

Employment Practices *Update*

Bringing important information to emergency service organizations

VOLUME 11 • NUMBER 3



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Published by the
Glatfelter Insurance Group
York, Pennsylvania

Promoting diversity & avoiding discrimination in hiring claims

Emergency service organizations (ESOs) could be vulnerable to a lawsuit alleging discrimination in recruitment, hiring and selection practices. A few questions for ESOs to consider include:

- *Does the make-up and diversity of the ESO membership reflect the diversity of the population served?*
- *Has the ESO implemented a Diversity Task Force or initiative to promote diversity and equity in its hiring and selection practices?*
- *Are those responsible for recruitment, hiring and selection trained on nondiscrimination and equal opportunity employment and membership?*
- *What active policies and practices can your ESO point to as evidence that the organization is committed to preventing work-related discrimination, harassment and retaliation?*

To promote diversity and help prevent discrimination in hiring employees and selecting volunteers, there are a number of best practice tips to follow.

EEOC's renewed focus on eliminating discrimination in hiring

The Equal Employment Opportunity Commission (EEOC) held a meeting this summer to focus on the nationwide problem of discrimination in employers' hiring practices. One of the invited panelists, Bill Lann Lee, called for the EEOC to expand its efforts to systemically investigate and litigate in the area of hiring discrimination. Lee, a former civil rights prosecutor who was Assistant Attorney General in the U.S. Department of Justice during the Clinton Administration, stated that "hiring discrimination is a fundamental problem; it often denies more than one employment opportunity, cutting off future opportunities as well. It is impossible to climb the rungs of a ladder if an individual cannot get a foot on the first rung."

The EEOC is a federal agency created as part of the Civil Rights Act of 1964, a federal nondiscrimination law applying to employers with 15 or more employees. However, state and other local civil rights laws and ordinances may apply to organizations with fewer than 15 employees. ESO administrators consult with locally retained labor and employment counsel so they can understand which state and local laws regarding discriminatory hiring and selection practices apply to the organization.

Diversity and inclusion

Focusing on diversity simply means treating others with respect and fairness. Diversity doesn't demand preferential treatment, but instead calls for equal treatment.

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There are several concepts not associated with work-related diversity:

- *Employment hiring or membership selection quotas*
- *Total assimilation and loss of individuality*
- *Sensitivity training*
- *Conversion of personal beliefs*
- *Forced acceptance of different perspectives or lifestyles*
- *Exclusionary teaching – centering on how we are all different*

Equal employment / Membership Opportunity Policy Statement

It's important for an ESO to publish an Equal Employment / Membership Opportunity statement. This official policy indicates the organization will provide equal opportunities for all persons who are members of, or seeking employment or membership with the ESO without regard to protected class status such as race, color, gender, national origin, religion, age, veteran's status or disability. Included in this policy is a commitment to ensure that all personnel actions are administered in a fair and equitable basis in terms of recruitment, hiring, selection, benefits, promotions, transfers, training, discipline and terminations.

Verifying whether the policy is a "living and breathing" document helps determine if the ESO's practices reflect the policy position. This can serve as a guide for an ESO to demonstrate tangible steps for the promotion of diversity in its hiring and selection practices.

Making position descriptions available to candidates helps clarify mental and physical job duties, establish minimum qualifications, identify special working conditions and communicate time and training requirements.

Job descriptions

The development of job descriptions is relevant for any ESO to set expectations for applicants. Making position descriptions available to candidates helps clarify mental and physical job duties, establish minimum qualifications, identify special working conditions and

communicate time and training requirements.

Pay particular attention to defining the essential and non-essential mental and physical job functions or duties. Essential functions are routinely performed and specialized, as serious consequences can result if not executed in a safe manner. Non-essential tasks, which can be frequently necessary, are sometimes more easily reassigned to other workers. Utilize job descriptions when advertising for a position.

Interviews for hiring and selection

Whether an ESO's membership is made up of career, volunteer or a combination of both, it's important to scrutinize interviews for hiring and selection so all applicants are given an equal opportunity. Consider developing a list of standardized questions and train those responsible for conducting interviews. Avoid the following interview questions that could reveal information about the applicant's protected characteristics:

- *Do you have any injuries or other medical conditions that would not allow you to perform the job functions?*
- *Do you need any accommodations to perform your job?*
- *Have you ever filed a workers' compensation claim or suffered an on-the-job injury or illness?*
- *How many days were you sick last year?*
- *Have you ever been treated for drug or alcohol addiction?*
- *Have you ever been treated by a psychiatrist or psychologist?*
- *How is your family's health?*
- *What can you tell me about your family (dependents, married, divorced)?*
- *Would your child care arrangements allow you to work in this job or position?*
- *Do you attend church?*
- *What are you doing for the holidays?*
- *What clubs or social organizations do you belong to?*
- *Where were you born?*
- *What year did you graduate high school?*

Attract and recruit a diverse workforce

In today's multicultural society, it is essential for ESO leaders to foster an environment of inclusion where people feel valued and integrated at all levels. Employees and volunteers often become more engaged participants in the organization when they feel their skills and perspectives are appreciated and utilized. Current membership is an ESO's best source of public relations and recruiting. A valued worker is typically enthusiastic about recruiting talented colleagues to fill open positions and expand membership. A diverse and inclusive workforce can benefit an ESO through the infusion of new ideas and ways of solving problems.

Diversity task force or initiative

ESOs can be particularly vulnerable to discrimination lawsuits related to hiring and selection practices when they don't have the diverse group. To combat this sentiment, ESO leaders are increasingly creating a Diversity Task Force or initiative within their organizations. Primary goals for the ESO may include:

- *Exploring ways to educate all groups of society about emergency services to increase the qualified applicant pool and strengthen diversity.*
- *Understanding potential barriers faced by diverse groups in learning about and joining the emergency services industry.*
- *Defining diversity.*
- *Providing periodic education for members on diversity and discrimination prevention.*
- *Clarifying how the ESO is prepared to prevent discrimination in all aspects of the recruitment, application, hiring and selection processes.*

Conclusion

ESO professionals work daily with an increasingly diverse population and are committed to providing high quality services to all citizens, without bias or discrimination. Take measures to recruit and retain a diverse workforce, while at the same time reduce the ESO's exposure to discrimination in hiring and selection claims.