



How to Write Effective Anti-Bias Policies



Good policies can keep you from being sued.

By Robert Fahrenhorst & Brian H. Kleiner

Most workers (approximately 75%) are members of at least one protected group. Thus, workplace discrimination is becoming more and more common. It's up to you to take every step possible to prevent and remedy such bias.

First, you need to understand the two types of workplace discrimination:

1. Direct discrimination is any act that prevents someone from obtaining a job, promotion, or opportunity because of such characteristics as gender, sexual preference, age, national origin, or disability.

2. Indirect discrimination is a rule, policy, or procedure that excludes someone from a benefit or opportunity and may have unequal effects on different groups within the organization. A policy may seem impartial but actually fall more heavily on one group than another. Case in point: Domino's Pizza had a policy that forced employees to shave (for sanitary reasons). A federal court of appeals found that this was discrimination because approximately 50% of all black males suffer from a skin disorder that prevents many of them from shaving.

What Should a Policy Include?

If there were one best nondiscrimination policy, then there would be no reason to analyze this topic. You could simply download or copy another policy and use it as your own, simply to satisfy the law. If you did so, however, the courts would probably find that you weren't fulfilling your duties. A policy must be spe-

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cific, precise, and comprehensive. A policy's effectiveness is greatly reduced if it's too vague. Tailor your policy to your organization's size, structure, available resources, and history. Use the following checklist to create an effective policy for your organization:

Start with a strong opening statement. Make it clear that discrimination won't be tolerated and that disciplinary action will be used to deter it.

Clarify your organization's anti-bias objectives. Describe what you plan to do to abolish discrimination. Examples: train employees about their rights and responsibilities; provide ways for employees to make complaints; take steps to prevent violations of your anti-bias policy; treat everyone with respect.

Define terms, and summarize laws. Include definitions of discrimination and harassment, and clearly state that discrimination is against the law. Describe applicable laws, which include the Racial Discrimination Act, Sex Discrimination Act, Disability Discrimination Act, Americans with Disabilities Act, and Affirmative Action Act. Note equal-opportunity laws, which require organizations to give everyone an equal chance to succeed in the workplace. These laws cover such areas as promotion, termination, and recruitment (see www.eeoc.gov and www.hreoc.gov).

Describe circumstances where discrimination can occur. Such descriptions can serve as benchmarks for what's acceptable and what isn't, giving employees real-life examples of what could be considered discrimination.

For example, an employee might want to ask the following questions to decide if people are being discriminated against:

- Do they belong to a protected group (people who are gay, older, disabled, female, or from a nation or race that is protected)?
- Do they believe they've been treated differently from their peers?
- Is that treatment related to their membership in a protected group?

If the answers are yes, there may be grounds for a discrimination case.

Spell out who is responsible for preventing discrimination. Managers and supervisors should be the primary deterrent against discrimination. You may also want to mention that it's every employee's responsibility to avoid discriminating against others and to report any discrimination they witness.

Identify complaint procedures.

- Tell employees how they can make complaints, both formally and informally.
- Encourage them to report any instances of discrimination.
- Offer several channels for reporting questionable conduct.
- Stress that you will investigate charges promptly.
- Explain how people will be punished. Punishment could include transfer, probation, or even termination.

Preventing discrimination is a team effort.

- Guarantee that there will be no retaliation against anyone who reports discrimination.
- Include contact names of people who can provide confidential advice.

Explain how to avoid discriminatory acts. Here are some suggestions you might include in this section:

- Don't say anything that concerns another's race, religion, national origin, gender, sexual orientation, or physical appearance.
- Act as if everything you say is being recorded—and might end up as a soundbite on the 6:00 news.
- Remember, ignorance is no excuse. It's up to each person to know and understand the rules and regulations.
- Follow the golden rule. Treat others with the same respect you would demand.

How Should You Put Your Policy to Work?

A nondiscrimination policy must not only be written effectively, it must be implemented strategically. Here are some guidelines:

- **Be sure employees understand** the organization's policies.
- **Update and distribute** policies regularly.
- **Train managers and supervisors** to detect discrimination and handle discrimination complaints.
- **Translate the policy** into other languages if English is the second language for any of your employees.
- **Consider any past history** of discrimination. If you find a pattern of discrimination, put precautionary measures in place.
- **Take every complaint seriously**, and resolve it quickly.
- **Require employees** to attend workshops that build awareness of discrimination.
- **Distribute your policy** on internal computer systems, bulletin boards, and attached to employee's pay stubs.
- **Have every new employee sign and date** a statement that they have read and understand the organization's policies.
- **Seek outside help** (human resource consultant or lawyer) to be sure your policies are accurate and include all necessary ingredients.
- **Gain support** from managers and supervisors. Preventing discrimination is a team effort and should involve as many people as possible. ■

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RESOURCES

For more information on the law, see the following Web sites:

- www.hreoc.gov
- www.eeoc.gov
- www.dol.gov

Also see these *Nonprofit World* articles at www.snpo.org/members:

- **Sexual Harassment: Don't Let It Destroy Your Organization** (Vol. 10, No. 2)
- **How to Accommodate Disabilities under ADA** (Vol. 18, No. 5)
- **Your Duty to Investigate Workplace Complaints** (Vol. 19, No. 3)
- **Managers Must Become Multicultural** (Vol. 20, No. 6)