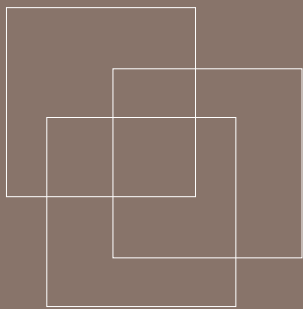




International
Labour
Organization

Promoting **EQUITY**



Ethnic diversity in the workplace: A step-by-step guide

Promoting **EQUITY**

Ethnic diversity in the workplace: a step-by-step guide

International Labour Organization

Copyright © International Labour Organization 2014

First published 2014

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with reproduction rights organizations may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Promoting equity - Ethnic diversity in the workplace: A step-by-step guide; International Labour Office; International Labour Standards Department; Governance and Tripartism Department - Geneva: ILO, 2014.

ISBN: 978-92-2-128253-2 (print)

ISBN 978-92-2-128254-9 (web pdf)

International Labour Office. International Labour Standards Department. Governance and Tripartism Department.

workers rights / equal rights / ethnic group / minority group / racial discrimination / human resources management / role of ILO

04.02.5

Also available in French: *Promouvoir l'équité - Diversité ethnique au travail: guide de mise en œuvre*, ISBN 978-92-2-228253-1 (Print), 978-92-2-228254-8 (Web PDF), Geneva, 2014; and in Spanish: *Promoción de la igualdad - Diversidad étnica en el lugar de trabajo: guía detallada*, ISBN 978-92-2-328253-0 (Print), 978-92-2-328254-7 (Web PDF), Geneva, 2014.

ILO Cataloguing in Publication Data

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and electronic products can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org

Visit our web site: www.ilo.org/publns

Printed in France - ICA

TABLE OF CONTENTS



PREFACE	v
INTRODUCTION.....	1
CHAPTER 1 - Conducting an ethnic diversity audit.....	7
CHAPTER 2 - Drafting a workplace ethnic diversity policy	19
CHAPTER 3 - Implementing an ethnic diversity policy	33
CHAPTER 4 - Monitoring and reviewing an ethnic diversity policy	45
Appendix 1 - Examples of questionnaires.....	53
Appendix 2 - Sample ethnic diversity policy	57
Appendix 3 - Sample plan for implementing proactive measures	65
Appendix 4 - Glossary of key concepts and terms	69

PREFACE

The elimination of discrimination in employment and occupation and the promotion of equality has been at the core of the work of the ILO since 1919. It is a fundamental principle and right at work, and is enshrined in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The obligation of all ILO Members to respect, promote and realize this principle was reaffirmed in the Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference in 1998. The persistence of racial discrimination in the world of work has been highlighted in all three Global Reports on non-discrimination, prepared under the follow-up to the 1998 Declaration.

Discrimination based on race affects millions of workers worldwide. Ethnic minorities, indigenous peoples, people of African descent, Roma, nationals of foreign origin and migrant workers are among the most affected. It is not only these ethnic and racial minorities who suffer when racial discrimination is tolerated at the workplace. According to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination: “Racial discrimination harms not only those who are its objects but also those who practice it.”

The workplace is a key strategic entry point for addressing racial discrimination. Through awareness-raising and training, social dialogue, and observing diversity, employers and workers are better able to understand the concepts, identify cases and develop the necessary skills and tools to address racial discrimination. It is important that effective workplace strategies and policies be designed, implemented and monitored, in order not only to eliminate racial discrimination but also to support more diverse workforces.

Employing a diverse workforce – and managing it effectively – not only satisfies legal and ethical obligations, but is also good for business. Research shows that non-discrimination efforts can cut costs and increase revenue. Having a policy in place to accommodate workers from diverse backgrounds not only minimizes the negative potential legal and financial consequences, but is also key to the enterprise’s adaptability, growth, sustainability and competitive edge.

Capacity-building has been recognized as one of the main actions to combat discrimination. This has been echoed in the 2011 Global Report on non-discrimination: *Equality at work: the continuing challenge*; the conclusions and recommendations of the 2012 General Survey: *Giving globalization a human face*; and the 2012 Recurrent Item on the fundamental principles and rights at work. In response, the Office has produced this guide as part of its follow-up to the plan of action on the recurrent item discussion on Fundamental Principles and Rights at Work (2012-2016). The guide, which is the second module of the ILO’s *Promoting Equity* series, is intended as a tool to tackle racial discrimination and promote ethnic diversity at the workplace through the design, implementation and monitoring of a workplace policy.

This guide is a collaborative effort between the International Labour Standards Department and the Governance and Tripartism Department. It was conceived by Lisa Wong, Senior Officer – Non-discrimination – of the Fundamental Principles and Rights at Work Branch, and elaborated jointly with Shauna Olney, Chief, Gender, Equality and Diversity Branch. Marlene Bossett, an external change management consultant, played a key role in finalizing the guide, which also benefitted from the insights of several ILO colleagues, in particular, Claude Apokavie, Roy Chako, Ryszard Cholewinski, Raphael Crowe, Andrea Davila, Nelien Haspels, Albert Kwokwo Barume, Martin Oelz, Faustina Van Aperen, and Victor van Vuuren. We would also like to thank Dain Bolwell, Claire Marchand-Campmas and Maria Marta Travieso for their editing work and Caroline Chaigne-Hope for the design and layout. This guide would also not have been possible without the knowledge and experience of a number of experts working in this area, from business, trade unions and academia, who participated in workshops at different stages of the evolution of the guide.

We hope that the guide will be used in a wide variety of workplace scenarios by employers, workers, and their organizations, and will provide useful and practical information on promoting and valuing ethnic diversity in the workplace.

Cleopatra Doumbia-Henry
Director
International Labour Standards Department

Moussa Oumarou
Director
Governance and Tripartism Department



Introduction

1. Objectives

This guide provides information for employers, workers and their respective organizations on how to promote and value ethnic diversity in the workplace through the design, implementation and monitoring of a workplace ethnic diversity policy.

The guide provides a framework that can be adapted to regional and national realities, variations in sector and enterprise size, as well as throughout supply chains where applicable.

This is the second guide in a series on promoting equity in the workplace. The first guide in the series is *Gender Neutral Job Evaluation for Equal Pay: A Step-by-Step Guide*.

Users are encouraged to follow either all of the guide or those parts that are relevant to their strategic objectives, priorities, codes of conduct, and national legislation and local context. Parts of the guide can also be adapted to accommodate the various stages of diversity interventions. The guide is neither prescriptive nor binding.

Workplace diversity initiatives are a legal imperative in many countries. Moreover, workplace diversity initiatives improve organizational adaptability and competitive advantage as well as reduce legal risks to the enterprise. Despite knowing this, many enterprises are unsure of how to implement sustainable and credible diversity initiatives. This guide is a step-by-step approach to preparing, implementing and monitoring a diversity policy in the workplace. Clear definitions and concrete examples allow the user to implement a diversity policy that is aligned to the enterprise's values and strategic objectives.

2. Context

Enterprises are increasingly realizing that recruiting and retaining diverse workers are critical to the enterprise's adaptability, growth, sustainability and competitive advantage. However, there are some that still fail to recognize the need for a diverse workforce. Various factors may explain this failure. Some of these are rooted in prejudice and stereotypes towards certain groups of workers based on their ethnic origin and related diversity factors such as gender, language, social origin, culture and religion. Conscious or unconscious, prejudice and stereotyping condition people's behaviour and can lead to discriminatory practices in the workplace. Diversity interventions can also take people out of their comfort zone. This discomfort can lead them to resist or undermine further diversity interventions.

Addressing racial discrimination, both direct and indirect, in rules, policies, practices and procedures, is essential if diversity is to be promoted and ensured. The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) lists seven grounds of discrimination: race, colour, sex, religion,

political opinion, national extraction and social origin. In addressing diversity it is important to be aware of the impact of multiple discrimination. The grounds of race, colour and national extraction are often examined together, as distinctions between them are increasingly blurred, often due to multiple or intersecting discrimination. Gender discrimination also often interacts with racial discrimination or discrimination based on national extraction, social origin or religion.

As of June 2014, Convention No. 111, which is part of the international human rights framework, has been ratified by 172 out of 185 ILO member States, evidencing a broad consensus as to the importance of respecting the right to non-discrimination. Enterprises also have a corporate responsibility to respect human rights, as identified in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. Despite such recognition, racial discrimination persists in the labour market. The ILO’s 2011 Global Report on Non-Discrimination, *Equality at Work: The Continuing Challenge*, for example, reports that workers from minority ethnic groups have higher unemployment rates and receive less pay than others.

3. Benefits of an ethnically diverse workplace

Employing a diverse workforce – and managing it effectively – not only satisfies legal and ethical obligations, but is also beneficial for business. A diverse workforce enables:

- Gains in worker welfare and efficiency;
- Reduced turnover costs;
- Fewer disputes and grievances;
- Improved accessibility to new and diverse customer markets;
- Higher productivity and increased revenue;
- Increased innovation;
- Development of new products and services;
- Improved enterprise reputation management;
- Greater flexibility and adaptability in a globalized world;
- More efficient risk management (e.g. legal risks due to non-compliance);
- Prevention of marginalization and exclusion of categories of workers;
- Improved social cohesion;
- A more positive public image;
- At a macro level, poverty reduction and political stability.

These benefits are more likely when an enterprise goes beyond just meeting the minimum requirements such as ensuring legal compliance. Enterprises reap greater rewards when they recognize both the social and cultural complexities inherent in embracing diversity and when they strive to be diversity leaders in their fields.

4. Key definitions

Racial discrimination: The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”¹

Ethnic group: The term “ethnic group” refers to a group of people whose members identify with each other through such factors as common heritage, culture, ancestry, language, dialect, history, identity and geographic origin. It includes persons from a range of backgrounds including indigenous and tribal peoples, people of African and Asian descent,² Roma people and migrant workers.

Ethnic minority: The term “ethnic minority” does not necessarily refer to ethnic groups that are a numerical minority. Instead it refers to any ethnic group that is not dominant socially, economically or politically.

Definitions of other relevant terms can be found in Appendix 4, namely: colour, conciliation/mediation, culture, direct discrimination, discrimination, diversity, enterprise culture, ethnic group, ethnic minority, harassment, indigenous and tribal peoples, indirect discrimination, migrant worker, national extraction, prejudice, proactive measures, racial discrimination, reasonable accommodation, retaliation or victimization, stereotypes, stereotyping and structural or systemic discrimination.

5. Content

This guide is based on studies and publications from many countries and on the experience of practitioners. It outlines a participatory process for drafting a workplace policy to combat racial discrimination and to embrace workplace ethnic diversity. Success of the workplace diversity policy hinges on its effective planning. This guide gives step-by-step information on the development and implementation of an ethnic diversity policy:

1. Conducting an ethnic diversity audit
2. Drafting a workplace ethnic diversity policy
3. Implementing an ethnic diversity policy
4. Monitoring and reviewing an ethnic diversity policy

It covers all types of workers from different ethnic backgrounds, including refugees, asylum seekers, indigenous and tribal peoples and migrant workers, irrespective of their type of contract such as seasonal workers and contract workers.

The guide includes a sample ethnic diversity policy (Appendix 2) and a sample plan for implementing proactive measures addressing ethnic diversity in the workplace (Appendix 3). These can be modified to accommodate national and regional realities and demographics, as well as differences such as enterprise size, and sector.

6. Employers' and workers' organizations

Both employers' and workers' organizations have important roles in promoting and monitoring the ethnic diversity policy. Both stakeholders have to work together to ensure the success of the enterprise's diversity interventions.

Employers' organizations

Employers' organizations can collect and share good practices generated by enterprises. They act as facilitators and multipliers of knowledge and peer behaviour. They can also offer guidance on the development of the policy and the implementation of related labour legislation. They can train their members to improve awareness on racial discrimination and ethnic diversity. Furthermore, they can help build the capacity of managers to ensure that the ethnic diversity policy is effectively applied within the enterprise.

Workers' organizations

By lobbying for strong ethnic diversity policies, trade unions can ensure that all workers enjoy equal opportunities at all stages of the employment cycle, including access to employment, training, promotion, separation and retirement.

Trade unions also have an important role in training and raising awareness on the right to a workplace free from racial discrimination and in supporting members in resolving complaints.

Trade unions can include the elimination of racial discrimination and the promotion of ethnic diversity in collective bargaining. Specific clauses on these issues in collective agreements can be an effective way of securing equal opportunities for ethnic groups. Similarly, collective bargaining can establish joint committees (consisting of representatives of employers and workers) to move the ethnic diversity agenda forward.

Representation of workers

Workers should be represented by a trade union. In the absence of a trade union, a freely elected worker representative (or representatives) should take part in all stages of the process.





CHAPTER

1 Conducting an ethnic diversity audit

After reading this chapter you will be able to:

- Identify the steps required to conduct an ethnic diversity audit
- Assess the extent of ethnic diversity in the workplace
- Communicate the results of the audit

CONTENTS

1. What is an ethnic diversity audit?	8
2. What is the purpose of an ethnic diversity audit?	8
3. Preparing for an ethnic diversity audit	8
4. Participating in an ethnic diversity audit	10
5. Methods of information gathering	11
6. Types of information to be gathered	12
7. Sources of information	13
8. Analysing the data	14
9. Reporting the results	15

1. What is an ethnic diversity audit?

An ethnic diversity audit is used to:

- Analyse the enterprise's current ethnic diversity profile;
- Assess the enterprise's readiness for diversity interventions;
- Identify diversity performance or achievements over a period of time;
- Assess the success of existing workplace diversity programmes and interventions;
- Identify both systemic and individual barriers to diversity, actual and perceived;
- Identify areas for diversity improvement;
- Draft a guide, road map or action plan for all diversity interventions in the enterprise;
- Assess compliance in terms of relevant diversity and related legislation.

2. What is the purpose of an ethnic diversity audit?

An ethnic diversity audit helps the enterprise in:

- Assessing ethnic diversity practices;
- Guiding and informing future ethnic diversity interventions;
- Identifying ethnic diversity priorities in the enterprise.

3. Preparing for an ethnic diversity audit

The following issues should be considered before conducting an ethnic diversity audit:

- Engage management, staff and trade unions*** before the audit, in order to ensure that the audit is tailored to the particular context of the enterprise and to establish buy-in.
- Determine who will conduct the audit***. Existing managers (e.g. Diversity Manager or Human Resources Manager), in collaboration with the trade union, usually have sufficient knowledge of the enterprise and its workers to conduct the ethnic diversity audit. If only management is involved, workers may not have sufficient confidence in the process, or in its confidentiality. If an external consultant conducts the audit, measures should be in place to ensure that the enterprise and the workers take ownership of the audit results. For example, the Chief Executive Officer (CEO) or a senior manager delegated by the CEO and the head of the trade union or the chairperson of the joint committee could consult on the results of the audit and once agreed communicate the results to the staff. Where needed, independent experts can be bought in at certain stages, such as a lawyer to examine legal compliance issues. Gender balance should also be taken into account.

- c. *Establish a small joint committee of management, staff and trade union representatives.* The members of this joint committee can serve as diversity champions and as champions for the audit.
- d. *Determine whether the ethnic diversity audit should be part of another internal enterprise survey.* For example, there might be an organizational climate survey that could include diversity items. Alternately, the diversity audit could be included in an organizational workplace study.
- e. *Agree to the methodologies* that will be used in the audit. These include qualitative methods (focus groups, individual interviews, small groups), quantitative methods (personnel files, existing reports) and desktop analysis.
- f. *Decide what exactly will be assessed.* This may include trends, barriers, policies, direct and indirect discrimination and staff movement.
- g. *Identify potential challenges.* For example: What is the estimated response rate? Will both dominant and minority groups participate? How will confidentiality be ensured? Does everyone have trust in the process, and if not, how can trust be established?
- h. *Identify potential enabling factors:*
 - Ensure overt executive sponsorship. For example, identify the key executive sponsors of the enterprise ethnic diversity policy and programmes and clarify the form that this sponsorship will take.
 - Draft a communications plan to inform staff about the proposed audit. Include time frames and key messages.
- i. Draft a *written confidentiality contract* with participants and those conducting the audit.
- j. *Determine how participants will be selected.* In a small enterprise, all workers can participate in the audit. However, in a larger enterprise a representative sample of all workers can be selected, which must include workers from all ethnic backgrounds, both men and women, and workers with different contract status.
- k. *Determine who will provide audit feedback.* The CEO can do this, or can delegate a senior manager such as the head of human resources to do it. The head of the trade union or chairperson of the joint committee could also provide feedback. What format will the feedback be in? Will it be the executive summary or the recommendations only, for example?
- l. Those conducting the audit need to *negotiate access to all staff*, relevant reports and related information.
- m. *Draft and negotiate*, if necessary, *a budget* for the ethnic diversity audit.

4. Participating in an ethnic diversity audit

It is essential that management, staff and their representatives participate in the audit. This will not only increase its legitimacy, but also secure greater buy-in for, and thus better implementation of any diversity policies and programmes that emanate from it.

It is also crucial that the issue of confidentiality is addressed with all participants. For example, all participants could sign a confidentiality agreement to prevent information discussed in the focus groups being discussed with non-participants.

Random sampling is a good way to select participants for an ethnic diversity audit. This method gives all workers a chance of being selected to participate and therefore allows inferences to be drawn about the staff. A computer generates a list based on specific requirements (such as sex and ethnicity), to ensure that the sample is representative of the diversity in the enterprise. However sometimes there are legal constraints on gathering data on ethnicity. An alternative to the above approach is to distribute a short questionnaire to all staff that explains the rationale for collecting the information. This can be done on-line for those with access to computers and can be anonymous if necessary. A further option is to gather such information during focus groups, either verbally or via a short demographic questionnaire.

It is particularly important that information is collected voluntarily. Workers should never be forced to take part.

Several factors should be considered when deciding on the size of the sample to participate in the audit. For example, how much time is available? What is the budget? How large is the enterprise? The usual rule is that the larger the enterprise, the smaller the sample can be in terms of proportion of the workforce. Similarly, the smaller the enterprise, the larger the sample should be in proportion to the workforce.

When selecting participants (preferably via random sampling), it should be ensured that the computer generated list of participants is diverse in terms of:

- Sex
- Ethnic origin
- Age
- Nationality
- Language
- Religion
- Occupational and hierarchical levels
- Contract status

5. Methods of information gathering

There are three methods of gathering information for the ethnic diversity audit – quantitative, qualitative and desktop analysis. These are shown in Table 1 below.

Table 1. Methods of information gathering

Method	Information gathered	Sources of information
Quantitative analysis	☑ Diversity in terms of staff profile and staff movement ☑ Ethnic mapping of the area or region where the enterprise is located or where its workforce comes from	☑ Questionnaires ☑ Staff records ☑ Existing reports from human resources and finance departments
Qualitative analysis	☑ Enterprise culture ☑ Indirect discrimination, which occurs when a policy or practice appears to be neutral, but disproportionately impacts on one (or more) ethnic group(s) ☑ Staff, vendor, contractor and supplier attitudes to ethnic diversity ☑ Systemic barriers to ethnic diversity	☑ Questionnaires ☑ Individual interviews ☑ Focus groups ☑ Semi-structured small group interviews
Desktop analysis	☑ Systemic barriers to ethnic diversity ☑ Compliance with relevant legislation on equality and non-discrimination	☑ Review of all human resources policies and practices

Due to enterprise priorities, budgetary, time or other constraints, it may be decided not to conduct all three analyses at the same time. Instead the enterprise may decide to start with the qualitative aspects of the audit and conduct the other aspects at a later stage or else use one or any combination of them.

6. Types of information to be gathered

Different types of information need to be gathered in an ethnic diversity audit. These include:

a. **Quantitative information:** What is the proportional representation of ethnic groups in each of the following:

- Staff profile
- Job offers
- Permanent and non-permanent contracts
- Wage and benefit packages
- Performance evaluation categories
- Training
- Promotions
- Succession pools, or groups of workers identified for more senior positions in the enterprise
- Scholarships and study loans
- Trade unionization and collective bargaining agreements
- Disciplinary hearings
- Dismissals
- Resignations
- Turnover
- Length of stay and tenure
- Percentage of procurement budget spent on buying goods and services from ethnic groups

b. **Enterprise culture:** The organizational norms, attitudes, policies, processes and practices regarding human resources and other practices in the enterprise. These include:

- Diversity and anti-discrimination initiatives
- Diversity readiness
- Inclusive culture
- Management participation in enterprise diversity initiatives
- Tolerance of discrimination
- Recruitment, selection and promotion
- Job assignments and transfers
- Training opportunities and career development
- Performance reviews
- Racial discrimination complaints procedure
- Procedures to address sexual harassment and violence in the workplace
- Work-family balance initiatives
- Cutbacks, hiring freezes and downsizing

c. **Systemic barriers to ethnic diversity and legal compliance:** What aspects of the enterprise ethos, structures and values are barriers to the promotion of ethnic diversity?

These could include:

- Symbols and artefacts of the dominant culture and its history
- Small percentage of enterprise budget allocated to diversity initiatives
- The use of language, terms, euphemisms, etc., which effectively exclude certain groups;
- High levels of indirect discrimination
- Organizational norms based solely on those of the dominant groups
- Lack of “reasonable accommodation”³ of different beliefs, practices and customs of ethnic groups, such as language and food preferences

7. Sources of information

The main sources of information to be analysed are from existing reports, staff surveys, focus groups and discussions as well as from human resources and other policies and practices:

Analysis of existing reports refers to reports of staff profiles, recruitment trends, separations (including resignations, dismissals and retirements), training and development, promotions, disciplinary proceedings, succession planning and pools, tenure, income differentials, benefits allocation, contract type, performance evaluation, scholarships and bursaries. This information can usually be obtained from the human resources and finance departments. Reports should be analysed to determine whether there are disproportionate trends in the following areas:

- Sex
- Ethnic origin
- Age
- Nationality
- Language
- Religion
- Contract status
- Occupational and hierarchical levels

Staff surveys use questionnaires to quantify workers’ attitudes, knowledge, opinions and responses to ethnic diversity in the workplace. It is important that the questionnaire is piloted on a sample group. This will allow for clarifying questions that are unclear, deleting questions that are irrelevant and including new questions where necessary. It is important to include various types of questions in the questionnaire. For example, one or two of the following types of questions can be included: forced choice, Likert (opinion), rating scale, hypothetical or importance questions, or open ended statements. Examples of these questions can be found in Appendix 1.

Focus groups and discussions help develop an understanding of workers’ perceptions of ethnic diversity and identify areas that need to be addressed, including respect for groups that may hide their ethnic identity. This information will contribute to the development of a more inclusive policy that values ethnic

diversity in the workplace. Random samples of workers, diverse in terms of ethnic origin, sex, age, nationality, religion, language, occupational and hierarchical levels and contract type can be invited to focus groups and semi-structured small group discussions as well as to individual interviews where appropriate. Workers may also be invited to give personal testimonies of their experiences with regard to ethnic diversity in the enterprise.

Questions used in the questionnaire (rather than the questionnaire itself) can help guide these discussions. Additional sample questions that may be useful in guiding these discussions include:

- Does this enterprise have an ethnic diversity or anti-discrimination policy? Do you know what it says? What are its objectives? Is it respected by both workers and managers? If not, does the enterprise need such a policy? Please substantiate your answer.
- Describe your experience during the recruitment process.
- Do you attend all functions and meetings? If not, why not?
- Have you applied for a promotion recently? If not, why not?
- Do you always participate openly in discussions? If not, why not?
- Do you feel free to express your new ideas, suggestions or initiatives?
- How does the enterprise demonstrate its openness to diversity?
- Are there certain characteristics that you would attribute to particular ethnic groups?
- What does an ethnically diverse workforce mean to you?
- In your opinion, what are the benefits, if any, of an ethnically diverse workforce?
- How do you think that the enterprise can improve in terms of ethnic diversity?
- How can workers and management begin to change the mind-set in the workplace regarding racial discrimination and ethnic diversity?

Desktop analysis of existing policies involves a detailed scrutiny of all human resources and other policies and procedures that may impact on the enterprise's diversity initiatives. Some of these are listed under "Enterprise Culture" (6b).

8. Analysing the data

Data collected during the ethnic diversity audit should be treated as confidential, and analysed in terms of:

- Sex
- Ethnic origin
- Age
- Nationality
- Language
- Religion
- Occupational and hierarchical level
- Contract status

Additionally, the data should be carefully analysed to determine whether racial discrimination is actually prevalent in the workplace, and if so, to what extent. It is important to ensure the necessary statistical expertise when analysing the data.

Some of the indicators of racial discrimination that should be considered are:

- Over-representation or under-representation of certain ethnic groups in areas such as staff profile, staff movement, development, promotions, disciplinary hearings, tenure, type of employment contract, trade unionization, scholarships, succession pools, wages, benefits, performance evaluation criteria and their evolution over time;
- Inconsistent application of policies;
- High levels of indirect discrimination, such as:
 - Enterprise communication is only in the language of the dominant group;
 - Religious holidays are defined in terms of the religion of the dominant group;
 - Vacancies are advertised in newspapers read primarily by the dominant group;
- Exclusion of ethnic groups in certain areas of the enterprise structure;
- Tolerance of discrimination;
- Lack of accommodation of diverse religious and cultural practices, such as food selection in cafeterias and at functions;
- Salary and benefit gaps between workers from different ethnic groups;
- Widely diverging views regarding diversity in the workplace;
- The enterprise's capacity to appropriately manage discrimination complaints;
- Other discriminatory human resources practices.

9. Reporting the results

The person(s) responsible for conducting the ethnic diversity audit should prepare a detailed report to be sent or presented to all workers and their representatives. In a small enterprise, the report may be drafted by the joint committee or by the human resources manager in consultation with the chairperson of the joint committee.

How the audit report is communicated is at the discretion of the CEO. However, it is recommended that the full report or an executive summary is made available to all workers. The content of the report should be a constructive reflection of the audit findings and be worded in a way that does not reinforce negative stereotypes and perceptions. It should be given first to the joint committee or trade union for comments before it is finalized and disseminated. The report (or executive summary) can be disseminated through various channels, including e-mails, pamphlets, posters and staff briefings. The CEO (or a senior manager designated by the CEO), the joint committee or the trade union can disseminate this report. It is important to ensure that the results of the audit are communicated in a positive manner. For example, it could be framed as an opportunity for development in the enterprise.



The report should include:

- A detailed statistical and qualitative analysis of the various issues;
- Recommendations that will guide and inform future ethnic diversity strategies and policies in the enterprise, including preventing and addressing racial discrimination.

The results should be communicated within a reasonable timeframe (preferably no longer than three months) after conducting the audit. It should be available in a format and language(s) accessible to all staff.





CHAPTER 2 Drafting a workplace ethnic diversity policy

After reading this chapter you will be able to:

- Understand how an ethnic diversity policy can be used in the enterprise
- Optimally use the results of the ethnic diversity audit
- Draft an ethnic diversity policy, taking into account the audit results, legislation and other relevant factors

CONTENTS

1. The use of an ethnic diversity policy	20
2. Preparing for an ethnic diversity policy.....	20
3. Contents of the policy	21

1. The use of an ethnic diversity policy

Creating a workplace policy on ethnic diversity is one of the first steps towards publicly demonstrating that the enterprise takes the elimination of racial discrimination and the promotion of equality in the workplace seriously. To embed an ethnic diversity policy in such a way that it is accepted and practiced by both management and workers in their day-to-day working lives involves detailed planning and consultation within the enterprise.

Depending on the needs of the enterprise, an ethnic diversity policy may form part of a broader non-discrimination policy. However, an examination of good practices suggests that a separate ethnic diversity policy should be drafted. This decision should be informed by the progress that the enterprise has already made on ethnic diversity.

2. Preparing for an ethnic diversity policy

Before drafting the policy, the following issues should be considered:

a. *Initiation*

- Who requires the policy to be introduced in the enterprise?
- What prompted the need for the policy?
- What are the goals of the enterprise in addressing racial discrimination and embracing ethnic diversity?
- What impact will the policy have on the enterprise?
- Are workers and managers aware that a policy will be drafted and why it is needed?
- How will the policy improve productivity and increase revenue?

b. *Research*

- Is there a legislative requirement to introduce a non-discrimination, equality or ethnic diversity policy or action plan?
- Is such a requirement set out in a collective agreement?
- If so, does the legislation or a collective agreement require specific issues to be addressed in the policy?
- Are there similar policies or initiatives already in place in the enterprise?
- How will the results of the ethnic diversity audit inform the content of the policy?
- How have other enterprises, including those in the same industry or sector, drafted policies to eliminate racial discrimination and embrace ethnic diversity in the workplace?

c. *Involvement*

- Who are the key internal stakeholders who need to be consulted when drafting the policy?
- Who will draft the policy?
- Will a committee be created to assist in the consultation, development and endorsement of the policy? If so, will this committee be ethnically diverse?
- What mechanisms, if any, will be used to solicit staff feedback on the draft policy?

- What is the role of the trade union(s) when drafting the policy?
- Who in the enterprise is ultimately responsible for approving the policy?

d. *Drafting the policy*

- Which enterprise objectives, values, needs and priorities will be incorporated into the policy?
- In which language will the policy be written? Does it need to be translated into other languages? If so, which ones?
- Will the policy be written as a single document, or as a part of a broader diversity policy?
- What is the time-frame proposed for each stage of the preparation of the policy?
- If similar policies are already in place, do these need to be reviewed or incorporated into the new policy?

3. Contents of the policy

A comprehensive and well-drafted policy on ethnic diversity should contain at least the following:

- The *objectives* of the policy. These should include reference to the enterprise's business strategies, goals, vision, mission, values and risks;
- The *business case* for a diversity programme;
- The enterprise *commitment* to a managerial process that embraces inclusion and provides equal opportunities for all workers;
- National *laws* and regional and international *obligations* to which the policy is aligned;
- *Scope* of the policy (that is, who is covered by the policy);
- *Definitions* of terms and concepts in the policy;
- Types of *discriminatory treatment* addressed in the policy;
- *Rights and responsibilities* of workers and their representatives;
- *Rights and responsibilities* of the employer and its representatives;
- *Proactive measures* that will be used to increase ethnic diversity in the enterprise;
- *Reasonable accommodation* measures that will be put in place;
- *Recognition* and any reward for progress in achieving ethnic diversity;
- Procedures to *report* alleged racial discrimination;
- Procedures for *dealing* with racial discrimination *complaints*;
- Criteria and mechanisms of *redress* for victims of racial discrimination;
- *Disciplinary measures* for those discriminating against workers in the workplace;
- *Protection* from retaliation and victimization for complainants, alleged offenders, and witnesses;
- *Due Process* including fairness and the right to be heard;
- *Appeal* procedures and the possibility of further investigation;
- *Review and Monitoring* of the policy and its implementation.

a. *Policy objectives*

The results of the ethnic diversity audit, the goals and values of the enterprise, national legislation and regional and international obligations, and applicable collective agreement(s) will help to define the policy objectives. These may include the following:

- Ensuring ethnic diversity in all occupational and hierarchical levels;
- Increasing enterprise understanding of ethnic diversity;
- Reducing legal risk to the enterprise;
- Educating and informing contractors, vendors and suppliers about the enterprise's approach to ethnic diversity and that no goods or services will be bought from any supplier who practices racial discrimination;
- Ensuring fair and equitable human resources practices, policies and procedures;
- Defining a process of eliminating, preventing, managing and addressing workplace racial discrimination;
- Ensuring a broad understanding of all behaviours that are discriminatory towards ethnic groups;
- Providing a framework for workers who experience discrimination for complaints and redress;
- Holding offenders accountable for their conduct.

b. *The business case*

The policy should outline how embracing ethnic diversity is good for business. The key point is that a diverse, tolerant and fair workplace is more positive and more efficient. It means higher productivity and fewer grievances. Enterprise diversity can provide openings to new markets with innovative products and services benefiting from the inclusion of a wider range of ideas.

c. *Enterprise commitment*

The policy should include a brief statement of the enterprise's commitment to diversity that can be reproduced on posters and websites, for example. A sample is shown in the following box.

Sample statement of commitment

"We are committed to:

- Ensuring a workplace that embraces ethnic diversity and provides equal opportunities for all;
- Creating an environment that is free from racial discrimination;
- Valuing the contribution that workers from different ethnic backgrounds provide to the enterprise in terms of experience, skills, approaches, talents, perspectives, innovation and creativity;
- Ensuring fair and transparent human resources practices and the equitable treatment of all workers and applicants;
- Eradicating all forms of discrimination;
- Zero tolerance of discrimination, be it in employment, procurement or corporate social investment."

d. *Laws and obligations*

A policy on ethnic diversity should outline the national legislation on racial discrimination and the promotion of equality, as well as any relevant multilateral or regional agreements or directives. It should also refer to international instruments including the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and to the International Convention on the Elimination of All Forms of Racial Discrimination. Reference can also be made to other legislation dealing with human rights and workers' rights. The absence of specific national legislation on racial discrimination and equality, however, is not a barrier to embracing ethnic diversity in the enterprise.

To find the relevant national legislation, the ILO website⁴ provides a number of helpful links. Generally, the country's labour ministry is a good starting point. There are also specialized bodies such as human rights or equality commissions, as well as national advisors and ombudspersons that provide similar guidance.

When preparing an ethnic diversity policy, the following legislative requirements may be found:

- The enterprise must ensure that it has a policy to promote equality or embrace ethnic diversity and combat racial discrimination, and that workers are made aware of it;
- The legal definition of discrimination is included in the policy together with clear examples;
- The policy contains information on how to raise a complaint both internally (within the enterprise) and externally (for example to specialized bodies and the courts);
- Information on what action will be taken by the enterprise if the allegations are found to be true.

Where legislative requirements exist, the body overseeing the requirements can be consulted for advice to ensure a policy meets the necessary requirements.

e. *Scope*

The policy applies to everyone, including:

- The CEO
- Managers
- Full time and part-time workers
- Permanent and temporary workers
- Students, learners and interns
- Seasonal workers
- Casual workers
- Homeworkers
- Apprentices
- Board members
- Contractors, vendors and suppliers

f. *Definitions of terms and concepts*

A list of concepts and definitions can be found in the glossary of terms at the end of this guide (Appendix 4). Relevant definitions should be included in the policy.

g. *Examples of discrimination*

The policy should specify different types of discriminatory treatment and practices in the workplace. This is useful to help workers and the employer identify and better understand both direct and indirect discriminatory treatment and practices. Discriminatory treatment includes:

- Excluding some ethnic groups from certain jobs and levels in the enterprise;
- Making disparaging jokes related to ethnic origin, beliefs, practices or customs;
- Making racial slurs, including using derogatory language;
- Refusing to take into account the linguistic capacity of workers from ethnic groups;
- Excluding certain ethnic groups from access to career enhancements such as training, succession pools, scholarships, promotions and benefits;
- Isolating certain ethnic groups from a participatory process within the enterprise;
- Making stereotypical remarks relating to specific ethnic groups;
- Excluding certain ethnic groups from work functions;
- Refusing to work with workers from some ethnic groups;
- Excluding some ethnic groups from meetings;
- Victimizing or retaliating against workers for bringing or supporting a complaint of racial discrimination.

h. *Rights and responsibilities of workers and their representatives*

It is important that the policy includes both workers' rights and responsibilities in eliminating racial discrimination and integrating workers from ethnic groups. The following workers' rights and responsibilities may be mentioned:

- The right to a work environment free from racial discrimination;
- The right to be treated with respect and dignity irrespective of ethnicity;
- The right to be heard when racial discrimination occurs;
- The right to redress if found to be a victim of racial discrimination;
- The responsibility to treat with respect and not discriminate against ethnic groups;
- The responsibility to refrain from practicing racial discrimination;
- The responsibility not to act upon stereotypes and prejudice towards ethnic groups.

Some of the rights and responsibilities of trade unions regarding ethnic diversity are the following:

- The right to include issues relating to ethnic diversity in collective agreements;
- The right to represent members in disciplinary hearings involving complaints of racial discrimination;
- The right to be involved in all consultation processes involving ethnic diversity issues in the enterprise;
- The responsibility to educate members about ethnic diversity;
- The responsibility to request members to assist the enterprise in promoting ethnic diversity and eliminating racial discrimination.

i. *Rights and responsibilities of the employer and its representatives*

In this context "the employer and its representatives" includes the CEO, executive managers, executives, senior management and the board of directors. Some of the rights and responsibilities of the employer are:

- The right to a work environment free from racial discrimination;
- The right to be treated with dignity and respect irrespective of ethnicity;
- The responsibility to make decisions about workers based on the requirements of the job;
- The responsibility to ensure ethnic diversity;
- The responsibility to eliminate racial discrimination in the enterprise;
- The responsibility to ensure immediate action to deal with alleged cases of racial discrimination;
- The responsibility to ensure recourse for victims of racial discrimination;
- The responsibility to undertake corrective measures to avoid new incidents of racial discrimination;
- The responsibility to allocate sufficient resources to embrace workplace diversity and eliminate racial discrimination.

j. *Proactive measures*

Proactive measures refers to action aimed at ensuring equality of opportunity in practice, taking into account the diversity of situations of the persons concerned. This includes affirmative or positive action so as to halt discrimination, redress the effects of past discrimination and restore a balance. It is often aimed at historically disadvantaged groups that have been subject to long-standing, entrenched discrimination. Proactive measures could include:

- Hiring or promotion targets;
- Accelerated training and development programmes for groups that have been subject to discrimination;
- Recruitment and mentoring programmes targeted at specific ethnic groups;
- Forming alliances with organizations for ethnic groups;
- Targeted recruitment campaigns.

k. *Reasonable accommodation*

Reasonable accommodation means the necessary and appropriate modification and adjustments to ensure that ethnic groups are able to meaningfully and equally compete and participate in all spheres of employment.

Reasonable accommodation could include for example ensuring access to workplace policies, rules and meetings in various languages, catering for diverse food preferences, providing time off for religious holidays, providing special leave for traditional ceremonies and providing a prayer room.

Reasonable accommodation should not impose a disproportionate or undue burden on the enterprise.

l. *Recognition and reward for progress*

It is important to create a culture of recognition and reward for workers (including managers) who actively embrace ethnic diversity in the workplace. Many enterprises inadvertently tend to create a culture of fear and punishment regarding ethnic diversity policies, which can increase resistance to their associated programmes. To counter this, enterprises may choose to provide incentives for the achievement of certain diversity goals. They can also reward individual or group initiatives that support ethnic diversity.

Examples of behaviours to reward include:

- Managers who consistently retain workers from diverse ethnic groups and act immediately when they receive complaints of racial discrimination;
- Work units or teams that proactively integrate workers from diverse ethnic groups;
- Workers who volunteer their time to assist with workplace diversity matters;
- Board members who visibly support ethnic diversity initiatives;
- CEOs who allocate appropriate resources for ethnic diversity interventions, are involved in the ethnic diversity initiatives and visibly support these initiatives;

- Trade unions that have ethnically diverse members and officials and actively promote the ethnic diversity agenda in the workplace.

m. *Complaint procedures*

It is important for enterprises to have support mechanisms for workers who believe they have been subjected to racial discrimination as this provides them with a “voice”.

Employers may decide how best to support workers in reporting incidents of alleged racial discrimination by facilitating access to, for example, a dedicated contact person, a call centre, workers specifically trained in discrimination issues, members of the joint committee, a trade union representative or an ethics hotline. The employer also needs to incorporate these elements into the policy:

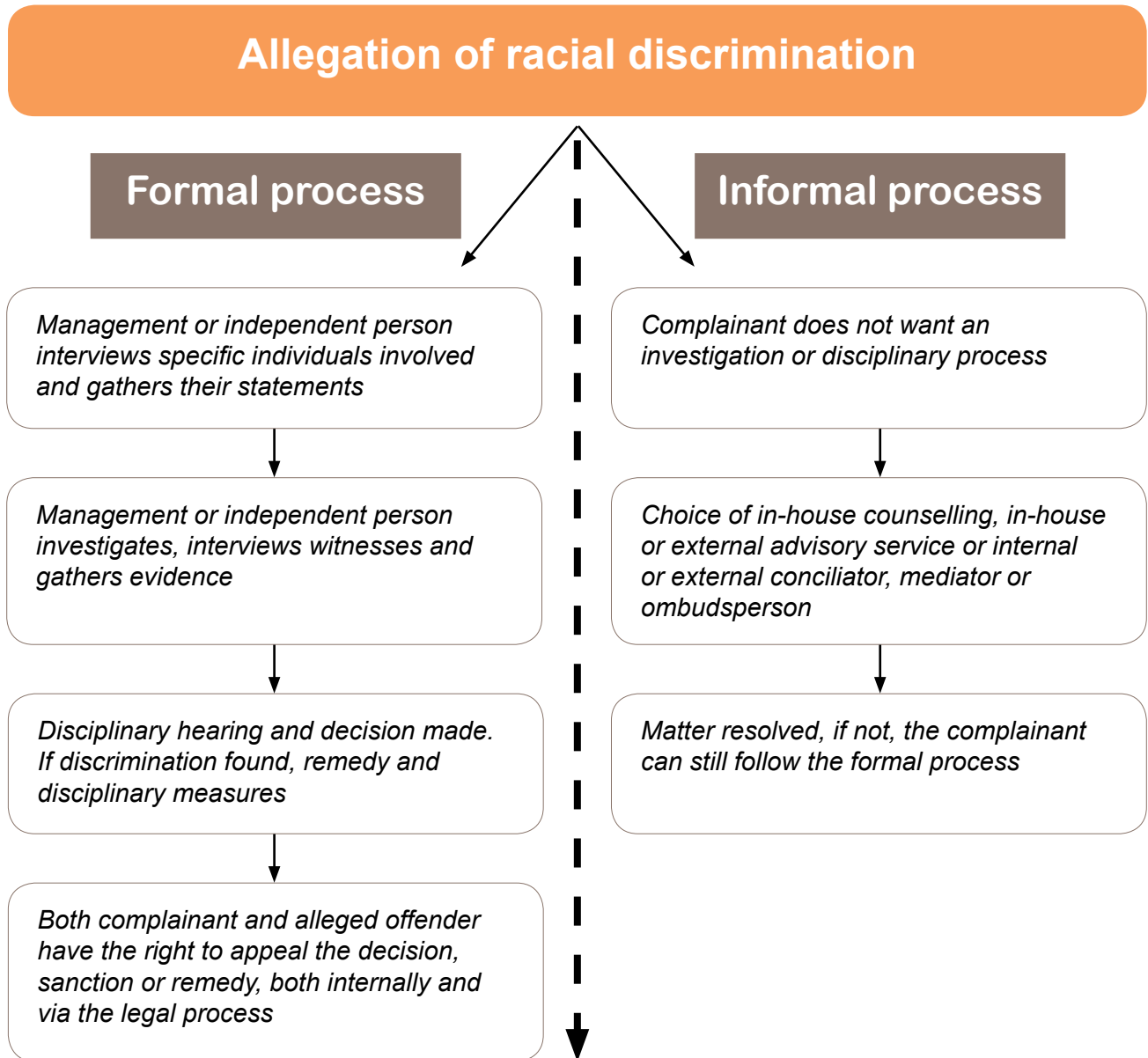
- How can complaints of racial discrimination be raised?
- Who can lodge a complaint?
- What is the time period in which to complain?
- Who will investigate the complaint?
- How will confidentiality be ensured?
- What protection mechanisms will be put in place for those who raise complaints of racial discrimination?
- What support will be available to the complainant and alleged perpetrator?
- What processes will be followed to determine if there is a case of racial discrimination in the enterprise?
- How will due process be ensured?
- How will the employer investigate the allegations?
- What remedies will be provided and sanctions imposed for racial discrimination?
- What are the alternatives to a grievance procedure, should a complainant choose not to take this route?
- Which external bodies can help?
- What is the role of the trade union, legal counsel, the joint committee or other employee representation in the process?
- What is the time period for resolving the complaint?
- How can a complaint be lodged with an independent body outside the workplace, such as with a court, tribunal, Human Rights or National Equality Commission?

n. *Procedures to deal with complaints of racial discrimination*

If a complaint of racial discrimination is made, there are two options – formal and informal – to deal with it. This is dealt with in more detail in Chapter 3.

Which option is chosen depends on the preference of the complainant, as shown in the example in Figure 1.

Figure 1. Formal and informal process options



o. **Redress for victims**

The policy should specify what redress the employer will make available to victims of racial discrimination, and under what circumstances.

Redress for racial discrimination where termination of employment has resulted (either through dismissal or involuntary resignation of the victim) should be reinstatement, as well as appropriate monetary compensation. For other situations, the redress is usually monetary. Practical measures can also be put in place to complement the remedies provided, especially to ensure that such discrimination does not happen again.

Monetary compensation should be provided when the victim of racial discrimination has lost pay or benefits, or was denied a promotion due to racial discrimination. A job promotion that was denied could also be provided. Victims of racial discrimination should not be prejudiced in any way (for example, the

offender and not the victim should be transferred if a transfer of one of the parties is necessary). Counselling for the complainant and the offender could be made available.

p. *Disciplinary measures*

The policy has to ensure that action will be taken to make offenders accountable for their actions and to deter others from discriminating. This will demonstrate the enterprise's commitment to eliminating racial discrimination by punishing those responsible. Sanctions may include dismissal, suspension, demotion or transfer of the offender. However, the sanctions must be consistent with the individual's right to due process and with any legal provisions regulating dismissal and discipline.

q. *Protection from retaliation*

The policy should establish measures to prevent and address any retaliation or victimization against the complainant(s), alleged offender(s) and any witnesses. The employer must ensure high levels of discretion and confidentiality in the treatment of racial discrimination cases.

The policy should also establish access to counselling services for both complainant and alleged offenders. This is in order to overcome difficult situations such as tension between the parties should they continue to work together and to avoid any future retaliation and victimization.

r. *Due process*

The policy should clearly indicate the employer's commitment to due process in addressing all instances of alleged racial discrimination. All allegations should be investigated and the employer must ensure that the parties involved have the right to a full and fair hearing. If an individual is found to have violated the ethnic diversity policy, a fair disciplinary process must be applied.

s. *Appeals and further investigations*

The possibility of appealing any decision concerning racial discrimination should be included in the policy. Both the complainant and the alleged offender have the right to appeal the outcome of the disciplinary hearing. Should either party choose to file an appeal, he or she should contact the human resources or legal department. A small group of designated senior workers with the necessary skills and credibility or an agreed external party could serve on an appeals panel. This panel should review all relevant documents, conduct further investigations if necessary, and make a ruling on the appeal within a reasonable amount of time, for example within four weeks. The internal appeal process should not limit the complainant's right to take action under discrimination provisions under national law or regulations.

t. *Review and monitoring*

To eliminate discrimination in the workplace effectively, the policy should guarantee that follow-up mechanisms are in place to review current practices and monitor the implementation of the policy. These follow-up mechanisms should ensure the prevention of racial discrimination in the workplace in the future. If possible, the policy should mention the person(s) or department(s) responsible for the review and monitoring, and the process should be inclusive. Time frames for monitoring should also be specified in the policy, such as monthly or quarterly.





CHAPTER 3 Implementing an ethnic diversity policy

After reading this chapter you will be able to:

- Develop strategies to implement and communicate the ethnic diversity policy
- Give meaning to the policy and procedures and how they will be practised by the enterprise
- Develop ethnic diversity awareness campaigns
- Create an effective complaints procedure
- Develop an effective change management plan to introduce, embed and support the policy and its implementation

CONTENTS

1. Preparing for the implementation of an ethnic diversity policy	34
2. Introducing ethnic diversity initiatives through change management	34
3. Policy in action.....	36

1. Preparing for the implementation of an ethnic diversity policy

The development of a targeted and cost-effective strategic plan for implementation is important. Poor planning and lack of resources dedicated to implementation of the policy, and breakdowns in the steps leading to its launch, may result in it being neither respected nor accepted by workers. To address this, the enterprise might set up an internal joint committee consisting of trade union representatives, workers from different ethnic groups, and occupational and hierarchical levels. This committee can help secure worker buy-in for the policy. Diversity champions (usually members of the joint committee, including representatives of senior management) could also be identified to support this process. The enterprise also needs to identify an executive sponsor of the policy. This person is usually the CEO or a member of the executive committee.

The following questions need to be answered when implementing a policy:

- How will workers be informed about the new policy?
- How will the policy be disseminated?
- How will the policy be enforced?
- What is the trade union's role?
- Will information sessions and training courses be held?
- Who will be responsible for handling complaints and how will they be trained?
- Who will conduct the required training interventions?
- How will buy-in for the policy be secured?
- How will the new policy be introduced?

2. Introducing ethnic diversity initiatives through change management

Diversity initiatives often challenge the values and world view of individuals. For this reason, introducing diversity initiatives is both challenging and complex. The manner in which the enterprise introduces ethnic diversity initiatives is therefore crucial and can determine their successful implementation.

Best practice indicates that the most successful method of introducing diversity initiatives is through a change management process. This involves a structured approach to moving entities from their current state to the desired state.

Implementing a new ethnic diversity policy (or changes to an existing policy) is often met with resistance from both workers and managers, especially those in the dominant group. Uncertainty about their own future in the enterprise and learning about new ways of behaving towards ethnic groups are often key reasons for this resistance. At the same time, workers from minority groups might have unrealistic expectations and uncertainty regarding the new policy. Any of these can lead to the failure of the enterprise diversity policy and initiatives. The new policy may have novelty value, but interest could wane after a few months and therefore no sustainable gains will be made. For this

reason it is important to introduce and implement the new policy through a change management process.

A budget for the change management intervention should be prepared before embarking on any change management programme.

Figure 2. Sample change management plan

A. Prepare for implementing the ethnic diversity policy by:

- Identifying how many new projects the enterprise has started recently and whether workers are ready for another project;
- Identifying potential risks;
- Explaining the business, ethical and legal reasons for promoting ethnic diversity;
- Identifying, consulting and educating executive sponsors and diversity champions.



B. Implement the ethnic diversity policy by:

- Introducing diversity management workshops for all staff;
- Training all managers and supervisors on how to manage a diverse workforce;
- Removing existing obstacles, and continually identifying and addressing new barriers and opportunities;
- Drafting and implementing a multi-media ethnic diversity communications plan;
- Training and educating all staff on the contents of the policy and related initiatives;
- Mentoring, coaching and supporting line managers;
- Rewarding workers and teams for short-term gains.



C. Embed the ethnic diversity policy by:

- Providing regular progress reports to all stakeholders;
- Making the joint committee a formal workplace mechanism;
- Continuously monitoring progress associated with policy implementation;
- Linking ethnic diversity progress to short-term incentive schemes;
- Making ethnic diversity progress a key performance indicator of top management.

3. Policy in action

The workplace ethnic diversity policy is meaningful only if it makes a positive and visible difference in the daily lives of workers and achieves its aim of improving ethnic diversity and eliminating racial discrimination. For implementation to be a success, the following key factors need to be addressed:

- Leadership;
- Worker involvement;
- Roles and responsibilities;
- Timelines;
- Funding and support;
- Expertise and training;
- Communication and transparency;
- Lodging complaints;
- Resolving complaints.

a. *Leadership*

Top management must demonstrate overt and genuine commitment to the ethnic diversity policy. One way of doing this would be for them to sign the statement of commitment mentioned in Chapter 2 of this guide. Additionally, all levels of management must demonstrate commitment by enforcing and communicating the importance of the policy. There should be on-going communication underscoring management's support for ethnic diversity and eliminating racial discrimination.

b. *Worker involvement*

The success of the policy depends on the involvement of both workers and management in its implementation. This will ensure transparency and recognition across the enterprise, demonstrating that there is a serious attempt to include workers and their representatives in the process. There are various ways of ensuring worker participation. These include the establishment of a joint committee, diversity champions and ethnic diversity networks.

c. *Roles and responsibilities*

Both management and workers should know what their roles and responsibilities are in the implementation of the ethnic diversity policy. Clearly setting out who is responsible for the different tasks allows for consistent and coherent policy implementation.

Management tasks include:

- Advising all managers to include, where appropriate, a meeting agenda item which allows workers to discuss racial discrimination and ethnic diversity in the workplace. Key individuals such as the human resources manager, trade union representative and diversity manager should be invited to make a presentation on the subject;
- Speaking about racial discrimination and ethnic diversity at key workplace meetings;
- Attending racial discrimination or ethnic diversity courses with workers;
- Attending key joint committee meetings and providing feedback, direction and support;
- Releasing joint committee members to undertake the work of the committee;
- Allowing managers to express their concerns and reservations about the ethnic diversity policy to their own line managers;
- Having ethnic diversity as a standing agenda item at top and senior managers' meetings once a month or once a quarter;
- Allocating sufficient resources to ensure the success of the policy;
- Providing time and support to staff to attend training courses on ethnic diversity.

Human resources, transformation or diversity department tasks include:

- Providing strategic direction;
- Co-ordinating the development and formulation of the ethnic diversity policy and programmes;
- Driving the ethnic diversity policy and programmes;
- Developing, implementing and monitoring the ethnic diversity change management plan;
- Developing and implementing a communications plan for ethnic diversity in the enterprise;
- Drafting and disseminating regular diversity reports, both qualitative and quantitative;
- Identifying, consulting and giving regular feedback to internal stakeholders;
- Managing compliance and legislative aspects of ethnic diversity;
- Monitoring both the implementation of the policy and the enterprise's ethnic diversity progress;
- Ensuring ethnic diversity training for all staff;
- Supporting managers in implementing the ethnic diversity policy;
- Monitoring racial discrimination and ethnic diversity issues in performance management mechanisms.

Diversity champions' tasks include:

- Formally and informally discussing ethnic diversity with co-workers;
- Informally providing ethnic diversity information to co-workers;
- Identifying barriers and co-workers' concerns with regard to ethnic diversity;
- Passing on concerns and challenges to the human resources manager and line management;
- Leading diversity discussions in their own departments, divisions or teams;
- Articulating the business case for ethnic diversity within their departments, divisions or teams;
- Advocating for ethnic diversity when required, including in media and communication campaigns;
- Mentoring and supporting new workers in understanding the enterprise's ethnic diversity policy and initiatives.

The joint committee:

- Is consulted on all matters relating to ethnic diversity;
- Includes representation from the trade unions and all levels of workers and ethnic groups;
- Communicates key ethnic diversity matters to their constituents;
- Provides operational direction on ethnic diversity matters;
- Regularly discusses ethnic diversity progress in the enterprise;
- Formally provides feedback from staff to the human resources, transformation or diversity department and top management;
- Identifies barriers to the promotion of ethnic diversity in the enterprise;
- Is involved in the policy review.

d. *Timelines*

Timelines will vary, depending on enterprise priorities and available resources, amongst other factors.

In the short term, timelines should be developed that cover the period in which the policy will be initially implemented, noting major milestones and the timeframes in which they should be achieved. Examples of short-term timelines are shown in Table 2.

Table 2. Examples of short-term timelines

Intervention	Time frame	Target group	Responsibility
Develop training materials	Before week one	All workers	Human resources or training department
Implement an awareness campaign using posters, social media, e-communiqués	Week one to week four	All workers	Joint committee and/or trade union to assist
Conduct training sessions	Week one to week eight Three sessions per week	All workers to be trained within eight weeks of the policy launch	Training department
Introduce or amend performance management measures to ensure compliance and sustainability	Six months	All workers	Human resources with senior management

In the longer term, it is important to establish timelines for achieving the goals set out in the policy. These timelines should guide its implementation and will aid in monitoring and reviewing the policy to ensure it is fulfilling its goals.

e. *Funding and support*

Sufficient financial and human resources are critical to the successful implementation of the policy. There will always be competing needs for resources in every enterprise. For this reason it is crucial to explain both the direct and indirect return on investment to the relevant decision makers. Although this will differ across enterprises, the general benefits outlined in the introductory chapter should inform the discussion. Additional enterprise-specific benefits can be added, such as projections of the financial costs of not implementing the policy. The amount of funding required will depend on the size of the enterprise and the measures identified as necessary.

f. *Training and expertise*

On-going training is essential for successful policy implementation. Materials should be developed and training courses offered to management, workers and trade union officials. It is appropriate to first train members of the joint committee and other specific internal stakeholders, including diversity champions. Moreover, with a view to ensuring sustainability, key staff members with relevant expertise can be identified and trained to conduct ethnic diversity interventions. The enterprise can also embark on a diversity “training of trainers” programme.

Different training methods can be used such as mentorship, role-plays, lecturing and e-learning. Training should focus on:

- The strategic imperatives, benefits and business case for an ethnically diverse workforce;
- The contents of the ethnic diversity policy, its importance, why it is being introduced, why it is to be observed and how it will impact on staff;
- What the envisioned end results are;
- The risks of non-compliance;
- How to use the policy effectively;
- Complaints procedures;
- Definition and examples of racial discrimination;
- Definitions of key terms in the policy.

g. *Communication and transparency*

The goal of the communication campaign is to ensure that all workers and managers are aware of the ethnic diversity policy, familiar with its contents, and know how and when it will be implemented. Workers should also be told the results of the implementation. Raising awareness and building support for ethnic diversity in the workplace are essential to secure buy-in and can ensure both adherence to the policy and sustainable long-term gains.

It is important to embark on a multi-media communication plan. It could include posters, brochures, pamphlets, e-mail communiqués, promotional events, small group presentations, interviews, internal television loops, mass information sessions, social media, newsletters and websites, for example.

Tips for successful training

- Promote the benefits of training for all workers;
- Foster commitment to build expertise about ethnic diversity and racial discrimination so that the workplace continues to improve in this area;
- During training, provide a forum to:
 - Openly discuss racial discrimination and ethnic diversity;
 - Allow workers to share experiences;
 - Continuously reinforce the key messages;
 - Provide insights into the effectiveness of the policy and its implementation;
 - Allow for an exploration of the negative attitudes and perceptions of participants;
 - Begin to change negative perceptions and attitudes towards ethnic diversity;
 - Explore possible measures to prevent and rectify situations of racial discrimination;
- Target training to specific areas of the workplace where the ethnic diversity audit has shown it is most needed. For example, there may be a particular department that has specific issues with racial discrimination;
- Provide training materials that can be taken home by workers such as posters, pamphlets and brochures; small promotional items such as rulers, pens, USB keys and fridge magnets are also recommended.

Key messages to include are:

- What is racial discrimination;
- What is ethnic diversity;
- What are the benefits of having an ethnically diverse workforce;
- Why will racial discrimination not be tolerated in the enterprise;
- What are the legal, reputational and financial risks involved in not embracing ethnic diversity;
- What is the enterprise doing to stop racial discrimination;
- What are the responsibilities in eliminating racial discrimination in the enterprise;
- What progress has been made and what challenges remain;
- Where do workers get more information? This may include:
 - Trade unions;
 - Human resources, transformation or diversity department;
 - Joint committee members;
 - Diversity champions.
- Contact details of these entities should be included, together with a website address or link to relevant documents on the enterprise's Intranet.

Things to remember when developing a communication plan

Define the purpose – Why a communication strategy; what risks will it mitigate; which enterprise values or goals will it support; which behaviours and mind-sets need to be changed?

Identify the target audience – Who is the target audience; is it segmented; if so, how?

Clarify messages – What are the key messages; who are the message owners? Ensure that consistent messages are sent to all hierarchical levels; ensure the message will tell workers about what to do in order to break down their resistance to taking action.

Showcase success – Communicate success stories, milestones achieved, numeric progress.

Use mixed media – To achieve the best exposure. Use different media to ensure that the messages get through on different platforms, including social media.

Use high traffic areas – Place posters, banners and other visual media in highly visible areas.

Secure budgets and set time frames – What is the budget for the communications campaign; how long will the campaign last? Identify risks of a too long or too short campaign.

Measure the effectiveness of the campaign – How will the success of the campaign be measured; what key behavioural indicators will be used; what other indicators will be useful?

Reinforce messages and behavioural changes – How often will this be done and in what format?

Accommodate different languages and literacy levels – Messages should appear in the different workplace languages. Also consider levels of worker literacy and alternate forms of communication in cases where it is low.

h. *Lodging complaints*

Making it easy for workers to raise complaints helps demonstrate a fair and concerted hearing of their concerns. If it can be shown that the complaints procedure is confidential, backed by prompt and effective action to investigate and settle them in a transparent and serious manner, there will not only be greater acceptance of the policy but also greater commitment to practice the policy throughout the enterprise. The stronger the commitment to the policy, the greater likelihood of success and the longer it will remain effective.

When considering the best options for the enterprise, it is important to remember that one approach may not be enough to ensure an adequate complaints procedure. Both the complainant and the alleged offender should have the right to access information and advice. Whilst not an exhaustive list, a combination of the following methods may be considered:

- **Focal point:** Irrespective of the size of the enterprise, it is important to have one or more officials dedicated to overseeing that the policy is upheld. These “focal points” should be reliable, approachable and respected by staff and management, such as members of the joint committee. The size of the enterprise will determine the number of focal points and how many workers are covered by each one.
- **Human resources, transformation or diversity department:** If the enterprise is large enough to support a human resources, transformation or diversity department, then consideration should be given to appointing the main focal point from within this department.
- **Trade unions:** Trade union members often need assurance that they have trade union support to raise issues regarding racial discrimination. Some workers therefore prefer to call

their trade union before they lodge a complaint. Others may prefer to lodge their complaints via their trade union.

- **Call centre:** For a large enterprise, it may be cost-effective to establish a call centre. Those workers who are not yet ready to lodge a formal complaint may contact the call centre, anonymously if they wish, to voice their concerns and seek further advice. Properly equipped call centres are also vital for ensuring that cases are tracked and followed up by managers who are responsible for the work or by the department where racial discrimination is alleged to have occurred.
- **Ethics hotline:** Some companies have ethics hotlines that are staffed by an external advisor. This line is usually reserved for more severe complaints and can be used anonymously. The response time for complaints lodged here is usually shorter than that for complaints lodged via other channels.

i. *Resolving complaints*

Workers should be informed of the channels that may be used to resolve complaints. Ethnic diversity training sessions should include a module on how to deal with racial discrimination complaints.

Enterprises usually have two channels through which complaints can be resolved: formal and informal.

Formal complaints are usually managed by the human resources, diversity or transformation department. If the complaint is against these departments, an independent external person should manage it. Complaints should be investigated and dealt with promptly. Because a formal investigation will proceed, allegations must be in writing and signed by the person(s) lodging them. Trade unions should also be able to submit complaints on behalf of one or more workers. The alleged offender should receive a copy of the allegations and be given an opportunity to respond to them before the investigation begins. A thorough investigation should:

- Include interviews with complainants, their witnesses, alleged offenders and their witnesses. It is good practice that interviewees may be accompanied by a trusted colleague or trade union representative should they wish;
- Examine all relevant documents, records and personnel files if necessary;
- Provide a written summary of the full investigation to the complainant and the alleged offender. Both parties should be given the opportunity to provide comments on the content of this summary before the full report is finalized;
- If the report is drafted by an independent investigator, the full report should be submitted to the person who is responsible for the management of the complaint. This report should include who was interviewed, what questions were asked, the investigator's conclusions, and what possible remedies, sanctions or other action may be appropriate.

Informal processes include conciliation, mediation, counselling or discussions in order to resolve complaints. The terms “conciliation” and “mediation” are sometimes used interchangeably, though in some systems a distinction is made in terms of process, with a mediator making recommendations, and a conciliator facilitating dialogue between the parties but not making any recommendations.

Where both parties agree, conciliation or mediation can be used at any time during the process. For example, should the complainant initially decide on a formal process but during the process agree to mediation instead, the formal process would be suspended pending the outcome of the informal one. The role of the conciliator or mediator is not to impose an agreement but to help the parties reach a mutually acceptable agreement. Conciliators and mediators therefore need to be knowledgeable about labour, equality and non-discrimination law, diversity-related legislation, the terms of any collective agreement, the enterprise’s ethnic diversity policy and related enterprise policies and procedures. The conciliator or mediator should remain impartial throughout the complaints process. In most cases, conciliators and mediators have specialized training and come from outside the enterprise. By using informal procedures, the complainant does not waive the right to go through the formal procedures or use procedures available under the law.

Support from outside the enterprise may be used if the complainant is not satisfied with the outcome of internal processes, or has grounds to lack confidence in them. There are usually national bodies to deal with cases of racial and other forms of discrimination in the workplace and society in general. These have many different names such as the Office of the Ombudsperson, National Equality or Human Rights Commissions. These bodies may be contacted for additional information and guidance regarding legislation and procedures for dealing with discrimination in the workplace.



CHAPTER 4 Monitoring and reviewing an ethnic diversity policy

After reading this chapter you will be able to:

- Assess the success of the enterprise in implementing the ethnic diversity policy and achieving its goals
- Assess the progress of the enterprise in eliminating racial discrimination
- Measure progress against external benchmarks
- Review the policy and undertake necessary corrective measures
- Report on the policy's successes, failures, opportunities and obstacles

CONTENTS

1. What needs to be monitored and assessed?	46
2. Assessing effectiveness of the policy	47
3. Feedback	47
4. Reports	48
5. Complaints procedures	48
6. Monitoring progress	48
7. External benchmarking	49
8. Review of the ethnic diversity policy and related interventions	50
9. Reporting progress to internal and external stakeholders	50

The impact of an ethnic diversity policy can only be understood fully when it is monitored adequately. As the goal of an ethnically diverse workplace is sustainable long-term change within the enterprise, the implementation of the policy needs to be continually monitored and reviewed. Eliminating racial discrimination and embracing ethnic diversity are parallel processes, with many different and measurable milestones. Regular reviews will also allow for the policy to be adapted as needed. The enterprise should put in place a real-time monitoring and review mechanism that:

- Monitors the progress of all the different programmes and activities related to the policy;
- Monitors team efforts in implementing diversity initiatives;
- Helps identify areas where the enterprise needs to improve its performance in eliminating racial discrimination;
- Identifies opportunities to further the aims of the policy;
- Identifies obstacles to the implementation of the policy;
- Includes the diversity champions and joint committee;
- Includes timeframes for monitoring and review.

1. What needs to be monitored and assessed?

Once the policy is implemented, it is important to assess the progress made towards achieving its objectives. Some aspects that need to be assessed include:

- Diversity in terms of staff profile and staff movement;
- Enterprise culture;
- Systemic barriers to ethnic diversity;
- Opportunities for embracing ethnic diversity;
- Compliance with relevant legislation;
- Direct and indirect discrimination;
- Change in the number of incidences of racial discrimination in the enterprise;
- Areas of the enterprise that need further attention;
- Effectiveness of communication methods and messaging;
- Effectiveness of training in meeting desired goals;
- Effectiveness of mechanisms to lodge complaints;
- Workers' and management's understanding of their role in the policy;
- Workers' and management's acceptance of the policy;
- Leadership commitment to implement the policy.

Progress on each of these aspects may best be assessed over different time periods. For example, the enterprise may assess the staff profile once a month and effectiveness of the communication plan only once a year.

2. Assessing effectiveness of the policy

To assess progress and identify gaps in the implementation and achievement of policy goals, the following methods of measurement should be considered:

- Feedback from workers, management, trade unions, diversity champions and the joint committee;
- Reports;
- Results of complaints procedures.

The information gathered in the ethnic diversity audit should be used as a baseline when measuring progress in eliminating racial discrimination and advancing ethnic diversity in the enterprise.

3. Feedback

Feedback from workers, management and trade unions, diversity champions and the joint committee, is an effective method for monitoring the effectiveness of the policy and its implementation. Therefore continual feedback should be sought from across all occupational and hierarchical levels.

Feedback can be obtained by different methods such as:

- Ethnic diversity and enterprise culture surveys;
- Individual interviews;
- Focus groups;
- Suggestion boxes;
- Interviews with complainants and alleged offenders in cases of racial discrimination complaints.

Examples of ethnic diversity survey questions

- True or False? The ethnic diversity policy has benefited the work atmosphere by encouraging all workers to contribute openly, regardless of their ethnic origin.
- Is the ethnic diversity policy consistently applied?
- What practices within the enterprises still do not take ethnic diversity into account?
- Is the ethnic diversity policy necessary?
- Do you have any suggestions on how to improve ethnic diversity?
- Is the enterprise committed to ethnic diversity?
- Do you feel that an ethnically diverse workforce promotes innovation?

Anonymity is the most suitable method to obtain honest feedback from staff. Also, it is important to ensure that there are mechanisms in place to guarantee confidentiality and prevent retaliation and victimization of workers who provide feedback. It is also essential to communicate to staff that their views are valued. When workers believe that their comments are taken seriously and are used to guide the implementation of the policy, they are more likely to continue providing honest feedback.

Tips for obtaining feedback from workers, management and other internal stakeholders

- Communicate names and contact details of diversity champions and joint committee members;
- Pro-actively solicit feedback from trade unions. In the absence of a trade union, encourage workers to provide feedback to freely elected worker representatives, diversity champions or the joint committee;
- Provide channels for anonymous feedback, such as a diversity chat room or an ethics hotline. Anonymous feedback is useful in gauging attitudes in the workplace of those who might otherwise remain silent.

4. Reports

Reports (e.g. human resources, financial, corporate social responsibility monitoring, company and annual) can provide excellent sources of information for measuring both commitment to, and progress towards, eliminating racial discrimination and embracing ethnic diversity in the enterprise. Reports from the joint committee and diversity champions can also be helpful.

5. Complaints procedures

The functioning and outcome of complaints procedures over a set period of time should also be considered when assessing the effective implementation of the policy, especially in relation to the protection of all ethnic groups.

The following factors should be taken into consideration when determining whether an enterprise has met its responsibilities in responding to a racial discrimination complaint:⁵

- Whether there were procedures in place at the time;
- Did the complainants make use of the formal or informal process;
- The promptness of the employer's response to the complaint;
- The seriousness with which the complaint was treated;
- Resources made available to deal with the complaint;
- Whether the enterprise provided a healthy work environment for the complainant;
- Whether the complainant was fully informed about the action taken;
- The outcome of the complaint.

6. Monitoring progress

There are several ways of monitoring diversity progress within an enterprise. These include climate surveys, exit interviews, post-termination interviews and tables.

There are various types of tables that can be used for this purpose. Ethnic composition of the workforce is one of the indicators that could be monitored in a table. Other areas that could be assessed using a table include:

- Turnover
- Job offers and refusals
- Tenure or length of stay
- Promotions
- Voluntary terminations, dismissals and retirements
- Type of contract: part-time, full-time, job sharing, temporary and casual
- Wage and benefit package
- Trade unionization
- Coverage of collective agreements
- Training
- Disciplinary hearings and grievance procedures
- Scholarships
- Performance evaluation categories
- Succession pools
- Applicants for employment
- Percentage of procurement budget spent on specific ethnic groups

7. External benchmarking

There are various benchmarking tools that enterprises can use to assess their progress in eliminating racial discrimination and embracing ethnic diversity. These tools include a number of indicators to assess current practices against other enterprises from comparable industries and sectors. It is preferable to compare progress against:

- An enterprise that started in a similar situation in terms of ethnic diversity profile, time and place in order to see whether comparable progress has been made;
- An enterprise that started with a different ethnic diversity profile, time and place in order to learn new techniques for dealing with workplace ethnic diversity.

An example of an international benchmarking tool is the United Nations Global Compact.⁶ Enterprises joining the Global Compact make a commitment to report on their progress against 10 general principles, including that businesses should uphold the elimination of discrimination in respect of employment and occupation (Principle 6).

Benchmarking can be a costly exercise. Therefore information may also be gathered by visiting other companies and using information available in the public domain such as government reports.

8. Review of the ethnic diversity policy and related interventions

On-going benchmarking, assessing and monitoring will determine if the enterprise is effectively implementing the ethnic diversity policy and achieving its goals of embracing ethnic diversity and eliminating racial discrimination. If progress is below expectation, adjustments to the ethnic diversity interventions may be needed. Adjustments to the policy may be required when:

- Non-discrimination and equality legislation changes;
- Enterprise strategic objectives change significantly;
- Wording in the policy is ambiguous;
- Major gaps have been identified in the policy.

9. Reporting progress to internal and external stakeholders

The human resources, diversity or transformation department should compile regular ethnic diversity reports. These reports, after consultation with the joint committee, should include statistical and qualitative analyses, comments and recommendations. The enterprise should determine upfront how often different reports will be drafted, to whom they will be distributed and in what format the report should be for different audiences. For example, the trade unions could receive an extensive quarterly report, while staff could receive a short monthly ethnic diversity barometer via e-mail. Top management could receive a full statistical analysis every month. By keeping management and workers aware, it is more likely that the policy will achieve success and be accepted by all.

Ethnic diversity reports (or abridged versions) may also be distributed to external stakeholders. For example, a section on ethnic diversity could be included in the annual report. Similarly, media releases about the enterprise could include ethnic diversity information. Public road-shows, career and recruitment campaigns could also include a segment on ethnic diversity progress or initiatives in the enterprise.





Appendix 1

Examples of questionnaires

These are all questionnaires that can be used in an ethnic diversity audit.

Forced choice questions: where respondents answer yes or no, true or false

Sample Questions

- i. Our enterprise welcomes people from diverse cultures.
- ii. Workers from certain ethnic groups are clustered in certain job levels.
- iii. Job advertisements target diverse ethnic groups.
- iv. Job advertisements state that the enterprise embraces diversity.
- v. Top management supports diversity.
- vi. Collective agreements cover all ethnic groups.
- vii. Succession pools (i.e. people designated to succeed managers in the organization) are diverse.
- viii. Our enterprise's recruitment processes are fair.
- ix. Our enterprise's supply chains practice diversity.

Likert (opinion) questions: strongly agree, neither agree nor disagree, disagree, strongly disagree

Sample Questions

- i. Promotions are not fairly distributed amongst all ethnic groups.
- ii. Workers from all ethnic groups are considered for promotion to senior management.
- iii. Workers from all ethnic groups receive equal pay for work of equal value.
- iv. All workers, irrespective of ethnic origin, are targeted for career development.
- v. The enterprise tolerates discrimination.
- vi. Performance reviews are fair.
- vii. Special events are organized to integrate workers from different ethnic groups.
- viii. Workers from minority ethnic groups do not benefit from work-family balance initiatives.

Rating scale questions: good, fair, poor, very poor

Sample Questions

How would you rate?

- i. The human resources Department's commitment to diversity.
- ii. The enterprise's attempts to eliminate racial discrimination.
- iii. Top management's commitment to diversity.
- iv. The enterprise's diversity initiatives.
- v. Reasonable accommodation of different beliefs, customs and practices of ethnic groups in the enterprise.
- vi. The dominant group's commitment to diversity.
- vii. The enterprise's procedures to deal with racial discrimination complaints.

Hypothetical questions: Complete the sentence after "I would"

Sample Questions

- i. If the enterprise employed more ethnically diverse candidates, I would ...
- ii. If there were more ethnically diverse employees in my department, I would ...
- iii. If I worked with a person from a different ethnic group, I would ...
- iv. If the enterprise wanted to increase the number of staff from ethnic minorities, I would ...
- v. If I were invited to attend workplace functions with colleagues from different ethnic groups, I would ...
- vi. If my manager was a member of a different ethnic group, I would ...
- vii. If I experience discrimination, I would ...
- viii. If I were to manage people from different ethnic groups, I would ...

Importance questions: How important is ... in the enterprise? Extremely important, very important, somewhat important, not very important, not at all important

Sample Questions

How important are the following in this enterprise?

- i. Succession planning.
- ii. Attracting diverse workers.
- iii. Retaining diverse workers.
- iv. Work-family balance for all workers.
- v. Eliminating discrimination.
- vi. Practicing the enterprise values.
- vii. Managing discrimination complaints.

Open ended statements: respondents give their opinion; usually asked at the end of the questionnaire

Sample Statements

- i. The best thing about diversity in the enterprise is ...
- ii. Workers leave the enterprise because ...
- iii. The following factors play a role in securing a job in the enterprise: ...
- iv. The main barriers to ethnic diversity in the enterprise are ...
- v. The following groups benefit from workplace ethnic diversity programmes: ...
- vi. The following ethnic groups are most affected during restructuring or downsizing: ...
- vii. Diversity in the enterprise is ...
- viii. The main areas needing diversity improvement in the enterprise are ...



limitados

Experiencia
Operativa
Riesgo y seguridad

TIPO	
Biológico	Personas, Ambiente
QUIMICO	maquinaria, humana
Físico	red, equip., recursos, empleados

Arbol de decisiones

ISO / HAC

Don't (as)

Appendix 2

Sample ethnic diversity policy

Ethnic Diversity Policy

[Enterprise name] is committed to embracing ethnic diversity and equal opportunities, and eliminating racial discrimination.

We value the contribution that all ethnic groups provide to the enterprise in terms of experience, skills, approaches, talents, perspectives, innovation and creativity.

[Enterprise name] Statement of Commitment to Ethnic Diversity

We, the leaders of *[enterprise name]* are committed to:

- A workplace that embraces ethnic diversity and provides equal opportunities for all;
- An environment that is free from racial discrimination;
- The contribution that all ethnic groups provide to the enterprise in terms of experience, skills, approaches, talents, perspectives, innovation and creativity;
- Fair and transparent practices and the elimination of all forms of discrimination;
- The equitable treatment of all workers and applicants;
- Zero tolerance for discrimination, including harassment or victimization.

Purpose

The purpose of this policy is to embrace ethnic diversity and eliminate racial discrimination in the enterprise. The creation of a Policy on Ethnic Diversity will assist *[enterprise name]* to identify its aims and aspirations for ethnic diversity and the means by which this will be achieved at an individual, departmental and corporate level.

Context

This policy is informed by *[insert company vision statement, relevant national legislation, regional or international agreements, including name and year enacted]*

Scope of the policy

This policy applies to all:

- Full and part-time workers
- Permanent and temporary workers
- Casual workers
- Homeworkers
- Students and interns
- Apprentices
- Non-executive Board members
- Contractors, vendors and suppliers

Definitions

Discrimination: Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, as defined in the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Other grounds of discrimination can be added after consultation with representatives of employers' and workers' organizations, where such exist, and with other appropriate bodies. Discrimination can be direct or indirect. Harassment is a serious form of discrimination.

Racial discrimination: The International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."⁷

Ethnic group: A group of people whose members identify with each other through such factors as common heritage, culture, ancestry, language, dialect, history, identity and geographic origin. It includes persons from a range of backgrounds including indigenous and tribal peoples, people of African and Asian descent,⁸ Roma people and migrant workers.

Investigation: A systematic inquiry into allegations of racial discrimination.

Conciliation/mediation: An intervention in a dispute by an independent party with a view to achieving a mutually agreed solution through facilitated dialogue. The terms "conciliation" and "mediation" are sometimes used interchangeably, though in some systems a distinction is made in terms of process, with a

mediator making recommendations, and a conciliator facilitating dialogue between the parties but not making any recommendations.

Proactive measures: Action aimed at ensuring equality of opportunity in practice, taking into account the diversity of situations of the persons concerned. It includes affirmative action or positive action, so as to halt discrimination, redress the effects of past discrimination and restore a balance.

Retaliation or victimization: To seek revenge, reprisal, injury or any disadvantage to an individual or group who has exercised the right to make a written or verbal complaint of racial discrimination, either directly or through their staff representative, or has participated in an investigation or in formal or informal procedures as a witness or otherwise.

Examples of discrimination

Discriminatory conduct can take many forms and will not be tolerated in *[enterprise name]*. Claims of racial discrimination may arise from conduct that includes, but is not limited to:

- Exclusion of certain ethnic groups from certain occupations and levels in the enterprise;
- Disparaging jokes related to a person's ethnic origin;
- Racial slurs, including using derogatory language;
- Exclusion of certain ethnic groups from career advantages such as access to training, succession pools, scholarships, benefits and promotions;
- Isolation of certain ethnic groups from any participatory process within the enterprise;
- Stereotypical remarks relating to a specific ethnic group(s);
- Racial harassment;
- Exclusion of certain ethnic groups from meetings or work functions;
- Refusal to work with workers from certain ethnic groups;
- Paying unequal remuneration for work of equal value;
- Failure to provide reasonable accommodation for beliefs, practices or customs of an ethnic group;
- Showing and circulating comic strips, pictures or images that are ethnically degrading;
- Procuring services from only a particular ethnic group;
- Allocating corporate social investment resources only to certain ethnic groups.

Proactive measures

To complement this policy, *[enterprise name]* will implement proactive measures such as the development of equality plans and setting goals and timetables for increasing the representation of under-represented ethnic groups. A target system allocating a proportion of certain positions for such ethnic groups will also be undertaken.

Workers' rights

Workers have the right to a workplace free from racial discrimination. Every worker has the right to be treated fairly, with dignity and respect at all times. Treating someone in a disrespectful manner or providing fewer opportunities because of their ethnic origin is both unjust and illegal under the *[name and year of legislative Act if appropriate]*.

Managers' responsibilities

Management must:

- Recognize and value ethnic diversity;
- Positively embrace equality of opportunity, ethnic diversity, harmonious working relations and the elimination of racial discrimination;
- Ensure that their staff are aware of their responsibilities with regard to ethnic diversity;
- Identify any instances of racial discrimination, harassment or victimization and take appropriate action to address the problem and prevent its repetition;
- Not discriminate on the grounds of ethnic origin when applying processes relating to human resources or other practices;
- Protect complainants and witnesses from retaliation and victimization.

Workers' responsibilities

- Every worker shall comply with measures that are introduced to ensure ethnic diversity, equality of opportunity and the elimination of racial discrimination;
- No worker shall induce other workers, managers, or their representatives to discriminate on the grounds of ethnic origin;

- No worker shall victimize an individual on the ground that they have made complaints or provided information about racial discrimination;
- No worker shall harass, abuse or intimidate another worker on the ground of ethnic origin.

Consultation

There will be consultation at all stages of the implementation and review of this policy and related ethnic diversity initiatives in *[enterprise name]*. This consultation will include members of all ethnic groups or their representatives such as the trade union or joint committee on ethnic diversity.

Guidance, support and training

Guidance, support and training will be provided to all workers and managers to ensure that the enterprise's commitment to embrace ethnic diversity and eliminate racial discrimination is realized.

Complaints process

Any worker who considers that he or she has not been treated in accordance with this policy should raise his or her concerns in writing with their line manager, the human resources department, their trade union or a member of the joint committee.

A complainant has the right to request that the complaint be dealt with through a formal or informal process. The formal process may be suspended at any time at the request of both parties in order to pursue informal resolution and vice-versa.

A worker accused of racial discrimination has the right to reply fully to the allegations and to be represented in the complaints procedure.

The enterprise commits to dealing with complaints in a fair, equitable, confidential, transparent and expeditious manner.

Mediation

[Enterprise name] recognizes mediation as a means of conflict resolution. Any individual who believes that they are subject to racial discrimination may choose to resolve their complaint through mediation with the help of a trained mediator. *[enterprise name]* guarantees confidentiality in the mediation process. The parties may agree to use mediation at any stage of the complaints procedure.

Investigation, due process, and appeal

The process for investigating complaints of alleged racial discrimination will be separate from the mediation process. The same person may not perform the functions of mediator and investigator in a single case. Guidelines for conducting an investigation of a racial discrimination complaint are available from the Human Resources Department and are also available on the [\[enterprise name\]](#) intranet site.

If the complainant or alleged offender is dissatisfied with the process, investigation or results of the investigation, they are entitled to appeal internally or via the legal process.

Results of the Investigation

After the investigation is complete, a fair and timely hearing shall be conducted. If the alleged offender is found to have discriminated against a worker on the basis of race, [\[enterprise name\]](#) shall impose appropriate disciplinary measures. Disciplinary measures may include a warning, suspension, transfer, dismissal or termination of contract. Victims shall be entitled to redress, which may include reinstatement, a promotion that was denied, pay and benefits that were lost or other compensation.

Protection from retaliation and victimization

[\[Enterprise name\]](#) is committed to providing an environment which is safe and respectful for all workers. Therefore any type of retaliation or victimization resulting from voicing concerns or filing complaints about racial discrimination will not be tolerated. Workers shall not be disadvantaged in employment conditions or opportunities as a result of lodging a complaint, participating in an investigation or providing any additional support or information in relation to a complaints process.





Appendix 3

Sample plan for implementing proactive measures

This detailed plan was drafted for a medium-sized enterprise of 750 persons in South Africa. In this country the dominant (white) group is in fact a minority in terms of the national population. The 80-20 principle it mentions is a proactive measure aimed at reflecting the national demographic so that the main ethnic groups have equal opportunities. This draft can be adapted to reflect other national or regional realities and is informed by the results of the ethnic diversity audit conducted in the enterprise.

Action	Intervention	Time-frame	Responsible person(s)
Recruitment	Adhere to agreed targets in all appointments based on number of opportunities	Insert time frame for implementation of each action	- Executive committee (Exco) - Human Resources (HR)
	- Headhunting via diverse headhunting companies, this in terms of the enterprise procurement process; - Establish database of diverse recruitment agencies in various cities if national or international enterprise		- HR - Diversity Manager to support
	Form alliances with professional associations for specific ethnic groups		- Corporate Affairs Manager - Diversity Manager
	Evaluate, modify and monitor practices around recruitment of temporary workers		- Exco - Diversity Manager - HR Manager
	Continue with existing scholarship programme but apply 80-20 principle		- Line Managers - HR consultants
	Implement student development programme: identify, support and tutor grade 9+ target group learners interested in pursuing technical careers		- Corporate Affairs Manager - Learning Managers - Diversity Managers
Advertising	Where appropriate, vacancies will be advertised through the communication networks and channels of professional associations for the specific ethnic groups		HR
	Explore costs of advertising in media accessible to ethnically diverse readers		- Exco - Diversity Manager - Finance Department
Placement	The 80-20 principle will be applied when considering candidates for acting and rotating positions		- HR Manager - Line Managers - HR

Action	Intervention	Time-frame	Responsible person(s)
Remuneration	Implement remedial actions where unjustified salary differences are identified	Insert time frame for implementation of each action	- Exco - HR - Finance Department
Resistance to change	Change management strategy and implementation		- Change Management Specialist - Communications Department
Training and development	Align skills training with ethnic diversity targets (if any)		- Learning Manager - Diversity Manager
	In all training interventions, adhere to 80-20 principle		- Learning Manager - HR
	80-20 principle to be applied in succession pools		- HR - Line managers - Learning Manager
	Implement accelerated training and development programme for high potential candidates from the target groups		Learning Manager
Promotions	Promotions will be considered in accordance with the 80-20 principle		- Exco - Line managers
Corporate culture	Regular communiqués to protect whistleblowers from victimization		- HR - Diversity Manager
	Workers to escalate diversity-related complaints to joint committee members		All workers
	Diversity workshop and training for Exco		Independent consultant
	Diversity session for all staff		Independent consultant
	Diversity Management experience to be included in enterprise induction		Diversity Manager
Unfair discrimination, including racism and sexism	Anti-discrimination statement (commitment)		Chief Executive Officer and Exco
	Complaints of discrimination or racism can be escalated to the Joint Committee, line manager, the HR or Diversity Manager		- Joint Committee - All workers
Time off for joint committee members to meet and work on diversity related matters	Line Managers' instruction to release Joint Committee members for Joint Committee meetings and duties		- Exco - HR
	Diversity will be added as Key Performance Area (KPA) for Joint Committee members		- Exco - HR
Retention of specific ethnic groups	Reasonable accommodation will be made for targeted groups, e.g. religious differences and related food preferences will be embraced, as opposed to tolerated		- Exco - Line managers

Action	Intervention	Time-frame	Responsible person(s)
Organizational culture	• Distribute business case for diversity	Insert time frame for implementation of each action	• HR Manager • Diversity Manager
	• Diversity progress reports on Intranet		• Diversity Manager
	• Discussion of Diversity matters in departmental staff meetings		• Joint Committee members
	• Quarterly Diversity Newsletters		• Diversity Manager
	• Joint Committee training workshop		• Diversity Manager
	• Annual Diversity blitz		• Diversity Manager



Appendix 4

Glossary of key concepts and terms

Colour

Difference in colour is one of the most visible ethnic characteristics that differentiate human beings.

Conciliation/mediation

An intervention in a dispute by an independent party with a view to achieving a mutually agreed solution through facilitated dialogue. The terms “conciliation” and “mediation” are sometimes used interchangeably, though in some systems a distinction is made in terms of process, with a mediator making recommendations, and a conciliator facilitating dialogue between the parties but not making any recommendations.

Culture

Culture is the attitudes and behaviours which are characteristic of a particular social group or enterprise. It is a shared, learned, symbolic system of values, beliefs and attitudes that shape and influence perception and behaviour. It includes ways of life, social and economic activities that give a group or community a sense of identity. Cultural norms change over time.

Discrimination

ILO Convention No. 111 defines discrimination as “Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” The Convention also provides for the inclusion of additional grounds of discrimination, to be determined by the member State concerned after consultation with representative employers’ and workers’ organizations, where such exist, and with other appropriate bodies. Harassment is a serious form of discrimination. Discrimination can be direct or indirect.

Direct discrimination

Discrimination is direct when rules, practices, behaviour or policies exclude, prefer or otherwise treat less favourably, certain individuals, either explicitly or implicitly, because they belong to a particular group.

Indirect discrimination

Indirect discrimination refers to apparently neutral situations, regulations or practices which in fact result in unequal treatment of persons with certain characteristics, e.g. ethnic group. It occurs when the same condition, treatment or criterion is applied to everyone, but has a disproportionately harsh or negative impact on some groups.

Indirect discrimination is, by its very nature, much harder to expose than direct discrimination. It can be unintended, and hidden in terminology and bureaucracy. It must nevertheless be addressed. Sometimes a policy, rule or practice seems fair because it applies equally to everyone. When we take a closer look, however, we may find that it is biased against a particular group in its impact.

Racial discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”⁹

Discrimination against ethnic groups is racial discrimination.

Structural or systemic discrimination

Structural discrimination is inherent or institutionalized in social patterns, institutional structures and legal constructs that reflect and reproduce discriminatory practices and outcomes.¹⁰ These may include, for example, differential or inferior conditions of training available to ethnic minorities, or shortcomings in educational, transport and other services.

Diversity

Diversity refers to a commitment to recognizing and appreciating the variety of characteristics that make individuals unique in an atmosphere that embraces and celebrates individual and collective achievement. Identity is dependent on much more than one dimension of a person's background. In recognizing and appreciating the many characteristics that make individuals unique in the world, diversity provides solutions to eliminate racial discrimination in the workplace.

Enterprise culture

The enterprise culture gives members of that enterprise a common identity. It is displayed in its use of both recorded policies and procedures and through unwritten rules. However, what is expected behaviour and what is practiced in reality can be very different.

Ethnic group

The term “ethnic group” refers to a group of people whose members identify with each other through such factors as common heritage, culture, ancestry, language, dialect, history, identity and geographic origin. It includes people from a range of backgrounds including indigenous and tribal peoples, people of African and Asian descent,¹¹ Roma people and migrant workers.

Ethnic minority

The term “ethnic minority” does not necessarily refer to ethnic groups that are a numerical minority. Instead it refers to any ethnic group that is not dominant socially, economically or politically.

Harassment

Harassment based on race is unwanted conduct based on race or ethnic origin that has the aim or effect of violating a person’s dignity or psychological or physical integrity, or creating an intimidating, hostile, degrading or offensive working environment for that person. Harassment may take many forms and includes, but is not limited to, the following conduct:

- Making direct or implied threats;
- Making false accusations;
- Isolating a person, including leaving him or her out of events or meetings, or preventing the person from expressing him or herself;
- Discrediting the person – spreading rumours, belittling or denigrating the person or subjecting them to constant criticism, including criticism in the presence of his or her work colleagues;
- Making jokes, insinuations, statements, humiliating comments or racially oriented remarks;
- Making comments ridiculing individuals’ customs or practices;
- Showing and circulating comic strips, pictures or images that are racially degrading;
- Using racial name-calling or nicknames to address persons;
- Assigning tasks below the person’s ability, seeking to cause the person to fail, including by assigning him or her tasks with unrealistic deadlines, or unreasonably calling into question the person’s judgement, ability or decision-making;
- Systematic exclusion or victimization;
- Stereotyping;
- Criticizing and being intolerant regarding the person’s ethnic origin.

Indigenous and tribal peoples

According to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), Article 1, “tribal peoples” are peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; and “indigenous peoples” include peoples in independent countries who are

regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Self-identification as indigenous or tribal is a fundamental criterion for such determination.

Migrant worker

A migrant worker is a person who migrates or who has migrated from one country to another with a view to being employed.

National extraction

The concept of national extraction covers distinctions made on the basis of a person's place of birth, ancestry or foreign origin. Discrimination based on national extraction may be directed against persons who are nationals of the country in question, but who have acquired their citizenship by naturalization or who are descendants of foreign immigrants, or persons belonging to groups of different national extraction living in the same State.

Distinctions made between citizens of the same country on the basis of foreign birth or origin is one of the most evident examples.

Prejudice

Prejudice is a conscious or unconscious negative belief about a whole group of people and its individual members. It is a prejudgment that can result in discriminatory behaviour. Such behaviour can in turn reinforce social or economic inequalities that reinforce prejudices.

While prejudice cannot be prohibited in terms of what people think, laws and policies can prohibit discrimination, unequal treatment and other actions that stem from those prejudices.

Proactive measures

Proactive measures refer to action aimed at ensuring equality of opportunity in practice, taking into account the diversity of situations of the persons concerned. This includes affirmative action or positive action, so as to halt discrimination, redress the effects of past discrimination and restore a balance. It is often aimed at historically disadvantaged groups that have been subject to long-standing, entrenched discrimination. Proactive measures include hiring or promotion targets, or accelerated training and development programmes for groups that have been subject to discrimination, recruitment and mentoring programmes targeted at specific ethnic groups, forming alliances with organizations for ethnic groups, and targeted recruitment campaigns

Reasonable accommodation

Reasonable accommodation means the necessary and appropriate modification and adjustments to ensure that ethnic groups are able to meaningfully and equally compete and participate in all spheres of employment.

Reasonable accommodation could include for example, ensuring access to workplace policies, rules and meetings in various languages, catering for diverse food preferences, providing time off for religious holidays, providing special leave for traditional ceremonies and providing a prayer room.

Reasonable accommodation should not impose a disproportionate or undue burden on the enterprise.

Retaliation or victimization

To seek revenge, reprisal, injury or any disadvantage to an individual or group who has exercised the right to make a written or verbal complaint of racial discrimination, either directly or through their staff representative, or has participated in an investigation or in formal or informal procedures as a witness or otherwise.

Stereotypes

Stereotypes are generalizations and assumptions about members of particular groups or a category of people. Stereotypes often express negative points of view, which can lead to discriminatory behaviour.

Stereotyping

Stereotyping in the workplace is the process that assigns people particular attitudes, aspirations, competencies, behaviours and talents (or lack thereof), by virtue of their membership in a group, be it ethnic, gender, religious or other, irrespective of their skills and work experience.

Endnotes

1. United Nations: *International Convention on the Elimination of All Forms of Racial Discrimination*. Available at: <http://www2.ohchr.org/english/law/cerd.htm>.
2. These groups have been particularly identified as subject to racism as a result of slavery and colonialism. See articles 13-14, Durban Declaration and Programme of Action, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, September 2001.
3. See glossary at Appendix 4 for definition.
4. NATLEX, database of national labour, social security and related human rights legislation: www.ilo.org/natlex. EPLex, Employment protection legislation database: www.ilo.org/dyn/epl/termmain.home.
5. Adapted from: Ontario Human Rights Commission: *Policy guidelines on racism and racial discrimination*, 2005, p. 39. Available at: www.ohrc.on.ca/en/resources/Policies/RacismPolicy/pdf.
6. UN Global Compact website: www.unglobalcompact.org.
7. See endnote no. 1.
8. See endnote no. 2.
9. See endnote no. 1.
10. ILO: *Equality at Work: Tackling the challenges*, Global report, International Labour Conference, Report I (B), 100th Session, 2011. Available at: www.ilo.org/declaration/info/publications/eliminationofdiscrimination/WCMS_166583/lang--en/index.htm.
11. See endnote no. 2.

International Labour Standards Department
Governance and Tripartism Department

International Labour Office
Route des Morillons, 4
CH – 1211 Geneva 22, Switzerland
Tel.: +41 (0) 22 799 6111
Fax: +41 (0) 22 798 8685
ilo@ilo.org
www.ilo.org

ISBN 978-92-2-128253-2



9 789221 282532