



5 Tips to Navigate the Current Challenges of the DEI Landscape

Cultural Competence

Employment and Labor



Banner artwork by *Anton Vierietin / Shutterstock.com*

Companies are navigating competing pressures as they reevaluate their diversity, equity, and inclusion (DEI) policies.

Several high-profile activists and lawmakers have sought to convince organizations to scale back their DEI efforts following the US Supreme Court's 2023 [decision](#) overturning the use of affirmative action in college admissions. Recently, several organizations with well-known names have halted, scaled back, or altered DEI initiatives.

Meanwhile, [proponents](#) have called on corporations to reaffirm their commitment to DEI. Many companies have also said they plan to [expand](#) on the DEI policies.

How can organizations mitigate risks while remaining committed to DEI? Here are some tips to help organizations navigate their way through this charged landscape.

1. Make the case for your policy

Companies that adopt DEI initiatives should be able to share the rationale for their decisions.

- How do your policies align with the company's overall strategy? How will you show that your

policies are aimed at attracting and retaining a talented pool of employees?

- How can your organization explain the potentials benefits of your policies to employees, shareholders, and other stakeholders?

DEI initiatives can help the organization strengthen its workplace culture and connect with the customer base. They can also have a positive impact on an organization's bottom line.

For example, [studies](#) have shown that companies with greater diversity on executive teams have improved financial performance. This can help organizations make the case that a more diverse leadership fosters greater creativity and innovation.

DEI initiatives can help the organization strengthen its workplace culture and connect with the customer base.

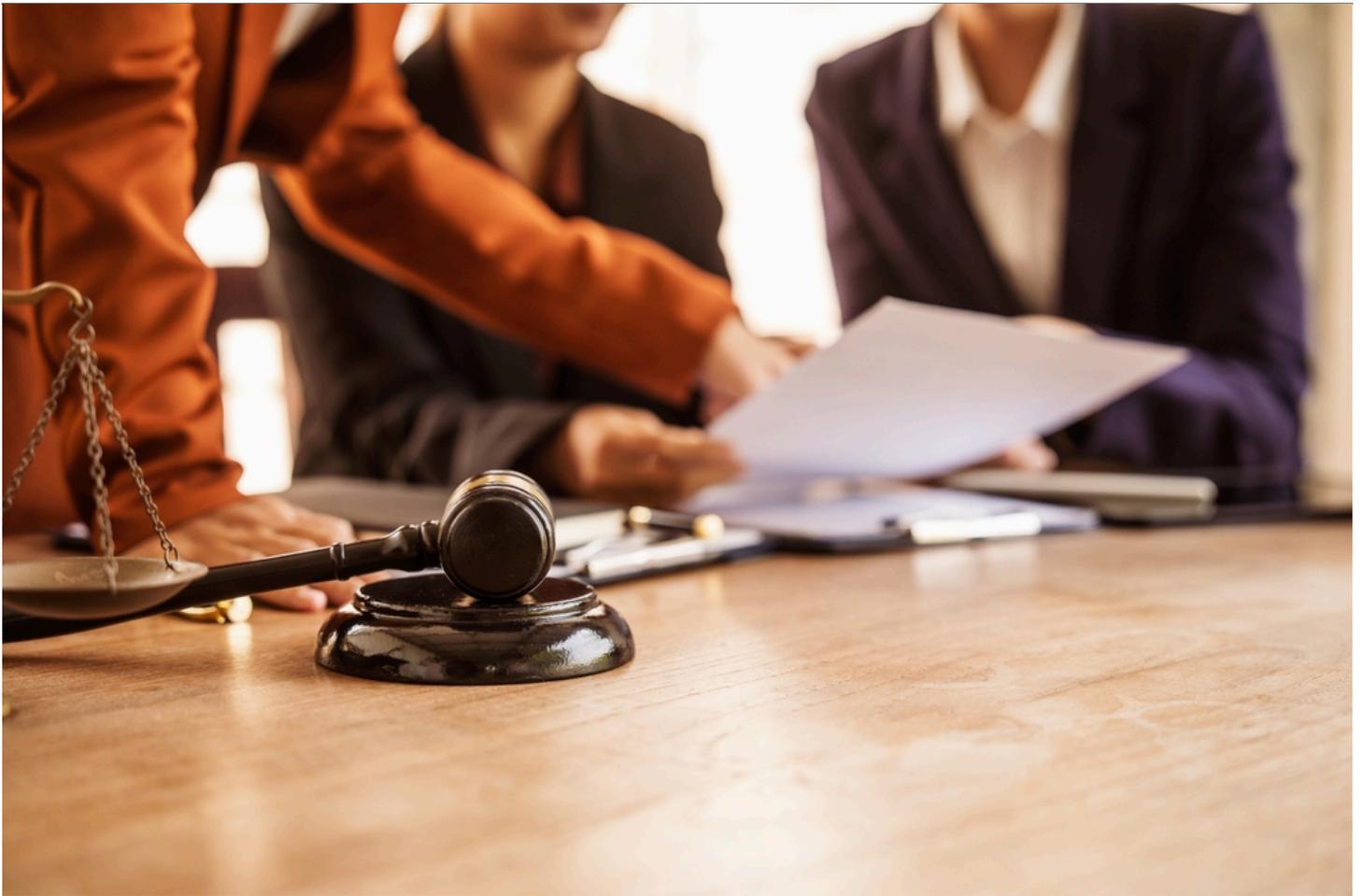
2. Measure your results

You can't achieve what you can't measure. Set goals and timeframes to achieve desired results.

If possible, collect and analyze compensation data. Gauge employee satisfaction with surveys.

Review whether changes in hiring practices are having an impact. Involve legal counsel familiar with DEI initiatives to set up and process your data collection in a way that mitigates the risk of disputes in connection with your data collection or findings.

Do a deep dive to identify systemic and unconscious barriers to upward movement.



When reviewing compensation data findings, consider involving legal counsel that are familiar with DEI initiatives to help mitigate any risk of discourse. PanuShot / Shutterstock.com

You can't achieve what you can't measure. Set goals and timeframes to achieve desired results.

3. Consider a renewed focus on your internal strategies

Some organizations have shifted their focus to internal strategies that may be less visible to outside stakeholders but still further DEI objectives.

Even if an organization decides to reduce its public-facing communications regarding its DEI initiatives, it can still ramp up its internal DEI efforts.

Consider reviewing your financial benefits or health benefits. Closely monitor your personnel practices, processes, and decisions to ensure members of all gender, racial, and ethnic groups get equitable treatment and equal opportunities.

Look for ways to remove unconscious bias from your hiring practices. Consider recruiting at an expanded number of universities or removing information from resumes that may prejudice hiring decisions.

Ensure that your policies comply with laws and regulations, including [non-discrimination rules](#).

Resources, such as the [ACC Foundation DEI Maturity Model](#), can help your organization determine what types of policies to focus on.

4. Focus on creating an equitable workplace

There are several ways organizations can expand the pipeline at the executive level.

Formal programs that provide support, advice, and mentorship can be an effective way to diversify leadership.

Every workplace has high-profile assignments that are career enhancing and low-profile assignments that are beneficial to the organization but not necessary for furthering of an individual's career.

Look for [opportunities](#) to make work allocation more equitable. Be transparent about how work is assigned.

Employee resource groups (ERGs) can provide employees with access to networks, social activities, and team projects. ERGs may support a focus group, but organizations can reduce risks by making them available to everyone.

Develop helpful, candid, and action-oriented performance reviews. Provide recognition and rewards for outstanding performance and accomplishment.

Formal programs that provide support, advice, mentorship can be an effective way to diversify leadership.

5. Seek outside help

When it comes to addressing the various issues related to diversity, equity, and inclusion, nobody has all the answers. Reluctance to seek external help becomes another issue.

If internal stakeholders in an organization work in silos to make things right, that's a recipe for frustration, not progress.

To really move the needle, consider working with outside counsel, consultants, or other advisers who have expertise in developing meaningful corporate DEI initiatives, in order to successfully identify and address internal challenges and improve.

[Join ACC](#)

Disclaimer: The information in any resource in this website should not be construed as legal advice or as a legal opinion on specific facts, and should not be considered representing the views of its authors, its authors' employers, its sponsors, and/or ACC. These resources are not intended as a definitive statement on the subject addressed. Rather, they are intended to serve as a tool providing practical guidance and references for the busy in-house practitioner and other readers.

[Rustam Juma](#)



General Counsel and Corporate Secretary

Volkswagen Group Canada Inc.

Rustam Juma (Rusty) is general counsel, corporate secretary and privacy officer of Volkswagen and Audi Canada. In this role, Juma provides strategic, governance, legal, and risk management advice to the Board and management. Juma was the recipient of the Canadian General Counsel Award in 2022 and the Top 10, 30-Something Award in 2016. In 2020, he co-founded the National GC Network to help general counsel advance DEI values in their organizations and the legal community.

[Michael Greene](#)



Legal Resources Manager

Association of Corporate Counsel

Michael Greene is a legal resources manager at ACC. He is responsible for publishing articles, guides, sample contracts, and other resources for ACC's global community. He also assists with the development of resource projects by identifying and monitoring trends that affect in-house counsel.