



# REAL BOARD™ BUZZ

## Board Oversight of Workplace Discrimination

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If you sit on the board of directors for an organization, how do you know whether there has been unacceptable discrimination in the operational ranks? I'm not talking about discrimination based upon qualifications necessary for the position. Instead, I'm referring to discrimination based on factors such as skin tone, creed, gender identification, or disabilities.

Each of the following are different approaches that I've witnessed with boards over the years. My comments and grade for their work in oversight follows each scenario:

- a) *We expect the CEO not to discriminate because that is against the law; however, we haven't stated that expectation in writing.*
  - Grade F: Expecting the CEO to follow the law without stating that expectation in writing is taking trust too far. Furthermore, your board may operate in a jurisdiction in which the law prohibits such discrimination; but if we've learned nothing else in the past few months, it's the devastating impact of systemic discrimination which can fly under the radar of the law.
- b) *We have given the CEO written instructions that unlawful discriminatory practices are unacceptable. We've also addressed our expectations regarding systemic discrimination regardless of whether it is covered by the law. The CEO has agreed to advise the board if any issues arise. So far, we've heard none.*
  - Grade D: "Out of sight, out of mind" won't work here. Chances are that you will hear about it in social media or on the front page of the local newspaper before the CEO even knows about it.
- c) *We have given the CEO our written prohibition against systemic discrimination, not just that which is unlawful. We have received data that indicates that a large majority of staff enjoy working here.*
  - Grade D: A staff satisfaction survey is unlikely to collect data regarding discrimination. Furthermore, how many employees need to experience discrimination before it is unacceptable?
- d) *We have given the CEO our written prohibition against systemic discrimination, not just that which is unlawful. She has provided evidence that we have strong procedures to prevent discrimination.*
  - Grade C: If standard operating procedures are evidence that discrimination has not taken place, then driver training and brakes in cars are proof that drivers always stop for red lights!
- e) *We have given the CEO our written prohibition against systemic discrimination, not just that which is unlawful. She has provided data from a survey of staff that indicate none have experienced or are aware of discrimination in the work place.*
  - Grade B: You are on the right path; but is it possible that any who are victims of discrimination are afraid to speak up?
- f) *We have given the CEO our written prohibition against systemic discrimination, not just that which is unlawful. She has provided data from an independent survey in which staff were asked to respond anonymously that indicate three have experienced or are aware of discrimination in the work place. The CEO is looking into the concerns and will report to the board when those concerns have been rectified.*
  - Grade A: Sure, you wish the news was more positive; but now your eyes are wide open to the meaningful data. Once you are confident that the concerns have been rectified and that a credible data collection is regularly taking place, you'll get your A+ grade!