



# Moving the Diversity/Inclusion Needle Without Running into Legal Trouble

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# H. Juanita Beecher

Nita Beecher is a nationally-recognized expert on Office of Federal Contract Compliance Programs (OFCCP) and U.S. Equal Employment Opportunity Commission (EEOC) matters. Ms. Beecher's primary focus is labor and employment law with substantial experience with class investigations by the EEOC and OFCCP. She has more than 30 years of experience in labor and employment law particularly with class investigations by the OFCCP and the EEOC.







# Paul Francisco

Paul is the Chief Diversity Officer and Head of Workforce Development programs at State Street Corporation. In these roles, Paul leads the implementation of State Street's global diversity, equity, and inclusion strategies. He also oversees the execution of workforce development strategies and the Affirmative Action planning.

Prior to joining State Street, Paul was a Managing Director and co-founder of Foster & Francisco LLC, an executive search and diversity consulting firm based in Boston. Before Foster & Francisco, Paul led recruitment and Consulting and Relationship Management functions at Bank of America, as well as Fidelity Investments, respectively. Early in his career he led recruitment efforts at Amica Mutual Insurance, and The Gillette Company.

# Consuela Pinto

Consuela A. Pinto is a Shareholder at FortneyScott where she advises clients on the full range of equal employment opportunity laws with a particular focus on compliance with workplace laws and regulations, federal government investigations, pattern and practice systemic claims, and compliance with federal contractors' affirmative action and non-discrimination obligations. Her extensive experience and expertise in the employment field is the result of practicing in both the private and government sectors for more than twenty years.





# Marina Williams

Marina Williams is responsible for Lockheed Martin Corporation's Equity & Compliance Programs mission and strategy; interpreting, developing and implementing equity and affirmative action initiatives enterprise-wide. Marina joined Lockheed Martin as Director, Diversity Programs and Equal Employment Opportunity (EEO) leading the D&I program as well EEO efforts across the IS&GS business area.

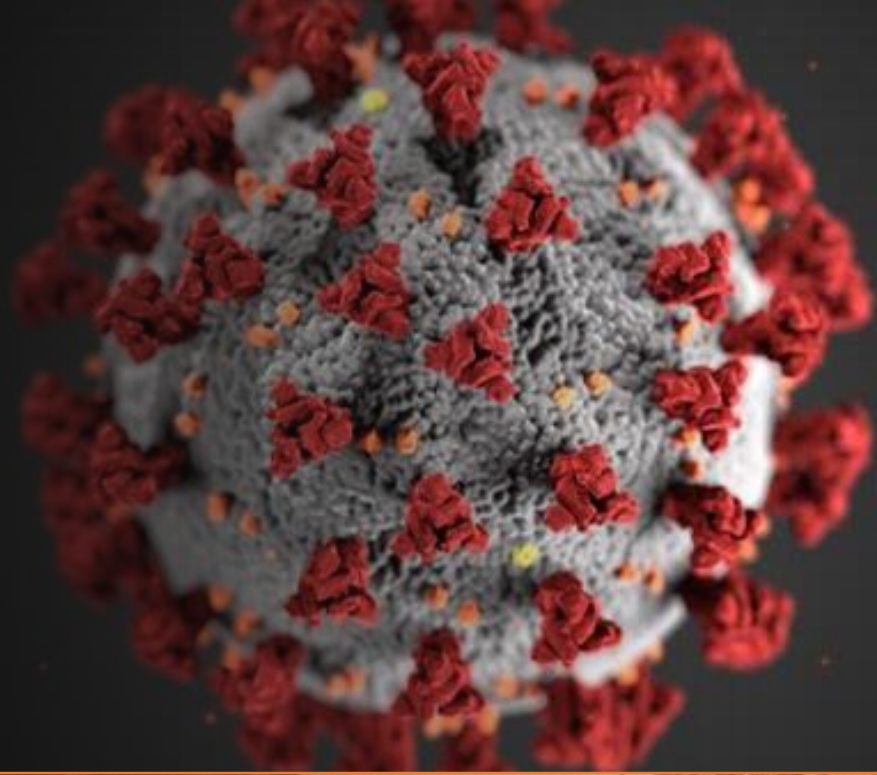
Prior to joining Lockheed Martin, Marina served as Chief Diversity Officer for Lear Corporation where she was responsible for developing and implementing the company's diversity strategy. She spent three years as an instructor with Cornell University Diversity Management Studies Program. Marina has an MBA from Michigan State University and a BA from Hampton University. She is also a Six Sigma Black Belt and has held certification as an advanced practitioner in diversity management through Cornell University.



# D&I in the Wake of the Black Lives Matter Movement & Covid-19

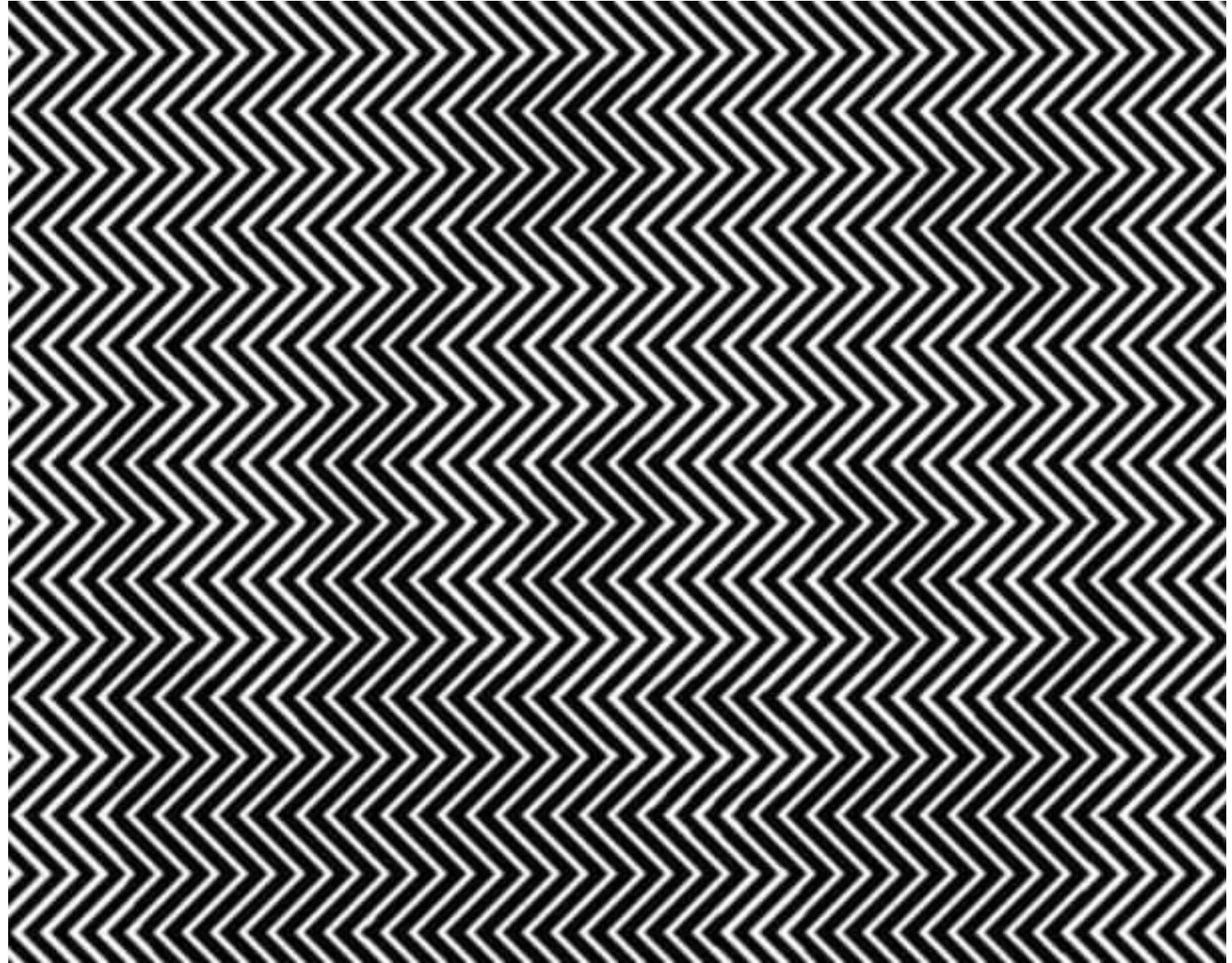
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Where do we  
go from here?



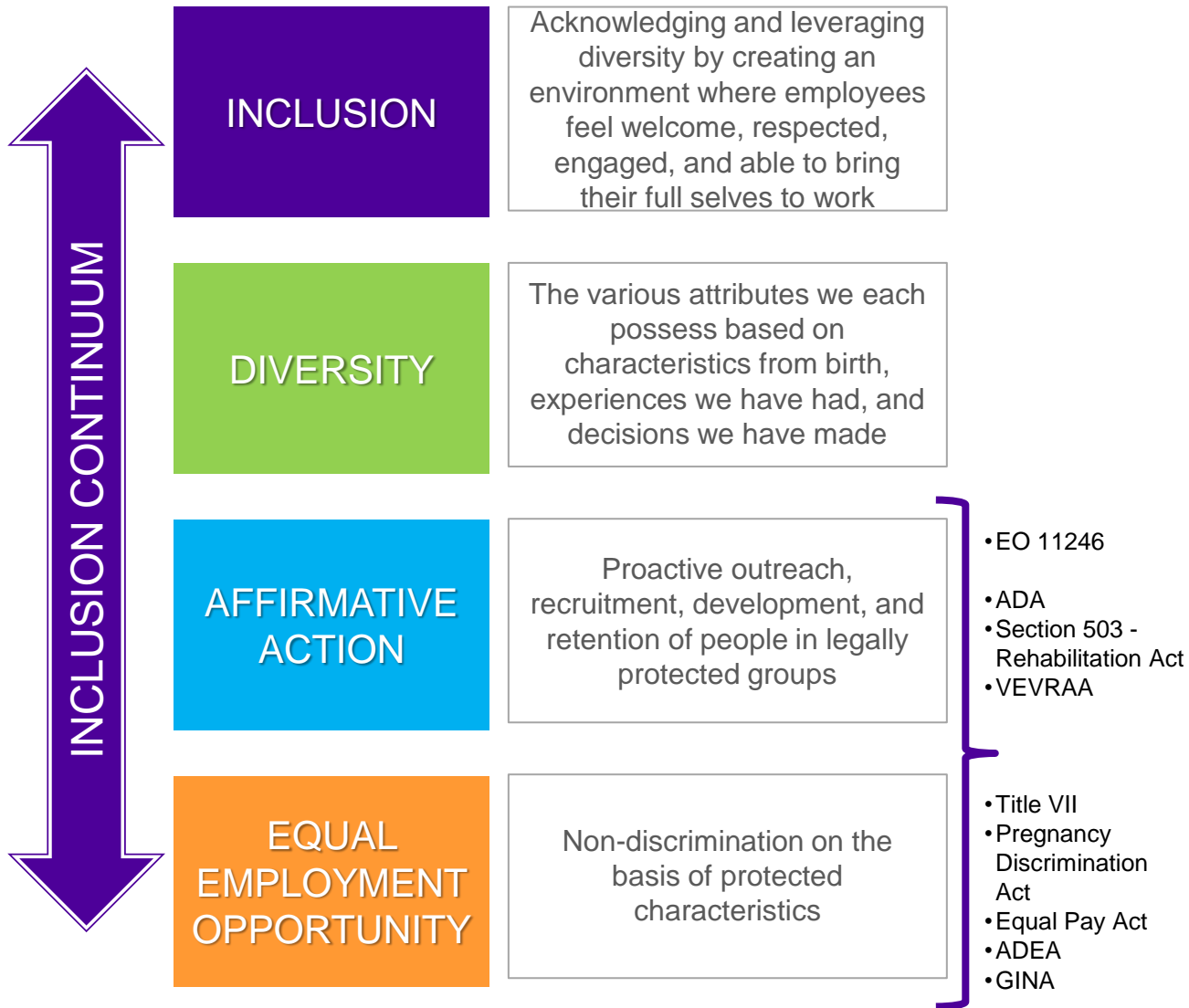
# Diversity & Inclusion:

Making the Invisible Visible





# The Inclusion Continuum



## UTILIZATION

of the full scope of skills, talents and abilities of our workforce

## REPRESENTATION

beyond affirmative action; recognizing and valuing the individual differences of our team

## REGULATION

Executive Order 11246 (Affirmative Action)  
The obligation as a Federal Contractor to “act affirmatively” to engage minorities, women, individuals with disabilities and protected veterans in the workforce

## LEGISLATION

enacted to protect against discrimination

# Equal Employment Opportunity

## Nondiscrimination

Employment or employment-related decisions may not be made based on a protected characteristic such as:

- Race
- Color
- Religion
- Disability
- Sex
- Age
- National Origin
- Marital Status
- Gender Identity
- Genetic Information
- Sexual Orientation
- Protected Veteran Status

# Equal Employment Opportunity

## Affirmative Action

- Affirmative action means that employers take action to ensure that all individuals have an equal opportunity for employment
- Over time, and absent discrimination, an employer's workforce will generally reflect the gender and racial/ethnic profile of the qualified labor force from which the employer recruits and selects employees



# Affirmative Action v. Workplace Diversity

- **What is the difference?**
  - Mandatory v. Voluntary
  - Neutral practices v. Race/Gender based decisions
  - Data based v. Values/Culture

# Diversity v. Discrimination

## Goals

- Aspirational in nature
- Serve only as a benchmark to measure progress in eliminating underrepresentation
- Program rewards effort rather than results
- Approved by Supreme Court, OFCCP & EEOC

## Quotas

- Manifest Imbalance
- Earmark positions for particular race/gender
- Programs that reward or incentivize hiring of particular race/gender create quotas
- Unconstitutional and in violation of Title VII

# Diversity

- **Recruiting**
  - Co-op programs with Colleges
  - Connect with High School Students
  - Diversity attracts Diversity:  
Meaningful Promotion of your  
Company's Diversity
  - Send diverse employees to job  
fairs/colleges/etc.
- **Promotions**
  - Develop diverse slates for each  
promotion
  - Add diverse candidates for  
management slates



# Inclusion

- Management Accountability & Involvement
- Mentoring: Access to the Unwritten Rules
- Transparent Promotion Process & Expectations
- Professional Development
  - Formal Programs
  - Strategic Opportunities
- Robust ERGs with Management Involvement/Commitment
- Pay Equity
- Implicit Bias Training for Managers

# Measuring Success

- Metrics need to be developed to show progress
- Determine what metrics will be most effective in your organization
- Use your AAP(s) and its goals to assist in developing metrics and goals
- Revise goals as needed to be most effective
- Be careful when using bonuses or other incentives to incentivize managers

# Final Words of Wisdom





# SAVE THE DATE!

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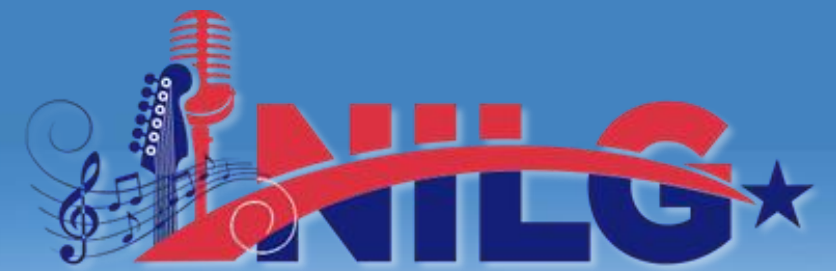
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