



Raising Awareness About Diversity, Equity and Inclusion

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Conversations about evolving employee culture aren't new, but recent events are spurring both private and public-sector employers to commit to examining and improving their workplaces. State legislatures are paying attention, too. Some offices have revamped trainings to include topics on diversity and inclusion or formed diversity, equity and inclusion (DEI) committees to determine what changes may be needed.

During NCSL's Base Camp 2020 virtual conference in September, Johnny C. Taylor, president and CEO of the Society for Human Resource Management (SHRM), spoke about SHRM's new initiative, [Together Forward @Work](#). The initiative is a call to action for the HR and business communities to drive out racial inequality from the workplace. A new SHRM survey found 35% of Black employees say discrimination based on race or ethnicity exists in their workplaces, while 14% of all workers agreed. When asked if they feel disrespected and undervalued in the workplace, about 20% of all workers and 33% of Black workers said yes. Rather than focusing on best practices for DEI, Taylor encour-

aged organizations to focus on "next practices," including having conversations about these issues at work.

Working definitions for diversity, equity and inclusion are evolving. In Oregon, the legislature's Capitol Diversity, Equity and Inclusion Committee was formed in 2018 to explore the issue. The committee facilitates ongoing discussions and opportunities for legislative employees and elected officials to increase their understanding of the benefits of a diverse and inclusive Capitol and to develop ways to facilitate such a community.

The committee defines DEI as follows:

- "Diversity includes all the ways in which people differ, encompassing the different characteristics that make one individual or group different from another. While diversity is often used in reference to race, ethnicity, and gender; it also includes other differences such as age, national origin, religion, disability, sexual orientation, gender identity, socioeconomic status, geographic location, education, marital status, language and dialect, and physical appearance.

Did You Know?

- The Vermont General Assembly has required implicit bias training annually for members and staff.
- The Alabama Legislature offers diversity training to legislators.
- Maryland's Senate president this year formed the Senate President's Advisory Work Group on Equity and Inclusion.

- “Equity involves striving to identify and eliminate barriers that have prevented the full participation of some groups. It is the fair treatment, access, opportunity, and opportunity for advancement for all people. Improving equity involves increasing justice and fairness within the procedures and processes of institutions or systems, as well as in their distribution of resources. Tackling equity issues requires an understanding of the root causes of outcome disparities within our society.”
- “Inclusion is the intentional act of creating environments in which any individual or group can on an ongoing basis be welcomed, respected, supported, and valued to fully participate with their voices being heard. ... It’s important to note that while an inclusive group is by definition diverse, a diverse group isn’t always inclusive...”

State Action

State legislatures have undertaken DEI initiatives in different forms to educate legislators and legislative staff and focus on the legislative workforce.

The Massachusetts Senate adopted Rule 10C last year to create a diversity and inclusion officer position within the Senate’s Office of Human Resources. The Senate last March hired an officer, whose goal is to “promote policies to direct and guide offices to recruit, hire, train, develop, advance, promote and retain a diverse workforce, consistent with Senate rules, regulation and law.”

Maryland’s Senate this year formed the Senate President’s Advisory Work Group on Equity and Inclusion. It will review the work of former task forces and previous legislation addressing the topic and examine the status of inclusion and equity within the General Assembly and its agencies.

In addition to its [Capitol Diversity, Equity and Inclusion Committee](#), the Oregon legislature established a new full-time accessibility and inclusion administrator. Legislative Branch Personnel Rule 5(1) aims to achieve a workforce that represents the diversity of the state.

Training is one approach legislatures have taken to integrate diversity, equity and inclusion into the legislative environment. Some states offer or require training on diversity and/or anti-discrimination for legislators and/or legislative staff.

The Alabama Legislature offers several legislator trainings, including diversity training. Non-discrimination or anti-discrimination training is required for Minnesota senators, New Jersey legislators and

partisan staff, and Wyoming legislators.

In at least six states, the legislature or a legislative chamber offers implicit bias training for legislators or legislative staff. Implicit bias training is offered to staff in the California Senate and to legislators and staff in the Connecticut General Assembly and New York Legislature. The Maine Legislature included this training for legislative staff last year and the Vermont General Assembly has required implicit bias training annually for legislators and staff. The Washington Senate has offered this training to staff and partnered with the Washington House to offer implicit bias training to the entire legislative branch staff in 2020.

Although federal legislation—including the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities act of 1990—broadly protect workers from workplace discrimination, state legislators are crafting policies that further address racial discrimination and promote diversity. Twenty-two states considered legislation protecting workers from facing discrimination for race-based hair traits such as hair texture, hair type and protective hairstyles in 2020. Six states—California, Colorado, Maryland, New Jersey, New York and Virginia—have passed these protections into law in recent years.

Legislators have also been considering bills and resolutions in the past few sessions to require or encourage publicly held corporations to diversify their boards. California and Illinois are currently the only states to require corporate boards to include women. The California [law](#), passed in 2018, requires all publicly traded companies with principal offices in the state to include women on their boards, with the exact number depending on the size of the board. The Illinois [law](#), passed in 2019, requires all corporations based in the state to report data on board member gender and ethnicity. It also requires the University of Illinois System to establish a rating system assessing the representation of women and minorities on corporate boards, becoming the first state to also consider racial and ethnic minority representation on corporate boards.

This year, California is building off its 2018 legislation by considering [AB 979](#), which would require a minimum number of directors from an underrepresented community. The bill would require the secretary of state to publish reports documenting the number of corporations in compliance with the provisions and to fine corporations for noncompliance.

Additional Resources

- [“NCSL Base Camp 2020: Advice for Managing in Challenging Times,” NCSL blog](#)
- [“Got a Capitol DEI Committee? Oregon Does,” NCSL State Legislatures magazine](#)
- [“States Tackle Hair Discrimination,” NCSL blog](#)
- [“NCSL Base Camp 2020: State Actions to Create Safe and Inclusive Workplaces,” NCSL blog](#)

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