



Lights and Camera on EEO & DEI: Legal insights for HR Action Takeaways Summary

1. Evaluate your HR policies, website, programs, new releases, recruiting outreach and training related to DEI and EEO to align with your culture and business philosophy to ensure it is non-discriminatory. Consider renaming as Your Equal opportunity and Non-Discrimination Policy.
2. Conduct workforce analytics of your employment data in hiring, promotions, termination and compensation to identify any statistical reg flags (adverse impact) or disparities in race or sex.
3. Identify root causes of the disparities and fix them quickly and quietly.
4. Involve a consultant and your attorney to protect #2 and #3 under attorney client privilege.



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5. Utilize the SHRM BEAM website for tools and tips. <https://youtu.be/DTeB89OTNL4>
6. Ensure Employee Resource Groups and training is open to all employees. Ensure that any EEO training excludes any reference to white privilege, shaming, etc.
7. Expand your outreach recruiting to a wider net of sources.
8. Remove references to Affirmative Action, quotas, set asides, preferences and compensation incentives tied to race & sex employment discussions.



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9. Implement applicant tracking of race & sex data in order to analyze hiring decisions.
10. Understand risk and enforcement of discrimination is higher and be proactive before an investigation or audit; beware of the False Claim Act if you are receiving any federal funds and/or grants.
11. Monitor the Mobley vs. Workday litigation on AI screening tools. Carefully evaluate AI vendor promises vs evidence before you commit. Conduct statistical analysis; audit for bias; keep humans in the loop.



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