



**2022 CLM Focus June Conference  
June 15<sup>th</sup> – 16<sup>th</sup> 2022  
Nashville, TN**

**How to Create Organizations That Are Truly Diverse, Inclusive and Equitable**

**I. Invest in Strategic Diversity Internally**

During this roundtable discussion, we will discuss strategies to promote and address diversity, equity, and inclusion (DE&I) in the workplace. We will explore the benefits of DE&I both for the business and employees and the role of leadership in promoting and addressing DE&I. We will also talk about building a DE&I culture in workplaces that may not have that type of culture, as well as the challenges of bringing and keeping DE&I in the workplace.

**Opening / Building Out an Office**

If you are opening or expanding an office, building trust, and creating a positive team environment is critical to ensure an inclusive culture in which people feel supported and that their work has an impact. Employees must be made to feel that they are integral to the organization and it's important that this is part of a company's core values. One way to do this is to showcase people – reward them for their achievements and efforts, regularly check-in to make sure employees have the support they need and feel seen and heard. The more genuine relationships are fostered, the more open conversations can be had regarding employee backgrounds, differences, and experiences and how to better handle issues or be sensitive to different cultures.

**Bring in a consultant**

It is important not just to create a diverse, equitable and inclusive environment, but to measure progress and ensure the values continues to be reflected in the day-to-day operations. One way to obtain feedback and measure progress is to hire a consultant to come in and make unbiased observations, provide a safe, anonymous space for employees to offer feedback, issue company-wide surveys, or offer additional methods that may track progress and gather input from all team members. An added benefit is that it will show your employees this is an important part of your business, and you continue to strive to ensure that your DE&I initiatives are progressing, which increases trust within the company.

Consultants should also be brought in routinely to provide quality mandatory training about what an inclusive workplace really means. Often, employees do not fully understand the terms “diversity and inclusion” from a business perspective. Training also helps to make people aware

of unconscious bias, which occurs when we make judgments about people based on their gender, religion, race, or other factors without realizing we're doing it.

## **Building an Employee Resource Group**

Employee resource groups help to create a community within your organization to meet, share resources and offer mentorship opportunities to others. ERG's are critical especially in the current remote work environment where employees are isolated from one another and in the practice of law where collaboration is imperative to successful results. ERGs might be made up of veterans; new parents; or members of an ethnic, racial or gender-based group. They are a good D&I tool and provide a safe place for people to express themselves. Sometimes discussions that arise in these groups can even provide an early warning of issues bubbling up within the company.

## **II. Need Executive Level Support**

It is critical that employees see the highest level of management takes their company's DE&I initiatives seriously. This requires more than a rubber-stamp of approval of a DE&I program and/or committee. It requires executive-level involvement in carrying out all DE&I functions, including participation in mandatory training and modeling inclusive behavior (engaging in active listening during performance reviews, encouraging different points of view in meetings and carefully choosing what language to use). Employees need to see that inclusive behavior is a core competency.

### **How we get it**

#### **Get People Who care in Leadership Roles**

Consider forming a council comprising a dedicated group of influential leaders who are one or two levels below the CEO. Carefully select them for their passion and commitment to inclusion. You need people who are going to make the time to roll up their sleeves" and do the work. They need to be "a channel for communication" and that includes advocating for inclusiveness in discussions with top executives when necessary.

Ideally, councils should be involved in goal setting around hiring, retaining, and advancing a diverse workforce and in addressing any employee engagement problems among underrepresented employee groups. They should meet regularly to review organizational feedback, troubleshoot challenges, and carry messages about their work to their senior peers and the C-suite.

The councils should be as diverse as possible, with members representing not only different ethnicities and genders but also different business functions and geographic locations. If this is difficult due to the lack of diversity in the top levels of your organization, make sure council members learn about your company's diversity strategy from HR, the D&I team, and

their colleagues in employee resource groups ERGs. In this scenario, the pressing reality of the lack of diversity in top positions will also become a stark reminder that change is needed.

### **Why It is Critical**

According to several recent studies, diverse and inclusive companies are 70% more likely<sup>1</sup> to capture a new market and make better business decisions 87% of the time<sup>2</sup>. At a more granular level, ethnically-diverse companies are 35% more likely to outperform their competition<sup>3</sup>, and gender-diverse companies are 15% more likely to do the same.

Diversity and inclusion are also integral parts of recruiting and retaining employees — especially millennials. In fact, 74% of millennials<sup>4</sup> believe their organization is more innovative when it has a culture of inclusion and 47% actively seek employment<sup>5</sup> from companies that value diversity and inclusion.

## **III. Invest in Strategic Diversity Internally**

### **Use your role to influence initiatives**

If part of your role involves the hiring of vendors, such as counsel, mediators, expert witnesses, court reporters or other vendors, you can use this to advance the DE&I initiatives of your company to include for consideration diverse candidates for hire.

### **Use your role to influence others**

Oftentimes, when recruiting new talent, leaders look for someone who is a culture fit. But what does that even mean? If you operate in a company with a certain culture, you've already subconsciously ruled out people who might be different from what you've identified to be the norm. Everyone you hire shouldn't be the same fit. Considering someone to be a culture fit is an antiquated phrase that no longer has space in organizations seeking to become more diverse and inclusive. If you find the company is excluding candidates based on deeming them not being a culture fit, encourage them to think differently. Think about what is different about this candidate that is not yet represented in the workforce. Work to embrace these differences, making room for them to fit as opposed to determining they don't fit because "we've never hired someone with <fill in the blank> before."

## **IV. Transparency in Positions**

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<sup>1</sup> <https://hbr.org/2013/12/how-diversity-can-drive-innovation>

<sup>2</sup> [https://www.cloverpop.com/hacking-diversity-with-inclusive-decision-making-white-paper?utm\\_campaign=Forbes&utm\\_source=Forbes&utm\\_medium=Forbes%20Hacking%20Diversity%20White%20Paper](https://www.cloverpop.com/hacking-diversity-with-inclusive-decision-making-white-paper?utm_campaign=Forbes&utm_source=Forbes&utm_medium=Forbes%20Hacking%20Diversity%20White%20Paper)

<sup>3</sup> <https://www.mckinsey.com/business-functions/people-and-organizational-performance/our-insights/why-diversity-matters>

<sup>4</sup> <https://www2.deloitte.com/global/en/pages/about-deloitte/articles/millennialsurvey.html>

<sup>5</sup> <https://www.webershandwick.com/news/millennials-at-work-perspectives-on-diversity-inclusion/>

There has been a recent push for employers to start publishing descriptive demographic data about their workforce to make their commitment to DE&I more transparent. Publishing descriptive demographic data can encourage employee dialogue about DE&I efforts and identify root causes of underrepresentation in the employer's workforce.

In fact, some states or cities are implementing laws to increase transparency regarding employee compensation in part to potentially help close wage gaps. For example, in May of this year in New York City, a law will go into effect requiring that job listings post the minimum and maximum salary offered for any position located within New York City. California, Colorado, Connecticut, Maryland, Nevada, Rhode Island (effective January 2023) and Washington, in addition to multiple local jurisdictions, have adopted similar laws requiring sharing salary information, either through a public posting or upon request from an applicant or employee.

### **Benefits of Transparency Surrounding Pay**

Listing salary ranges in job descriptions isn't only beneficial to potential job applicants who might otherwise lowball their worth during the job interview process. Knowing what people are being paid for doing the same job at other companies can be a tool workers use to renegotiate pay with their current employers.

For many employers, wage disclosures can ultimately result in positive change. The American Academy of Management found<sup>6</sup> employees who know their coworker's pay perform better. They found pay secrecy resulted in decreased performance and higher churn, particularly for top talent.

The practice can also lead to greater diversity and diminishing the gender pay gap. Further, when employees understand they are being paid equitably with others performing the same or similar work, they're confident of their value to the organization.

Further, a report<sup>7</sup> from Beqom found the value of transparency for worker retention. Almost 40% of workers believe their company doesn't provide fair wages. When asked if they would consider making a career move to a company with more pay transparency, 58% said they would: for Gen Z, 70%. The study found when employees believe there's a pay gap, even if it doesn't exist, intent to stay with a company decreases by 16%.

Pay transparency needn't mean publishing everyone's specific wages. Businesses can post salary ranges for specific roles, with minimums and maximums listed as guidance. They can include a statement saying that postings may not factor in seniority, additional skills, and/or education levels, allowing for some wiggle room within the ranges.

### **Potential Downsides of Transparency Surrounding Pay**

For some workers, false comparisons may create a feeling of underpayment and underappreciation. For others, disclosures for niche positions within the company (where there are

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<sup>6</sup> <https://journals.aom.org/doi/abs/10.5465/amj.2012.0937>

<sup>7</sup> <https://www.beqom.com/gender-pay-gap-what-your-employees-really-think-survey-report>

only 1 or 2 workers performing the task or role) may seem an invasion of privacy. Organizations with a highly varied workforce may see employee dissatisfaction when the most entry-level workers receive information about the wages at management and C-suite levels. For businesses to successfully roll out pay transparency, they must prepare their workforce for specific job families and groupings, so they don't create false equivalencies.

Further, if your company's wage range is not competitive it may have to offer other benefits to attract workers.

## **V. Mentoring and Sponsorship**

Underrepresented employees can face challenges in the workplace when it comes to inclusion and career progression. Mentoring can provide opportunities for skill development and networking that can minimize some of these challenges as employees make their way into leadership positions or new responsibilities within an organization.

One 2016 study in the *American Sociological Review*<sup>8</sup> found that mentoring increased minority representation among managers in the workplace anywhere from nine to 24 percent.

There are several different mentorship programs which can be implemented to align with the overall objectives for DE&I within your company. These include (1) Career mentoring which is the traditional one-on-one format focusing on career development and advancement. It shows organizational investment in employees early on and can illuminate their path to advancement within the organization, identifying opportunities for stretch assignments, promotion, and increased pay. It's important to be thoughtful about how these programs are structured to ensure good representation in mentees and mentors when it comes to diversity. Otherwise, it can become another workplace program that feels exclusionary. (2) Reverse Mentoring which partners older, more-experienced employees with younger, less-experienced newcomers. The younger employee serves as the mentor, providing senior members of the organization with information on the latest business technologies, candid input on the state of inclusion within departments, and fresh insight on employee experiences within the company. (3) Another option is a 'Buddy Program' where a new hire is paired with a seasoned employee to informally share knowledge. It's an effective way to increase new hire retention and is important for underrepresented employees to feel a sense of belonging and connection to the organization early on, especially if those connections are virtual. This type of mentoring program can cultivate workplace relationships and increase engagement while speeding time to productivity and getting underrepresented employees acclimated to the company's culture. Finally, a company can implement a mentoring circle which is a peer-to-peer format that enables employees to find co-workers who have different backgrounds than themselves and share experiences as a group to gain better understanding of interactions within the organization. Many organizations enable this format through employee resource groups (ERGs) or other support groups that can gather people based on shared identities to build community

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<sup>8</sup> [https://web.stanford.edu/group/scspi/media/media/pdf/key\\_issues/organizations\\_policy.pdf](https://web.stanford.edu/group/scspi/media/media/pdf/key_issues/organizations_policy.pdf)

and networking within those underrepresented groups. Mentoring circles are great ways to remove barriers, confront bias, and build more empathetic relationships across an organization.