

**Baker
McKenzie.**

Inclusion, Diversity & Equity in the Workplace

**Innovative Solutions for Developing, Implementing
and Sustaining a Respectful Workplace**



Issues of inequality

Commitment to inclusion and diversity remains essential in today's business environment

Many economists are predicting a mild recession in the US but with a "hard landing." The overall impact of any economic downturn can have a disproportionately negative impact on underrepresented groups in the workplace. In fact, inequality issues are often magnified and compounded during trying times. Fundamental values of inclusion and diversity must remain central and top of mind. Despite shrinking bottom lines, organizations will continue to be held accountable for diversity, equality and inclusion.

Now is the time to refocus on preserving a strong corporate culture of professionalism and respect. As one of the world's largest law firms operating in 45 countries, we counsel multinational companies on developing, implementing and sustaining effective and compliant inclusion and diversity strategies. Our practical advice is aimed at protecting the corporate brand and reputation, expanding business opportunities and creating a competitive advantage by strengthening relationships with customers, employees, shareholders, regulators and the general public.

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The legal challenges in the US and beyond



United States

Modern workforce issues are more complicated than ever before. Most employers understand that Title VII of the Civil Rights Act of 1964 protects employees from discrimination, harassment and retaliation on the basis of race, color, religion, national origin and sex. However, employment laws, EEOC regulations, and guidance from other administrative agencies are significantly expanding to cover more protected categories and to protect against nuanced forms of discrimination and retaliation. In addition to surging state level legislation regarding pay equity and workplace harassment, multi-state employers are faced with navigating a patchwork of differing state laws on background checks, parental leave laws and more.

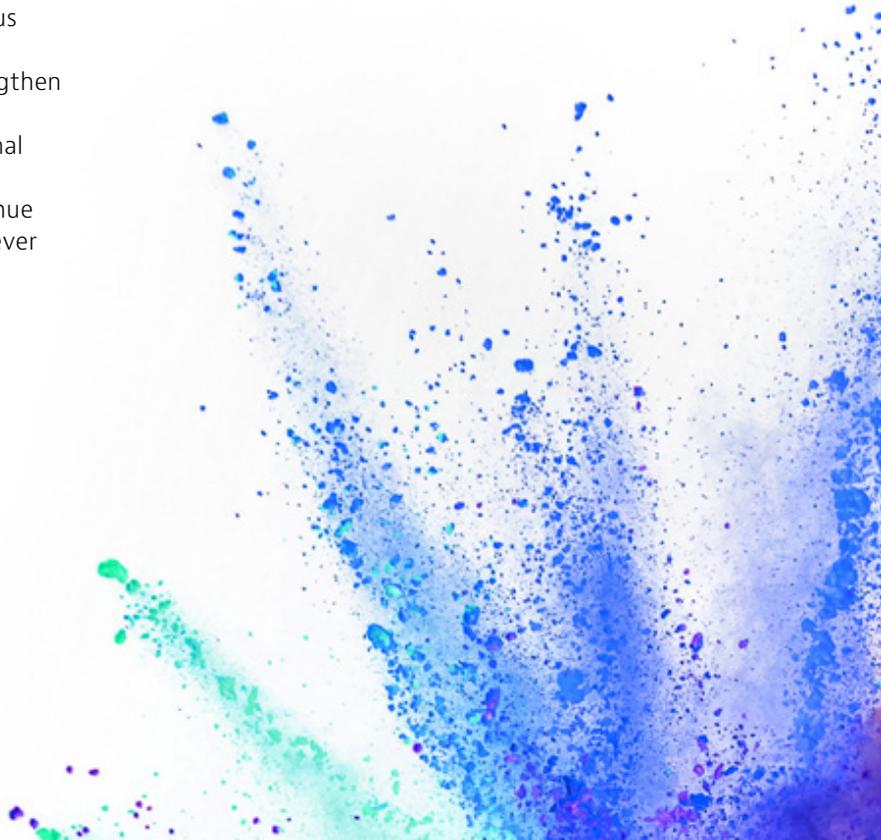
Today's in house legal counsel, HR and I&D professionals need to navigate complicated, multi-dimensional matters such as bridging generational gaps in the workforce, and incorporating technology in recruiting while guarding against unconscious bias. Successful and compliant inclusion and diversity programs have the potential to strengthen corporate culture and positively impact the bottom line. However, the legal and reputational repercussions associated with missteps in this arena are huge. Working with counsel to continue to advance inclusion and diversity goals has never been more important.



Global

Taking on inclusion and diversity initiatives on a global scale can be a challenging project, but in-house legal counsel, HR and I&D professionals can add real value by understanding the nuances and particularities involved. For instance, in many countries, collecting data for diversity monitoring purposes is still an emerging concept and its introduction can even raise suspicions of discrimination. Likewise, in certain jurisdictions, taking specific steps to promote female employees will run afoul of prohibitions against positive discrimination. And, as with any cross-border projects involving HR data, there are significant obligations relating to data privacy.

While there can be pressure to develop a one-size-fits-all strategy, we work with our clients to plan the best multi-faceted approach for their business that both translates locally and aligns with their company culture.



How We Help



Pay Equity Compliance

To help our multinational clients comply with pay equity laws at home and around the globe, we developed a **Global Pay Equity Compliance Compendium**. Updated quarterly, this easy to use and comprehensive tool shows current, pending and anticipated pay equity compliance requirements in the US and in over 70 jurisdictions outside of the US.



Pay Equity Audits

Most clients involve us from the initial stages of a **Pay Equity Audit** to devise the regression analysis approach and preserve attorney client privilege. We analyze the data compiled and provide advice on how to remediate any pay disparities identified, all while working closely with the company's compensation, I&D, HR, legal and regulatory compliance teams.



Diversity Data

We counsel multinational companies on best practices and protocols for collecting and managing sensitive diversity data. We regularly advise on **Voluntary Employee Self-Identification**, including how best to manage employee/ applicant voluntary disclosure of ethnicity, race, gender and disability status. Our sample data collection forms incorporate best practices for gathering critical information while staying compliant in the relevant jurisdictions.

"Some companies confronting the challenge of balancing looming cutbacks with their ID&E commitments are having flashbacks to the late 2000s when the financial crisis significantly undercut diversity gains. Employers don't want to see a repeat of what happened during that period..."

Michael Brewer



Cost Cutting and RIF Planning

Organizations have become increasingly vocal about committing to inclusion and diversity as core priorities, but the reality of cost cuts, reductions in force or more complex restructuring has leaders concerned that hard-fought gains in I&D are at risk.

When evaluating whether protected categories of employees are disproportionately impacted by these measures and readjusting to remove the disparate impact, employers should take care to have communications surrounding this process covered by the attorney client privilege. We help companies **navigate a path forward** that balances the complexities of maintaining commitment to inclusion and diversity goals alongside the need to make changes to the workforce.



Mitigating Risk

It is key for employers to make sure that everyone is treated equally in the implementation of any form of workforce action. Our lawyers help to proactively identify risk factors and strategies to help employers take steps to mitigate claims including multi-plaintiff, class, collective and EEOC actions.

If claims do arise, our experienced litigators defend employers in all types of **employment related actions**, developing early strategies to obtain the most favorable outcomes based on our significant administrative and trial experience.





Multiplying our Impact Through ID&E

As the first truly global law firm, inclusion and diversity (I&D) is foundational to our culture and strategic vision. Our diversity makes our global community stronger, more interesting and richer in thought, and helps us in solving complex problems and designing practical solutions for our clients.

To learn more about how we are working to create better experiences for our people, better outcomes for our clients and sustainable change across our industry, see [here](#).

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