A Well-Designed Affirmative Action Plan Can Help You Avoid Discrimination Lawsuits

In an article titled Litigation Explosion, which appeared in the December 10, 2006 edition of the Arizona Daily Star, author Becky Pallack discusses a University of Arizona study that says employee lawsuits are on the rise:

"The researchers analyzed data from the U.S. Equal Employment Opportunity Commission and found 95,115 claims of employment discrimination nationwide in 2005. Federal employment discrimination lawsuits are up 268 percent since 1991, rising at a rate nine times as fast as other types of federal civil litigation."

The financial effect on business from this increase in litigation has been devastating:

"For employers, the fallout from the lawsuit boom is expensive. Employers facing discrimination lawsuits were ordered by courts to pay $101.3 million in 2005, up nearly 600 percent from $14.7 million in 1992; and employers paid another $271.6 million in settlements, up 130 percent since 1992."

As if this wasn't enough, the EEOC has begun a new initiative, E-RACE (Eradicating Racism and Colorism from Employment), which is designed to improve the agency's efforts to ensure workplaces are free of race and color discrimination. As part of this new strategy, the EEOC has said that it plans to "identify issues, criteria and barriers that contribute to race and color discrimination, explore strategies to improve the administrative processing and the litigation of race and color discrimination claims, and enhance public awareness of race and color discrimination in employment."

With this increased emphasis on workplace discrimination, it is more important than ever to develop an effective affirmative action plan. Here are some tips to help you design a road map for ending discriminatory practices in your company:

· Show commitment - Determine your diversity goals, make a plan to reach those goals, and then work the plan to its conclusion.

· Identify the specific inequities you want to address - Before you create your diversity plan, perform the analysis required by law to identify what imbalances exist between the makeup of your workforce and the diversity of the workforce in the surrounding area. These are the areas your plan needs to address.

· Perform an analysis of barriers to success - You will need to list what barriers to diversity exist in your business before you can create an effective affirmative action program. Start by asking yourself if individuals from a particular class are underrepresented in a job category. If the answer is "yes," you need to figure out why. Is it because you recruit through word of mouth, which may be perpetuating your company's homogeneous workforce? Where do you conduct interviews for new employees? Is it accessible to all types of applicants? If you advertise in newspapers, are they readily available to different ethnic populations?

· Target the specific practice(s) that need altering - The corrective measures you select must be designed to remedy the imbalances identified in your assessment. If your company's interview process puts minority candidates at a disadvantage, then focus on recruiting practices. If you have a lack of inclusion in a job category because you cannot find employees with the necessary skill set, then consider a more proactive job-training program.

· Specify a timetable to accomplish goals - Have a clear picture of what the program needs to accomplish, and when that progress needs to take place. The ultimate success of your program is dependent upon having a quantifiable time line that clearly establishes the date by which each of your goals will be accomplished.