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Human Resources for the Public Manager

Creating an Inclusive Workplace

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Today's Discussion

- Why municipal leaders need to embrace the importance of inclusivity in the workplace
- Municipal managers' role in creating an inclusive workplace
- The relevant laws that go beyond compliance actions
- Strategies managers can use to create an inclusive workplace

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The Manager – HR Relationship

A Critical Component for Promoting Inclusivity

- Studies indicate that inclusive work environments drive positive organizational outcomes across various domains, including performance, employee satisfaction, and innovation.
 - Increased employee engagement
 - Increased innovation and creativity
 - More effective decision-making
 - Stronger relationships with stakeholder groups
 - Reduced absenteeism
- HR Professionals have the expertise to address organizational culture issues and can partner with managers to drive efforts to promote inclusivity.

Sources: McKinsey (2020); PwC (2020); Boston Consulting Groups (2018) ; Deloitte (2018)

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Unpacking Diversity, Equity & Inclusion Windows & Mirrors

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Level Setting | What Do We Mean by “DEI?”

- Diversity** • It is about **representation**
- Equity** • It is about **outcomes**
- Inclusion** • It is about **culture and experience**

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Finding our Identity “Blind Spots”

DOMINANT IDENTITIES

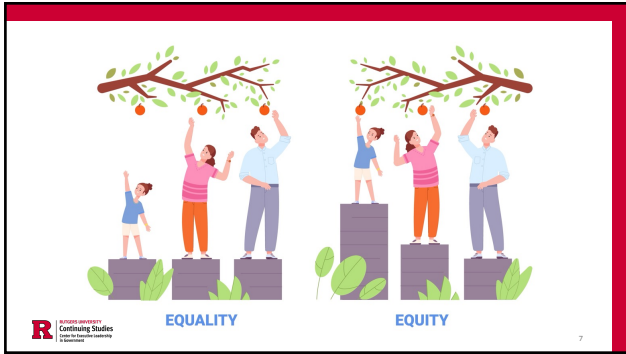
- Able-Bodied
- Educated
- Young
- Attractive
- Heterosexual
- Upper/Upper-Middle Class
- English as First Language
- Light-Skinned
- Christian
- Fertile
- Male
- Gender Binary

NON-DOMINANT IDENTITIES

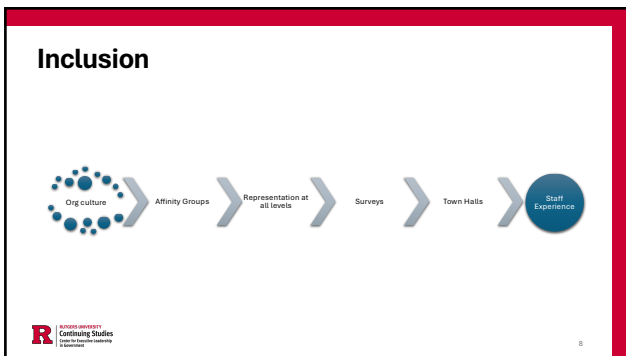
- Infertile
- Gender Non-Binary
- Female
- Non-Christian/Non-Religious
- Person of Color
- Not of European Decent
- Dark-Skinned
- Lesbian, Gay, Bisexual
- English Language Learner
- Working Class, Poor
- Unattractive
- Old
- Under Educated
- Differently-abled

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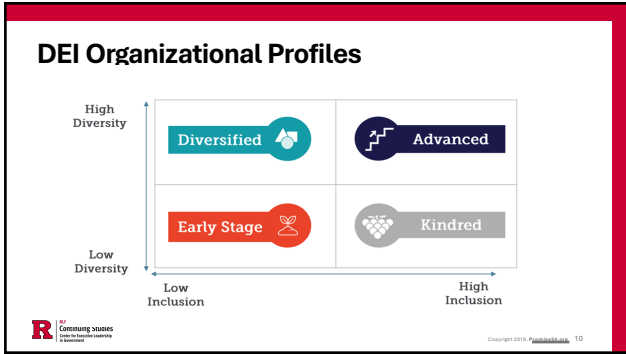
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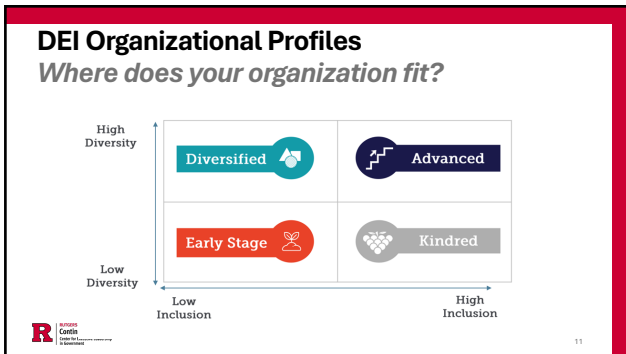
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DEI Is Still Thriving In The Workplace

- DEI programs are being dismantled and those overseeing DEI initiatives are told they are no longer needed.
- Employers still face liability from state and federal laws prohibiting discrimination and hostile work environments based on protected categories.
- Employers should not be lulled into a false sense of security because of recent efforts to dismantle DEI.

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Federal Employment Laws

Title VII of the Civil Rights Act of 1964
Protects employees and job applicants from employment discrimination based on protected categories.

- Protected categories include - race, color, religion, gender, national origin, gender identity, sexual orientation and pregnancy.
- Religion – Employers required to accommodate religious expression unless an undue hardship.
- Lily Ledbetter Fair Pay Act – 2009 amendment – expands the time when a claim can be brought claiming gender-based pay disparity.



Americans With Disabilities Act
Ensures equal opportunities for individuals with disabilities.

- Reasonable Accommodations Following Interactive Process – employers are required to provide reasonable accommodations that do not create an undue hardship following engaging in the “interactive process.”

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Federal Employment Laws

Pregnancy Discrimination Act
Protects women from discrimination due to pregnancy, childbirth, or related conditions.

Pregnant Workers Fairness Act
Covered employers must provide reasonable accommodations related to pregnancy, childbirth, or related medical conditions unless an undue hardship.

Age Discrimination In Employment Act
Protects employees 40 and older from discrimination.

- **Older Workers Benefits Protection Act** | Amendment to ADEA which provides 21 days to review an agreement waiving ADEA and 7 days to rescind.

Equal Pay Act
Prohibits gender-based wage discrimination.



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New Jersey Employment Laws

New Jersey Law Against Discrimination
Prohibits discrimination based on protected categories.

- Protected Categories | Race, color, national origin, religion, creed, ancestry, gender, pregnancy, breastfeeding, sexual orientation, gender identity, disability (including perceived disability and associational disability), AIDS and HIV status; age, marital status, domestic partnership or civil union status, liability for military service, and genetic information, including family medical history.
- Diane B. Allen Equal Pay Act – 2018 | Expanded equal pay mandates to all protected categories not just based on gender.



New Jersey Conscientious Employee Protection Act
Prohibits retaliation against an employee who complains that the employer is engaging in illegal conduct or where employee reasonably believes that the employer is engaging in violative conduct.

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New Jersey Employment Laws

New Jersey Civil Rights Act
Vindicates rights under federal and state law and constitution.

- Recognizes two types of private claims:
 - a claim when one is deprived of a right, and
 - a claim when one's rights have been interfered with by threats, intimidation, coercion or force. Targets law enforcement and public officials.

Public Policy
Catch-all which covers whatever is deemed to be counter to the best interest of the public.



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Putting It All Together

- Managers can leverage their relationship with HR staff to devise strategies to promote inclusivity in the workplace.
- HR staff can offer guidance and insight into legal and organizational cultural issues that may impact policies and practices.
- Managers should ensure that strategies align with the organization's mission and vision.



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Strategies to Create an Inclusive Workplace

Implement Inclusive Hiring Practices
Use diverse recruitment channels, bias-free job descriptions, and structured interviews to ensure fair and inclusive hiring.

Provide Training & Education on Inclusivity
Offer ongoing DEI and inclusive leadership training to build awareness and equip managers to lead diverse teams effectively.

Establish Employee Resource Groups (ERGs)
Support ERGs to create community, foster belonging, and provide valuable feedback for organizational inclusivity improvements.



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Strategies to Create an Inclusive Workplace

Promote Open Communication and Feedback
 Encourage open-door policies and anonymous feedback channels for employees to share inclusivity-related experiences and ideas safely.

Create a Flexible and Accessible Workplace
 Develop policies and environments that accommodate diverse needs, ensuring both physical and digital accessibility.

Celebrate Inclusivity through Events and Recognition
 Organize events to honor diverse backgrounds and recognize employees' contributions to inclusivity.

Monitor Progress and Accountability
 Regularly assess inclusivity efforts and hold supervisors and managers accountable for DEI goals in performance evaluations.



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Preparing for the Work Ahead

- To effectively enhance inclusivity in a public organization, managers need to develop a blend of knowledge, skills, and abilities that support inclusive management practices:
 - Knowledge of Diversity, Equity, and Inclusion (DEI) Principles
 - Interpersonal and Communication Skills
 - Empathy and Emotional Intelligence
 - Leadership Skills in Inclusive Decision-Making
 - Adaptability and Flexibility
 - Coaching and Mentorship Abilities
- Professional development opportunities can help managers cultivate these competencies.




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Diversity, Equity, and Inclusion for Public Managers



Human Resources and the Public Manager: Creating An Inclusive Workplace Culture



Mini-Master of Public Administration™ (Mini-MPA™) Certificate



Strategic Communications for Public Leaders

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