are inspired to perform at peak levels and find more satisfaction in their work. A contented workforce leads to less turnover, lower absentee rates, and a higher return on your investment. Diverse work groups bring new perspectives to solve complicated problems, giving your company greater flexibility and adaptability to changing markets and consumer demands. Simply put, diversity promotes innovative thinking at all levels of the company.

What Successful Companies are Doing

Companies that recognize the importance of diversity implement plans in many different ways. But, truly successful companies recognize first and foremost the plan must be supported and implemented from the top to be successful. Without the leadership of the company buying in and actively participating, the program will not receive the resources and attention needed to thrive. A diversity program which is driven and nurtured from the top requires appointments of diverse candidates to top positions and assigning clear roles and

responsibilities to the senior management regarding diversity. Managers must be held accountable for delivering diversity results. Top management must demonstrate leadership in accountability, passion, and sustained involvement. Diversity must be made a core business objective.

Some companies initiate employee affinity groups with each group being supported by a member of the executive committee. An employee affinity group usually consists of people of the same race, gender, ethnic minority, sexual orientation, or disability. The sponsor of the group is generally not a member of the affinity group. This assists members of the executive committee gain a better understanding of the needs, concerns, and ideas of various ethnic or cultural groups. The goal of most affinity groups is to assemble ideas through group discussion, promote an inclusive culture, and provide a setting where employees feel safe to express views. Successful companies recognize that a lack of understanding among cultural, ethnic, religious, or racial groups in the work place creates friction which makes the workplace less productive.

Companies which recognize that their employee base does not reflect the diversity of the marketplace actively recruit diverse employees. Your company can recruit the best talent in many ways. First, use diverse employees to recruit new employees. Statistics have shown that a diverse corporation attracts talented employees. In addition, form partnerships with diverse community organizations such as the National Urban League, the National Society of Hispanic MBAs, or the National Association of Black Journalists. Also, establish community outreach programs to attract talent by holding job fairs or workshops at local colleges and universities. Hold education summits for aspiring managers or associates, demonstrating what steps need to be taken for them to succeed in your company. Sponsor and attend community events such as garden shows, art fairs, and festivals. Demonstrate pride in the community and show how much you value its business.

Attracting diverse talent is important, but retention is critical. Successful companies not only set hiring goals, but more importantly, they set firm retention goals. Many companies establish mentoring programs for new hires to help them acclimate. The progress of new hires is tracked to make sure they advance through the ranks. Retention is also achieved by guaranteeing employees authority and higher visibility in the company. Some companies provide management training programs to make advancement attainable. These companies make sure that leadership development programs reach all employees, not just a select few. Utilizing employees in non traditional ways is also a good way to retain diverse employees.

For example, using diverse experience levels on various projects will lead to greater creativity and give experience to lower level employees.

The most critical step successful companies take is to recognize what real workplace diversity is. Diversity is more than a policy statement grandly featured on a website. The goal is more than adding color to the company photo. The true aim is valuing a diversity of thought and ideas. It is pursuing and capturing the many voices of America and the world. It is utilizing, appreciating and valuing differences, rather than the ancient practice of ignoring or assimilating differences. Genuine diversity involves a culture where varied perspectives are embraced in a way which goes beyond tokenism. Real diversity programs are initiatives which increase trust among groups who do not know enough about each other. True diversity is valuing employees who question one another and see things differently. Diversity is embracing and leveraging differences for the good of the company—a collaboration of ideas, cultures, beliefs, and perspectives. Acknowledgement of differences yields greater employee satisfaction and loyalty, lower turnover, and superior production.

Steps to incorporate diversity

If your company is lagging behind the competition in establishing a diversity program, where can you start? First, make a case for diversity. Link diversity to your company's bottom line. Are you satisfied with your market share? Are you prepared to meet the needs of the demographically new market share? If not, demonstrate the need for diversity by showing how your business will grow by increasing market share, increasing customer loyalty, recruiting and retaining top talent, and establishing rapport with the community.

Then, assess your situation. Take an inventory of your workplace. Does your existing employee base reflect your customer base? Conduct a top to bottom assessment of all company policies and hiring practices. Recognize cultural biases and prejudices existing in your company. Determine if there are biases that create roadblocks for potential diverse employees. Are certain employee groups excluded from your payroll? What are your competitor's diversity goals and are you lagging behind?

Next define diversity. Create vision and mission statements that highlight the importance of diversity. Communicate your commitment by allocating the necessary resources, staff, and time to move the diversity process forward. Be sure your definition includes specific goals including leadership roles and expectations.

Also, get diversity training. This does not mean the typical day long conference. Managers and employees must develop an understanding of what diversity is in today's world. You will need to develop, implement, and maintain on-going training—training that will change existing attitudes and behaviors. All employees at every level must be taught to value differences in both associates and customers. Successful companies are creative and flexible when it comes to training, at times including community cultural events as a way to become acquainted with various cultures. The role of training is to promote a peaceful and inclusive workplace, to learn about others' values, and to improve communication. Training should uncover hidden assumptions and biases and heighten sensitivity. Training should include opportunities for cross-cultural group discussion.

Furthermore, take ownership and make changes. It is easy to make excuses when it comes to diversifying—after all it is hard work and costs money up front. Be willing to spend the resources to manage diversity—successful companies are proving you will reap the benefits. Demonstrate organizational commitment by appointing senior executives to diversity task forces and hold them accountable for progress. Recruit diverse candidates for senior levels. Foster an attitude of openness where employees are free to differ in ideas and ways of doing things.

Finally, make the grade. Develop a scorecard to insure continued success. Measure progress by setting measurable goals such as deciding to hire a percentage of minorities by a certain date or increase profits directly tied to diversity efforts by a certain quarter. Tie managerial bonuses to attainment of these goals.

Conclusion

Overall, most American boardrooms and management ranks do not reflect the changing demographics of our country or the global marketplace. But, a select group of companies are making dramatic changes in order to capture the market share and improve customer loyalty. These companies realize that respecting and valuing individual differences will reap a competitive edge and increase work productivity. Diversity contributes to the retention of employees by creating a fair and safe environment where all employees have access to opportunities and challenges and feel valued and productive. If your work force is not diverse enough to meet the challenges of today's global marketplace, take action. If you do not others will, and your company will not be the employer of choice nor will you be able to develop products desired by a diverse population. 