

# EEO/Diversity

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- In order to fully appreciate how diversity and EEO issues and affirmative action issues impact each other one must at a minimum understand what diversity entails and what EEO and affirmative action entails.

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- Diversity by its nature while incorporating race and gender encompasses far more than race and gender.

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- **Equal employment opportunity and affirmative action** by its very nature has historically only addressed issues of race and gender. In fact, **affirmative action** has from its inception in this country been subjected to political misnomers and used for political gain and not the socio-economical or societal good it was designed to address.

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- The issues of diversity, equal employment opportunity and affirmative action has created major philosophical differences on what is the appropriate mechanism to achieve access and equity in employment, education and economic empowerment in this country.

### Diversity In Fact Encompasses:

- -Race
- -Sex
- -Age
- -Marital Status
- -Religion
- -Educational Background
- -Parental Status
- -Geographical Location
- -Religion
- Ethnicity
- Physical abilities/quality
- Sexual Orientation
- Non-Religion
- Cultural Values
- Income
- Work Experience
- Military Experience

- Thus, diversity as a code word has become much more readily acceptable in American Institutions and in the corporate and business world and in the public sector than EEO and affirmative action.

- Today more than ever public and private sector organizations are embracing diversity and understand that there is a balancing act to be performed.

- Diversity – Politically correct?
- Affirmative action – Politically incorrect?
- EEO – mandated by federal and state law.

#### THE FACTS

- All three concepts were birthed by the same mother - Discrimination

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## DIVERSITY

- The word diversity as defined by Webster's New Collegiate Dictionary means being distinct in kind, having variety in form, the fact or quality of being different or diverse.

*Diversity = Difference*

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## What Is Diversity?

- Diversity – Refers to the presence of differing cultures, languages, ethnicities, races, genders, sexual orientation, religious sects, abilities, classes, ages and national origins of the people in an institution or setting such as a school, workplace, community or neighborhood.

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Diversity in the workplace takes into consideration that we are different and even though we are different we all are necessary. More than anything else, diversity implies change for many individuals and organizations.

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## WE ARE...

- Male
- Female
- Black
- White
- Brown
- Red
- Gay
- Straight
- Weak
- Strong
- Young
- Old
- Religious
- Non-religious
- Conservative
- Liberal

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*In order to fully appreciate diversity, one must also understand that the three greatest barriers to diversity are **discrimination, harassment, and intolerance.***

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## The Laws and Diversity in the Workplace

- With respect to diversity, which encompasses race, sex, age, national origin, religion, disability or handicapping conditions, as well as numerous other socioeconomic factors, there are no laws mandating diversity.
- There are laws however mandating equal employment opportunity and non – discrimination.

State laws.

Federal laws.

Local laws.

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### Laws and Diversity...

- In effect there are laws mandating equal employment in the workplace but not diversity
- These laws date from the late 1860's through the present and most recently laws such as the:
  - 1964 Civil Rights Act - The ADEA - etc
  - 1991 Civil Rights Act.
  - Americans with Disabilities Act of 1990, as amended, and amended 2009
  - FMLA
- These laws which protect persons on the basis of race, color, sex, national origin, disability and family status, have been enacted by both federal and state statutes.

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### Laws and Diversity

• There are state and federal laws that prohibit employers and both public sector and private sector businesses, corporations and other entities, as well as persons, from discriminating against individuals because of their diversity as it relates to their:

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### Laws and Diversity.....

- Race or color
- Sex
- Religion
- National Origin
- Marital Status
- Age
- Disability
- Sexual Orientation
- Veteran Status
- Gender Identity

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### Laws and Diversity...

- The EEO Laws that we have impact virtually every aspect of the employment relationship on the basis of race, color, sex, religion, national origin, age and disability.
- This impact is felt in:
  - \*Hiring
  - \*Promotion
  - \*Glass Ceiling Issues
  - \*Firing
  - \*Selection
  - \*Hostile Work Environment
  - \*Benefits
  - \*Transfer

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## **EEO, DIVERSITY & AFFIRMATIVE ACTION**

- **In order to fully understand the impact of diversity in the workplace we not only need to focus upon EEO Laws but also upon the many misnomers about Affirmative Action and its impact upon an employers workplace and its diversity program.**

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## **What Is Affirmative Action in Employment?**

- **In employment it is race and sex conscious efforts to increase the employment of minorities and women in both the public and private sectors, based on merit**
- **It is the method by which an employer achieves fair employment of all race/sex groups in the workforce.**
- **It has been upheld by the U.S. Supreme Court as a permissible method to reach the goal of fair employment**

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## **Affirmative Action: What Is It?**

- **It is a sensible remedy for addressing current discrimination.**
- **It is an equal opportunity measure.**
- **It is not reverse discrimination.**
- **It is a door-opener.**
- **It is not a system for hiring unqualified people.**
- **It is not a quota system.**
- **It is not a remedy for past discrimination.**

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## **Affirmative Action**

**Affirmative Action is not a Quota System!  
Affirmative Action ensures equal opportunity  
in employment and is a voluntary process.**

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### AFFIRMITIVE ACTION versus QUOTAS

- There is a big difference between *Affirmative action*, which started as a government sanctioned program to diversify America's businesses and jobs, and *Quotas*, which are set by courts of competent jurisdiction.
- A quota is a fixed numerical figure that can only be set by a court of competent jurisdiction.
- The court normally establishes a quota after a finding of probable cause in a case in which discrimination has been alleged.

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### EEO-AA vs. DIVERSITY

#### CONSIDER THESE FACTS!

- EEO/AA is *government initiated*. Diversity is a *voluntary process*.
- EEO/AA is *legally driven*. Diversity is *productivity-driven*.
- EEO/AA is *quantitative*. Diversity is *qualitative*.
- EEO/AA is *problem focused*. Diversity is *opportunity focused*.
- EEO/AA *assumes assimilation*. Diversity *assumes integration*.
- EEO/AA is *reactive*. Diversity is *proactive*.

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### EEO Efforts

- EEO efforts at USC will be greatly aided by our commitment to a strong diversity strategic plan.

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