# February Mental Health & Inclusion & Belonging Update

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## NYT: Workplace Wellness Programs Have Little Benefit, Study Finds

An Oxford researcher measured the effect of popular workplace mental health interventions, and discovered little to none.

Workplace wellness offerings such as apps, coaching and courses in time management or financial well-being did not have any positive effect, according to the study, while resilience and stress management trainings seemed to have a negative effect.

Employee mental health services have become a billion-dollar industry. New hires, once they have found the restrooms and enrolled in 401(k) plans, are presented with a panoply of digital wellness solutions, mindfulness seminars, massage classes, resilience workshops, coaching sessions and sleep apps.

These programs are a point of pride for forward-thinking human resource departments, evidence that employers care about their workers. But a British researcher who analyzed survey responses from 46,336 workers at companies that offered such programs found that people who participated in them were no better off than colleagues who did not.

The study, published this month in Industrial Relations Journal, considered the outcomes of 90 different interventions and found a single notable exception: Workers who were given the opportunity to do charity or volunteer work did seem to have improved well-being.

Across the study's large population, none of the other offerings — apps, coaching, relaxation classes, courses in time management or financial health — had any positive effect. Trainings on resilience and stress management actually appeared to have a negative effect.

“It’s a fairly controversial finding, that these very popular programs were not effective,” said William J. Fleming, the author of the study and a fellow at Oxford University’s Wellbeing Research Center.

Dr. Fleming’s analysis suggests that employers concerned about workers’ mental health would do better to focus on “core organizational practices” like schedules, pay and performance reviews.

“If employees do want access to mindfulness apps and sleep programs and well-being apps, there is not anything wrong with that,” he said. “But if you’re seriously trying to drive employees well-being, then it has to be about working practices.”

Dr. Fleming’s study is based on responses to the Britain’s Healthiest Workplace survey in 2017 and 2018 from workers at 233 organizations, with financial and insurance service workers, younger workers and women slightly overrepresented.

The data captured workers at a single point in time, rather than tracking them before and after treatment. Using thousands of matched pairs from the same workplace, it compared well-being measures from workers who participated in wellness programs with those of their colleagues who did not.

It is possible that there was selection bias, since workers who enroll in, say, a resilience training program may have lower well-being to begin with, Dr. Fleming said. To address that, he separately analyzed responses from workers with high pre-existing levels of work stress, comparing those who did and did not participate. But among this group, too, the survey answers suggested that the programs had no clear benefit.

The findings call into question practices that have become commonplace across job sectors. But researchers said they came as no surprise.

“Employers want to be seen as doing something, but they don’t want to look closely and change the way work is organized,” said Tony D. LaMontagne, a professor of work, health and well-being at Deakin University in Melbourne, Australia, who was not involved in the study.

Workplace mental health interventions may send the message that “if you do these programs and you’re still feeling stressed, it must be you,” Mr. LaMontagne said. “People who don’t have a critical view might internalize that failure: ‘So I really am a loser.’”

The corporate wellness services industry has ballooned in recent years, with thousands of vendors competing for billions of dollars in revenue. Companies invest in the interventions in hopes of saving money overall by improving worker health and productivity.

Some research supports this expectation. A 2022 study tracking 1,132 workers in the United States who used Spring Health, a platform that connects employees with mental health services like therapy and medication management, found that 69.3 percent of participants showed improvement in their depression. Participants also missed fewer days of work and reported higher productivity.

Adam Chekroud, a co-founder of Spring Health and an assistant professor of psychiatry at Yale, said Dr. Fleming's study examined interventions that were "not highly credible" and measured well-being many months later. A blanket dismissal of workplace interventions, he said, risks "throwing the baby out with the bathwater."

"There is recent and highly credible data that things like mental health programs do improve all those metrics that he mentions," Dr. Chekroud said. "That's the baby you shouldn't be throwing out."

There is also solid evidence that practices like mindfulness can have a positive effect. Controlled studies have consistently demonstrated lower stress and decreased anxiety and depression after mindfulness training.
The lackluster benefits that Dr. Fleming found may reflect variations in offerings, said Larissa Bartlett, a researcher at the University of Tasmania who has designed and taught mindfulness programs. "Light-touch" interventions like apps, she added, are generally less effective than one-on-one or group trainings.

Dr. Fleming's study, she said, "misses most of these details, condensing intervention types into broad labels, engagement into yes/no, and dismissing the reports from intervention participants that they felt they benefited from the programs they did."

A key omission, she added, is longitudinal data showing whether participants experience improvement over time. The result is a "bird's-eye view" of the well-being of participants that "skates over changes that may occur at the individual level," she said.

Dr. Fleming said that he was aware of the body of research supporting the treatments' effectiveness, but that he had "never been as convinced by the very positive findings," since the data comes from controlled trials in which the treatment is implemented very well, something that may not be the case in employer-provided programs.

Dr. David Crepaz-Keay, the head of research and applied learning at the Mental Health Foundation in the United Kingdom, who has advised the World Health Organization and Public Health England on mental health initiatives, described Dr. Fleming's data and analysis as "certainly more robust" than "most of the research that has created the consensus that employee assistance works."

https://www.nytimes.com/2024/01/15/health/employee-wellness-benefits.html

# Why Mental Health Will Be One of the Biggest Topics of 2024

There's no question that employee burnout and mental health issues have been a continuous problem over the past several years. But despite various employer investments in benefits to troubleshoot stress and improve emotional well-being, employees are still dealing with significant anxiety.

Well over half of employees (57 percent) are experiencing at least moderate levels of burnout, according to a recent report from Aflac. Meanwhile, employees' confidence in how much their employers care about them has declined significantly: 48 percent said they have confidence in their employers caring about them in 2023—down from 56 percent in 2022 and 59 percent in 2021.

And, said Aflac CHRO Jeri Hawthorne, with a looming presidential election—and the polarization and heated conversations that come with it—coupled with financial worries, long work hours and other stressors, burnout might be even more of an issue this year.

"Mental and emotional wellness will be a massive topic, especially as we're going into an election year," Hawthorne said. "People tend to be much more polarized in their views. Maybe five or 10 years ago, people could just disagree on and have different perspectives on certain topics, but now it's become much more polarized and sometimes even aggressive. Mental health—and areas around helping reduce stress and improve emotional wellness—will be a massive focus for the next year."

HR leaders, Hawthorne explained, should be at the forefront of helping to improve the statistics and improve employees' situations.

SHRM Online recently talked with Hawthorne about the reasons behind employee burnout, how it affects the workplace and how HR leaders should plan for improved benefits strategy in 2024.

SHRM Online: How big of an issue is burnout in the workplace, and how much should this be a call to action for employers?

Hawthorne: It's significant. Since the pandemic, we've continued to see an escalation around stress and burnout. People who are stressed are less productive, and not only are they less productive, but you have things like higher levels of absenteeism and irritability in the workplace, which sometimes behaviorally creates a toxic culture and can certainly create employee relations issues. Burned-out employees are less likely to go above and beyond for customers or clients, so you really do have a downstream impact on your company's performance.

On top of that, people who are burned out will think about leaving their job, especially if they think their employers don't care about them, that they're not caring for them or helping the situation [improve]. Almost half of employees we surveyed this year don't believe that their company really cares about them. So there also can be a hit from an employee turnover perspective.

SHRM Online: That figure about employees not thinking their employer cares about them is obviously problematic. Why do you think fewer employees think their employer cares about them, and how is that playing into some of the problems we're seeing?

Hawthorne: That's a really good question. I think it's driven by multiple things. When you turn on the television, or you read your news online, there is a lot of negativity with what's happening in the political environment, with what's happening geopolitically, with conflicts in the world. Inflation has been at an all-time high, so when employees are going to the store or going to the gas pump, their dollar isn't going as far. A lot of these factors are causing employees to feel like, "Hey, everywhere I turn, there's this sort of negative pressure. And by the way, I have to go to work, I have to work hard and nothing is changing." Many employees are telling us that they would actually prefer more time off for personal care than even a pay raise. That's how important self-care and having the company commit to wellness is to them.
SHRM Online: Very interesting. So, what can and should employers do to show employees that they do care and try to correct that statistic?

Hawthorne: It's incumbent upon employers—both because it's the right thing to do and because it leads to better performance for their customers—to proactively and actively engage employees around these topics. It's a matter of reminding employees about taking paid time off; reminding them about available [benefits]; reminding employees that if they don't feel well, it's OK to stay at home. We proved for two and a half years that people can work remotely for the most part. And so, if people have the ability to work remotely if they don't feel well or if their children don't feel well, giving employees the opportunity to do that—and ensuring they can take time off when they need—is important. It's also important for companies to give employees opportunities to give back, be able to volunteer, or even donate through payroll because there's a direct correlation between employee wellness and feeling good about yourself and your company and about what the company is actually doing.

The other thing from the HR perspective is to make all of these offerings, tools and programs understandable. They should be at the ready when people need them so that they're not searching through the maze of a company portal or trying to call a 1-800 call center for a benefits team. It's important that companies proactively try to ensure that the employees know what the offerings are, where to find them, and how to use them and have an easy way to access that information.

SHRM Online: Is communication and ease of understanding one of the missing components and a reason why some of these well-being figures aren't getting much better?

Hawthorne: It's part of it. I believe that most companies are offering a lot [of benefits], and it's really about making sure that people know what they have and understand how to navigate through it, because it can be overwhelming. I mean, I work in HR, and I think it can be overwhelming.

It's about helping employees navigate all of these different offerings. It's hard, and you can't just do it at open enrollment. A lot of companies are fantastic at open enrollment: They make beautiful brochures, they have a benefits fair, they bring in vendors. But that's one time a year. It's really necessary to engage employees continually: to tell them—and tell them again and again—about the different wellness programs you offer.

SHRM Online: We're at the beginning of the year. Anything in particular employers and HR leaders should keep in mind about benefits communication and strategy?

Hawthorne: I think it's a good idea for teams to sit down and say, "What are the key areas we want to focus on in 2024? Where do we need to focus on educating employees? And when do we think that should be done, and how frequently?" [At Aflac], we come up with a calendar and a [timeline] of topics that we focus on every month where we're engaging vendors. Sometimes we tell stories and post them to our internal portal and have employees go read them at their leisure.

We'll offer a webinar or an in-person session about a specific benefit a couple of times a month. We do that outside of open enrollment so employees have the opportunity to get educated. We have financial wellness planning sessions throughout the year. And as we bring new employees on, we're actively engaging them in benefits, too. Sometimes we'll focus on specific demographics, whether it be women, or employees who are planning families, employees who have children who are getting ready to go to college, or employees who are getting close to retirement.

The other thing employers should think about at the beginning of the year is to talk with employees, ask them for feedback on benefits, maybe conduct a survey. Ask them what they are looking for, what they want help with, what benefits they are interested in. You should ask them, "What else can we do?" Then try to act on the feedback.

https://www.shrm.org/topics-tools/news/benefits-compensation/mental-health-burnout-top-trend-aflac-report

# <u>Majority of Employees Said They Experienced Burnout in 2023</u>

Sixty-nine percent of workers experienced burnout in 2023, a 6% decline from the previous year based on a recent survey.

According to a report published December 18 by isolved, entitled "HR Trends of 2023 report," 71% of responders said burnout impacted their work with 45% claiming they're not as enthusiastic as they could be, while another 26% said they only performed their required responsibilities.

Employers providing paid mental health days was found to be the best way to address burnout. Employers offering resources to minimize the risk of burnout was cited as the second-best way to solve the issue.

The report also found that almost half of all workers (49%) were planning to explore other employment options in 2023, which is up from 45% in 2022.

High turnover rates seem to be related to workers' hopes of moving up within their organization because over a fifth of those surveyed (21%) said that they didn't feel they had any more room to grow with their current company. Meanwhile, 59% of interviewees said they believe their employers could do more to help them advance their careers.

Workers are also willing to make sacrifices for a better employment experience because a majority of responders (77%) said that they would be comfortable with their employers examining their personal data (gender, race, age location, email patterns, etc.) if it created an improved working environment.

"Leaders need to keep a close eye on employee experience in 2024," said Celia Fleischaker, the chief marketing officer of isolved. "This year's report found that one of the top reasons employees are not satisfied with their current role is because they're underwhelmed by their company's culture. Successful businesses are focusing on creating and maintaining employee experience that meets employees' needs and wants. Creating employee experiences that matter is great for business."

A total of 981 U.S.-based full-time employees across numerous industries were interviewed online in October 2022 for the HR Trends of 2023 report.

https://www.supplychainbrain.com/articles/38802-69-of-employees-said-they-experienced-burnout-in-2023

## **Need mental health support? Employers now have an app for that – AI wellness chatbot**

Due to a nationwide shortage of therapists, about a third of U.S. employers say they offer employees AI-based wellness and mental health programs, yet researchers say there isn't enough evidence that the programs work.

The growing use of artificial intelligence (AI) to help employers provide wellness and mental health options for workers could be a major story in 2024, if current trends continue. A recent story in the Wall Street Journal outlined the demand for AI wellness and mental health programs, saying that the use of chatbots is "snowballing" in the health benefits industry.

Driving the trend is an increase in demand for mental health services, at a time when provider supply may actually be shrinking, due to burnout and other post-COVID trends among providers. The website Behavioral Health Business noted that among benefit providers, there is an interest in the possibilities that AI provides.

"Mental health companies are also seeking new business models and partners to grow," the article noted. "Rising workloads for clinicians, and too few appointments for patients, are among the reasons providers are looking to course-correct."

Other experts are downright enthusiastic: "There's no place in medicine that [chatbots] will be so effective as in mental health," said Thomas Insel, former director of the National Institute of Mental Health and co-founder of Vanna Health, which provides programs focused on those with serious mental illness. Insel, quoted in Scientific American, said that In the field of mental health, "We don't have procedures: we have chat; we have communication."

The Scientific American article, from June, noted that demand has been real, and growing: two companies, Woebot Health and Wysa, have both reported that their apps have had more than a million downloads. Amazon employees are provided with another platform, Twill, which uses a personalized support system including AI, peer communities, and virtual coaching. The Wall Street Journal article noted a survey that found that about one-third of employers in the U.S. offer some type of digital therapeutic support for mental health.

The momentum toward providing mental health care that includes AI systems will lead to even more data to help fine-tune care, said Katie DiPerna Cook, senior vice president at Headspace, who was quoted in the Behavioral Health Business article. "In 2024, we'll start to see more digital mental health providers release ROI studies that show cost and outcome improvements – things like a reduction in outpatient costs, a decrease in spending for comorbidities, increased engagement over the long term, and improved [scores for depression and anxiety]," she said. "These proof-of-concept studies will help increase interest in the pay-for-outcomes model among payers and employers."

A cautionary tale—the case of Tessa

However, there have been some cases where AI-assisted programs have not worked well. The National Eating Disorders Association (NEDA) shut down its human-staffed helpline in early 2023 and turned to a chatbot provider, Tessa, to help people seeking guidance about eating disorders.

But within two months, experts in the field were reporting that the chatbot was giving "problematic" advice to callers, and that some of that advice was the opposite of what human providers would prescribe as proper treatment. At the end of May, NEDA put out a statement saying the program "may have given information that was harmful," and that the association would suspend it immediately.

The WSJ article outlined other criticisms of AI-driven mental health care: "Some researchers say there isn't sufficient evidence the programs work, and the varied security and safety practices create a risk that private information could be leaked or sold," the article noted. "'The companies are well known to be overextending claims about what they can do,' said Dr. John Torous, director of the digital-psychiatry division at Beth Israel Deaconess Medical Center, in Boston. 'Employers offering it, in some ways it is tokenism, saying we're offering something for mental-health support.'"

A supplement, rather than a solution

Many in the field say that AI can help with providing mental health services, if balanced with the work of human providers. Mental health experts in the Behavioral Health Business article suggested that a fair number of complications are likely to come with the new technology.

"The foundation of behavioral health care is human-to-human contact and infusing technology won't replace that. However, it will minimize the time it takes to see a new provider and keep patients and clinicians connected in the gaps between appointments," said Roy Shoenberg, president and CEO of Amwell.

"By leveraging health tech, the industry can support more people in the coming year without adding to the burden of an understaffed workforce. It's how the industry can care for those who need it and for those who do the caring."

https://www.benefitspro.com/2024/01/04/need-mental-health-support-employers-now-have-an-app-for-that-ai-wellness-chatbot/

# Employers Are Offering a New Worker Benefit: Wellness Chatbots

The apps use artificial intelligence to hold therapist-like conversations or make diagnoses.

Prompt engineering—crafting the sharpest queries to get the best answers out of ChatGPT or another generative AI chatbot—is a new type of job. So what kinds of skills do you need to get hired? To find out, WSJ's Joanna Stern applied to be one. Photo illustration: The Wall Street Journal

More workers feeling anxious, stressed or blue have a new place to go for mental-health help: a digital app.

Chatbots that hold therapist-like conversations and wellness apps that deliver depression and other diagnoses or identify people at risk of self-harm are snowballing across employers' healthcare benefits.

"The demand for counselors is huge, but the supply of mental-health providers is shrinking," said J. Marshall Dye, chief executive officer of Payroll Plans, a Dallas-based provider of benefits software used by small and medium-size businesses, which began providing access to a chatbot called Woebot in November. Payroll Plans expects about 9,400 employers will use Woebot in 2024.

About a year ago gave employees free access to Twill, an app that uses artificial intelligence to track the moods of users and create a personalized mental-health plan. The app offers games and other activities that the workers can play, as well as live chats with a human "coach."
The app "allows you to address mental health concerns the moment they arise and can be used as a supplement to your daily well-being routine," the company said in a blog post. Amazon declined to comment.

About a third of U.S. employers offer a "digital therapeutic" for mental-health support, according to a survey of 457 companies this past summer by professional services company WTW. An additional 15% of the companies were considering adding such an offering in 2024 or 2025.

Supporters say the mental-health apps alleviate symptoms such as anxiety, loneliness and depression. Because they are available at any time, the apps can also reach people who might not be able to fit traditional therapy into their schedules or can't find a therapist who has an opening.

Yet some researchers say there isn't sufficient evidence the programs work, and the varied security and safety practices create a risk that private information could be leaked or sold.
"The companies are well known to be overextending claims about what they can do," said Dr. John Torous, director of the digital-psychiatry division at Beth Israel Deaconess Medical Center,

in Boston. “Employers offering it, in some ways it is tokenism, saying we’re offering something for mental-health support.”

The AI has gone rogue: Earlier this year, the National Eating Disorders Association disabled an AI chatbot that gave dieting tips to users with eating disorders. The organization, which didn’t respond to an email seeking comment, said at the time that it was “investigating this immediately and have taken down the program until further notice for a complete investigation.”

Replika, which offers consumers companion apps aimed at easing loneliness, updated its app earlier this year after some users complained that the AI bot engaged in overly sexual discussions and harassed them.

Eugenia Kuyda, founder and creator of Replika, said the technology is in its early days and her company is “constantly talking to users, regulators and platforms to allow people to communicate with their Replika’s in safe, private and emotionally authentic ways.”

For years, some employers didn’t offer much mental-health help as part of their health benefits. The struggles of workers with isolation and other mental-health issues during the pandemic prompted employers, insurers and some Medicaid and Medicare programs to up their offerings. Over the past three years, 94% of large employers made new investments in mental-health care, according to benefits consulting firm Mercer. About two-thirds added classes or access to apps that promote mental health.

The apps vary in how much they incorporate AI—and in how much leeway they give AI systems. U.K.-based Limbic offers a mental-health support app that uses a so-called large language model similar to ChatGPT, the bot that became world famous for its ability to hold free-flowing, humanlike conversations.

## DEI backlash has companies quietly changing their programs to avoid wave of lawsuits alleging discrimination

Sophia Danner-Okotie’s has ambitious plans for her Nigerian-inspired clothing line but a sense of dread has punctured her optimism as she watches a legal battle being waged against a small venture capital firm that has provided funding instrumental to her boutique brand’s growth.

The case against the Fearless Fund alleges that one of its grant programs discriminates against non-Black women and asks the courts to imagine a similar program designed only for white applicants. It is among a growing list of lawsuits against corporate diversity and inclusion programs that are making their way through the courts this year.

Most have been filed by conservative activists encouraged by the Supreme Court's June ruling ending affirmative action in college admissions and are now seeking to set a similar precedent in the working world.

The battle has been a roller coaster of setbacks and victories for both sides, but some companies are already retooling their diversity programs in the face of legal challenges, and the growing expectation that the conservative-dominated Supreme Court will eventually take up the issue.

One conservative activist, Christopher Rufo, claimed another victory this month with the resignation of Harvard's first Black woman president, Claudine Gay, after allegations of plagiarism and a furor over her congressional testimony about antisemitism.

Rufo, who has cast Gay's appointment to the job as the culmination of diversity and inclusion efforts that have sidelined conservative voices in higher education, vowed on the social media platform X, formerly known as Twitter, not to "stop until we have abolished DEI ideology from every institution in America."

Dozens of prominent companies have already been targeted, as well as a wide array of diversity initiatives, including fellowships, hiring goals, anti-bias training and contract programs for minority or women-owned businesses.

Some challenges have focused on policies adopted after the 2020 protests over George Floyd's killing by police as companies pledged more efforts to redress racial inequalities in the workplace. But others have targeted decades-old diversity programs that anti-affirmative action advocates have long tried to dismantle.
Diversity and inclusion experts say the legal backlash is already having a chilling effect over corporate efforts to address workplace inequality at a time when investment and interest in such initiatives have slowed following the post-Floyd surge.

Job openings for diversity officers and similar positions have declined in recent months. The combined share of venture capital funding for businesses owned by Black and Latina women has dipped back to less than 1% after briefly surpassing that threshold — at 1.05% — in 2021 following a jump in 2020, according to the nonprofit advocacy group digital undivided.

The case against the Fearless Fund, which provides early-stage funding to businesses led by women of color, exemplifies the unpredictable legal landscape.

In late September, a federal judge in Atlanta refused to block a Fearless Fund grant contest for Black women business owners, saying they are donations protected by the First Amendment and the lawsuit was likely to fail. But days later, a three-judge federal appeals panel suspended the contest, calling it "racially exclusionary" and saying the suit was likely to succeed.

“Am I going to be able to apply to grants like these? Are they even going to exist?” said Danner-Okotie, who received $10,000 from a separate Fearless Fund grant. “With this last ruling, it seems like no.”

Danner-Okotie first saw the potential for scaling her clothing brand when the COVID-19 pandemic shut down the boutiques and fairs that carried her designs. Searching for ways to increase her online sales, she landed a contract with subscriber-based retailer Stitch Fix and used a government pandemic relief loan to fulfill the order. But when she tried to build on that success, she ran into roadblocks as banks declined her loan applications, deeming her business model risky since her clothes are handmade by Nigerian tailors.

The Fearless Fund, Danner-Okotie said, grasped her mission of designing clothes for American women looking to celebrate their African heritage. The grant was a game changer, allowing her to contract a factory in India to make uniquely designed fabrics for her team of tailors in Nigeria. But now, future funding from the program is in jeopardy. The lawsuit against the Fearless Fund is being brought by the American Alliance for Equal Rights, a nonprofit founded by anti-affirmative action activist Edward Blum, the man behind the college admissions cases the Supreme Court ruled on in June. The outcome of the case could be a bellwether for similar diversity programs.

Oral arguments in the case are scheduled for Jan. 31.

*Adjusting diversity programs*

Faced with a messy legal landscape, companies are being cautious. Most major companies have stuck by diversity initiatives that many ramped up in the face of pressure from some shareholders, employees and customers. Starbucks and Disney are among companies that have so far prevailed in court against challenges to their inclusion policies.

But some have made changes to diversity programs to try to protect them from legal scrutiny. Among those are two prominent law firms that had faced lawsuits by Blum’s group. The firms, Morrison Foerster and Perkins Coie, opened their diversity fellowship programs to all applicants of all races in October, changes the companies said were in the works before Blum’s lawsuits, which he subsequently dropped.

In February, Pharmaceutical giant Pfizer dropped race-based eligibility requirements for a fellowship program designed for college students of Black, Latino and Native American descent, even though a judge had dismissed a lawsuit against the program two months earlier. Despite the change, the conservative nonprofit suing Pfizer, Do No Harm, is appealing the lawsuit’s dismissal, arguing the fellowship’s goals remain the same.

In May, Comcast said business owners of all backgrounds would be eligible to apply for a grant program originally intended for women and people of color when it launched in 2020. The telecommunications settled a lawsuit last year over the program brought by the conservative

Wisconsin Institute for Law & Liberty on behalf of the white owner of a commercial cleaning business.

The Wisconsin Institute filed another lawsuit in October, this one on behalf of two construction firms. The lawsuit seeks to dismantle the U.S. Department of Transportation's Disadvantaged Business Enterprise program, which dates back to the Reagan administration and requires that 10% of funds authorized for highway and transit federal assistance programs be expended with small businesses owned by women, minorities or other socially and economically disadvantaged people.

Dan Lennington, an attorney with the Wisconsin Institute, said he considers Comcast's changes "progress," but the anti-affirmative action movement is looking for a broader victory that could change case law on workplace diversity programs, and the lawsuit against the DOT has that potential.

The Supreme Court's ruling on affirmative action "opened up a whole new world," Lennington said. "This decision just really injected new life into the whole debate."

*A gray area on hiring*

Many of the lawsuits challenging diversity programs, including the cases against Pfizer and the Fearless Fund, are relying on a section of the Civil Rights Act of 1866, which prohibits racial discrimination in contract agreements. The law was originally intended to protect formerly enslaved people, but conservative activists are citing it to challenge programs designed to benefit racial minorities.

Their lawsuits generally target programs that have clear race-based eligibility components. A more difficult challenge is proving that companies are making hiring decisions based on race, said David Glasgow, executive director of the Meltzer Center for Diversity, Inclusion, and Belonging at New York University's School of Law.

Taking race into account for hiring or promotions is illegal under Title VII of the 1964 Civil Rights Act. A debate has emerged about whether companies are crossing the line by announcing goals for increasing Black and other minority representation. Companies say such efforts are not quotas but aspirational goals they will try to achieve through policies like widening candidate pools and rooting out bias in hiring processes.

Glasgow called it a "gray area" that could depend on a court's interpretation of corporate policies. He said it could be hard to prove discrimination just because a company "announced in a really broad way that it would be nice to have more people of color in management" but plaintiffs could try to argue that Diversity Equity and Inclusion policies are pressuring hiring managers to make race-based decisions.

Conservative activists are trying to make just that case, seizing on corporate documents that share data on efforts to increase the ranks of Black, Hispanic and other underrepresented groups in their workforce, however modest that progress might be.

America First Legal, a group run by former Trump adviser Stephen Miller, sent a letter in November to the federal Equal Employment Opportunity Commission seeking an investigation into Macy's efforts to strengthen its DEI policies, arguing they amount to discriminatory hiring practices.

In 2019, Macy's announced a goal of 30% ethnic diversity among its leadership at the director level and above by 2025, in part to better serve its customer base, which is about 50% non-white. The retailer launched a leadership training program for selected managers of color, and last year required that candidates for director roles include ethnically diverse applicants. It also has incorporated its DEI goals into annual performance reviews for directors and company-wide incentive calculation.

America First Legal cited those initiatives to argue that Macy's "has set explicit racial and other quotas for hiring." The group has sent dozens of similar letters to the EEOC targeting companies from IBM to American Airlines.

Macy's declined to comment on the letter. But in a previous interview with The Associated Press, outgoing Macy's CEO Jeff Gennette said the company is sticking with its DEI policies while closely watching legal developments.

"Our enthusiasm and our commitment to all the prongs that we had with DEI, and our strategy, remains. We might express it differently based on court rulings and in the future," Gennette said, without providing details.

https://fortune.com/2024/01/15/dei-backlash-fearless-fund-companies-changing-programs-avoid-wave-lawsuits-alleging-discrimination/

# Burnout or Boreout? How to Help Your Team Overcome Mental Health Issues at Work

Your employees seem distracted or on edge. Even typically gregarious team members are unusually quiet. Understandably, it can be hard to know how to respond, but you need to react. After all, these are common signs of the disengagement that's plaguing more than half of professionals, according to Owl Labs research. One way to reduce widespread disengagement is to more actively support your workers' mental health.

Giving your employees the tools to better cope with life's stressors will benefit them in myriad ways. They'll feel more focused and innovative. They'll have the skills to keep the various elements of their lives in balance. They'll be more grounded in their decision-making, too. And when they're happier and healthier, you'll see benefits as well.

Remember: Like athletic teams, corporate teams depend on being able to tap into the collective strength of all their players. When one or more players aren't able to function to full capacity, the whole team's productivity and performance can suffer. By enabling everyone on your roster to get and stay healthier, you can keep efficiency and engagement levels high.

Where and how can you begin? Put these strategies into motion to get everyone in your company on the path to more on-the-job fulfillment buoyed by holistic wellness.

1. Identify your mental health support gaps.

The first place to start is by knowing what mental health-related employee benefits your plan already provides. This allows you to apply "reverse engineering" to figuring out what you could add.

For instance, you may have an employee assistance program (EAP) in place. EAPs are free services available to workers and may offer anything from hotlines to limited levels of counseling. However, upon further digging, you may find that only a small portion of your employees are utilizing your EAP program.

With this knowledge, you could pursue ways to solve this mental health support gap. Perhaps employees don't realize that the EAP is free. Maybe your onboarding procedures only skim the surface of what an EAP is and how to use it. Either way, putting other measures in place (e.g., sending informative emails, changing your onboarding curriculum) could fill in that gap.

2. Put a premium on employee mental wellness education.

You can't expect that everyone on your team will realize when they're struggling with a mental health condition. Many employees may have mental health issues and not understand why they're feeling preoccupied or unwell.

Take clinical depression and similar mood disorders, for example. Pathways, a Utah addiction and rehab recovery center, notes that one in six adults are likely to experience a depressive episode. Yet not everyone knows what's happening to them or why. Clinically significant mood changes can happen without warning, as in the case of postpartum depression. Sufferers may be unaware that they're having serious troubles until they feel overwhelmed. For them, being able to spot changes immediately can lead them to get assistance sooner.

Two vehicles for educating your people about mental health are through all-staff webinars and manager-specific training. Webinars allow everyone to hear the same information about mental health, which can spark conversations and deepen understanding of the topic. Manager training sessions are designed to give leaders more confidence when supervising direct reports who are struggling. The latter type of training can also be a valuable way to introduce ethical and compliance-focused considerations. Best of all, you'll plant the seeds for a stigma-free culture.

3. Normalize the use of PTO.

Does your business make employees feel shamed for taking time away from their work? Do you laud employees who never take time off and always seem to be "on", even if it's during non-work hours? If so, you're setting the scene for unhealthy workers. People need to get away from work regularly or they'll suffer. Of course, you can't just tell people to use their PTO; you have to model the behavior and teach other leaders to do likewise.

This doesn't mean you have to tell everyone when you take a "mental health day". You can simply schedule yourself off without explaining why. Just be certain that when you're out of the office, you resist the temptation to respond to emails, texts, and calls. Unless it's an emergency, you should be protective about keeping yourself work-free for the day.

The good news is that workers seem to be getting better on the whole about using their PTO. Nevertheless, you, your directors, and your management team members may need to prompt workers to take advantage of the PTO they receive.

4. Monitor workplace mental health KPIs.

Today, you have the chance to track almost any data point you want, including those that point to the mental wellbeing of your employees. If you start right now, you can develop a baseline understanding of where your people are. From there, you'll be able to follow how well your mental health support plans are working.

What are some KPIs that can help you measure mental health among your workforce? Try employee turnover rates, employee satisfaction scores, and (as mentioned above) EAP utilization rates to begin. Once you've benchmarked those KPIs, keep gauging them on a monthly or quarterly basis.

You may not see an instant change in your KPIs, but that's okay. It's more realistic to expect gradual improvement. In time, you may want to include other KPIs into the mix, too. For now, having just two or three should suffice as a mental health "pulse check".

Workers with unmet mental health issues can't bring their whole selves and energies to the office. Instead of expecting your employees to tackle this problem alone, see it as an opportunity to show your support. In return, your team members will bring their best ideas and efforts to the table — and you'll all log big wins together.

https://www.newsreports.com/burnout-or-boreout-how-to-help-your-team-overcome-mental-health-issues-at-work/

## Many remote employees have 'no attachment' to their work, and no passion or creativity, the CEO of cosmetics giant L'Oreal says

L'Oreal's CEO is firmly against remote work because it's "bad" for employees' mental health. Speaking at the World Economic Forum, he said remote workers lack attachment, passion, and creativity.

The company was one of the first big corporations to issue return to office mandates after the 2020 lockdown.

L'Oreal's CEO had some harsh words for remote workers, saying they lack attachment, passion, or creativity in their roles, during the World Economic Forum in Davos, Switzerland.

As per British outlet the Daily Telegraph, Nicolas Hieronimus — a French businessman who took the helm of the cosmetics giant in 2021 — said that being in the office was essential for the company and its employees because it brings people together.

"I know so many employees of so many other companies than L'Oreal that have been working from home for months, that have absolutely no attachment, no passion, no creativity," Hieronimus said on the sidelines of the WEF.

"One of the reasons that we hit the ground running after COVID is that we did not do like many tech companies and say everybody works from home all the time, and now they say: 'Oh my God, that was a mistake, please come back.'"

L'Oreal requires employees to be in the office at least three days a week currently and was one of the first companies to issue return-to-office mandates after the lockdown in 2020.

L'Oreal USA's former CEO Stephane Rinderknech called the company's 11,000 employees back to the office in a staggered process in July 2020. He said in a memo: "The life of this company is based on the sensorial enrichment of experiencing beauty in person."

He added: "The world of beauty is not a remote or virtual one."

The company faced backlash from employees for the mandate with one worker in California saying: "They keep repeating how positive people are reacting and it's bullshit because no one wants to go back…It's pure gaslighting."

However, Hieronimus said at the WEF that it's "vital to be in the office" for serendipity and having the chance to meet people.

"And it's also more fair to workers because we have lots of young people who have small houses or have young kids and working from home is actually very bad for their mental health," he said.

"It's vital for the company, and it's vital for the employees. It's also fair to the blue-collar workers that work every day in the factory."

CEOs have changed their tune on remote work since the pandemic saying that employees are more productive and efficient in the office.

Numerous firms including Google, Meta, Starbucks, and JPMorgan have walked back their remote working policies as a result, and are requiring workers to come back to the office.

There's research to back up some of the claims made by CEOs. One 2023 study of 200 data entry workers in Chennai, India by the National Bureau of Economic Research found that the productivity of workers randomly assigned to work from home was 18% lower than their in-office counterparts.

https://www.yahoo.com/news/many-remote-employees-no-attachment-111058544.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAACNFOmXlxeHNCFNgFxRiwT0INy5LejcziU9SpYC0y0Iwa9vbwmofoQ7n6__GqNrVbK5J42F4ryI_WrQxTfQq2g1XDqOt6jfsiFGN43xeJGpWnd4BuQ-SJrx7MbnyBhy1G98GoUlbRZ2QlV8r1FRGDxoa1NIqd_3BUvkkOB34EX-O

## Have You Cried at Work?

Crying is a natural human emotion that can garner support, but workplace weeping may be an exception.

Shedding tears at work might have negative career repercussions, especially for women. Organizations should consider policies that are more accepting of the full range of employees' emotions.

As a doctor, and especially a psychiatrist, I've been trained to maintain a certain level of detachment when treating patients. We are the professionals, the healers, the experts. But as a human being with emotions, it's not surprising that I've violated this neutral attitude on occasion. When I empathize with a patient, I've sometimes found myself laughing with them—or shedding a few tears.

Research on crying shows that tearing up can facilitate social support from others. The exception: crying in the workplace. Here the crier is subject to a cornucopia of possible negative judgements from superiors and co-workers alike. And although we lack precise numbers, workplace crying is surprisingly common. A 2019 Dutch study on weeping among physicians revealed that almost half of the doctors had cried at work during the previous year.

So is crying at the office acceptable? The answer lies in the context, and in the eyes of the beholder. The available evidence suggests that the particular situation—and audience—are important in terms of any possible repercussions.

Take the example of a doctor who cries in front of a patient. If the physician has a bond and shared history with the patient—and if the tears are related to the patient's condition rather than the doctor's own problems—then the crying is usually well received and can enhance the relationship. Moist eyes, rather than sobs, should be the standard to avoid a role reversal where the patient feels the need to comfort the doctor. But if the physician cries because of burnout, or a heavy workload, colleagues, supervisors, and patients alike might judge him or her harshly.

According to Ad Vingerhoets, Ph.D., retired professor of psychology at Tilburg University in the Netherlands, "If tears are perceived as appropriate and genuine, criers are generally judged as warm, empathic, honest and reliable. These are the kind of people we want to connect with as friends, colleagues, and neighbors."

But perhaps not as subordinates.

"Chloe," a 53-year-old partner at a large Massachusetts law firm, describes crying at work during a moment of extreme stress: "In litigation, sometimes things feel like a personal attack, and I had received a letter with untrue statements about me from an opposing counsel. I ended up crying in the office of one of my supervisors. I think this was viewed as a sign that I wasn't ready to be a leader or that I couldn't handle more responsibilities."

Chloe was frustrated when her quest to become a partner at her firm was sidelined for a few years; she found out through the grapevine that her crying episode was largely to blame. “I do think it was viewed as a lack of maturity on my part, instead of something that might have happened because of extenuating circumstances,” says Chloe.

Because we spend a lot of time at work, those dealing with personal dilemmas or losses, like Chloe, might see their emotions spill over into their professional lives. But it’s not the same across the board. Women and men experience workplace crying (and its stigma) differently. Across all settings, biological females cry more frequently than males. In Western countries, females cry two to four times per month yet males weep only zero to one times every two months. The reason is physiologic: testosterone inhibits the production of tears. In the workplace, “men may benefit from the idea that if a man cries, there must be something serious going on.

If a woman cries, it is perceived to be not the situation, but her personality,” says Vingerhoets. This can translate into a reduced chance of being promoted for females.
A 2018 study by Kimberly Elsbach, Ph.D., about women’s tears in the workplace supports the understanding that there is a double standard for male and female tears at work. In Elsbach’s study, if the female crier in question sheds a few tears in private or with a trusted other, then those tears are generally interpreted as situational and not a career killer. But if the crying is disruptive of workflow or occurs in a public forum like a meeting, the crier can be seen as weak, unprofessional, or manipulative.

Although burnout and self-pity might not be viewed as positively as other reasons to cry at work, they can still be valid. Experts like Vingerhoets think it’s not justified to penalize workers—especially females—who cry in the workplace. In her paper, Elsbach offers workarounds for female criers such as leaving the company of others, apologizing to witnesses, and making sure that the weeping doesn’t disrupt the flow of the office.

Organizations can play a role in supporting their employees’ mental health instead of perpetuating stigma about crying. Psychologist Naama Tokayer, Ph.D., was instrumental in developing a staff grief counseling group at a pediatric long-term care facility in New York. Staff were given a safe space to express their emotions about losing a patient. According to Tokayer, “In my experience, when staff members perceive clear support from administration for their participation in mental health sustenance programs, they are very appreciative. Organizations that acknowledge staff members’ emotions can find that they have a more satisfied workforce.”

What if more organizations cared about their employees’ emotional well-being and helped to make space for the full range of emotions? Think about the possibilities: crying “safe rooms” for employees without offices, or nonjudgmental colleagues appointed to serve as safe harbors for crying peers. These ideas may sound far-fetched, but the suggestion that organizational leaders could and should be more accepting of employees’ all-too-human emotions isn’t so absurd.

Chloe, for one, believes in this model. I agree wholeheartedly. She now mentors younger attorneys at work on the importance of self-care and appropriately-placed emotional expression: “If you have a bad day, you cry and move on. You try to talk to people you trust. We’re not robots. I think you can’t beat yourself up so much for having big emotions.”

https://www.psychologytoday.com/us/blog/the-doctor-is-out-and-about/202401/have-you-cried-at-work

## **Did You Know? Workers Can Be Fired for Their Political Affiliation and Activity**

With political campaigns well underway for this year’s elections—and heated discussions, lobbying for candidates and other distracting behavior filling workplace hallways and messaging platforms—private-sector employers may wonder if they’re ever allowed to fire workers for their political affiliation and activities. They often can, as there is no federal law that creates a protected class based on political beliefs or actions.

“In most states, private employers can fire their employees for their political activities or affiliations, as long as the firing isn’t a form of voter intimidation or coercion,” said Thomas Spiggle, an attorney with The Spiggle Law Firm in Alexandria, Va.

But some state laws and local ordinances offer employees protection. For example, a federal district court in California held that an employee who was outside the U.S. Capitol in Washington, D.C., on Jan. 6, 2021, was involved in a protected political activity, though participating in the insurrection may not be. In this case, the employee was fired after posting two selfies taken at the Capitol on Jan. 6, 2021, although she said she did not enter the Capitol or participate in any rioting. California has a broad view of what political actions are protected, including the espousal of a cause, said Gerald Hathaway, an attorney with Faegre Drinker in New York City.

Government employees enjoy greater protection for their political activity, as long as it occurs outside of work. “Employees working in the private sector often [don’t understand] that the constitutional First Amendment right to free speech applies to government employees but not employees working for businesses,” said Christopher Olmsted, an attorney with Ogletree Deakins in San Diego.

*Political Affiliation Discrimination*

“To a large extent, private employers can fire an employee based on political affiliation without running afoul of federal law,” said Rick Grimaldi and Leanne Lane Coyle, attorneys with Fisher Phillips in Philadelphia. “Only a few states have laws on the books protecting employees from political affiliation discrimination.”

Political affiliation discrimination could refer to discrimination based on a person's political beliefs or membership in a political group, added Spiggle.

States that prohibit some form of political affiliation discrimination in the private sector include California, Louisiana, Missouri, New Mexico, South Carolina and Utah, as well as Washington, D.C., he explained.

*Political Activity Discrimination*

More states prohibit political activity discrimination in the private sector. There is a patchwork of state and local requirements on protecting employee speech by private-sector workers.

Spiggle said states that prohibit some form of political activity discrimination in the private sector include Arizona, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Massachusetts, Minnesota, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, South Carolina, Utah, Washington and West Virginia, as well as Washington, D.C.

"This is a fairly broad list, but many of these states offer limited protections," he said. For example, the protections in Georgia and Ohio apply when an employer tries to threaten or intimidate an employee into voting a certain way or not voting at all.

The following actions could be examples of illegal employer conduct based on employee "political activity" in the private sector if there is an applicable state or local law, said Marcy Frost, an attorney with The Law Office of Marcy R. Frost in St. Louis Park, Minn.:
Refusing to hire someone because the person's social media activity reveals that the person supports Donald Trump for president or is opposed to an abortion ban.

*Disciplining an employee who signs a petition related to a ballot measure.*

Terminating employment because the employee attended a rally protesting Israel's military campaign in Gaza.

Threatening to discharge or discharging an employee who runs for City Council.
Terminating employment because the employee contributed, or refused to contribute, to the Biden re-election campaign or the National Rifle Association.

Frost said that California's employer-specific statute applies narrowly to threats of employment termination, rather than all adverse employment actions. The same is true in Minnesota.

New York is a broad at-will state but there are several statutory protections, including a law that disallows discrimination against individuals for engaging in political activities, Hathaway said. "But the New York law has a very narrow definition of political activities," he said. The law defines such activities as 1) running for public office, 2) campaigning for a candidate for public office or 3) participating in fundraising activities for the benefit of a candidate, political party or political advocacy group.

During the pandemic, when facial coverings were required, many employees wanted to put political statements on their masks, Hathaway said. “We generally advised employers that they could restrict their employees from doing so, depending on what the message was and where the employer was located,” he said.

Some states, such as Colorado, prohibit employers from issuing policies that limit political activity or affiliation, Frost noted. And “Louisiana’s broad statute provides that an employer with 20 or more employees cannot make, adopt or enforce any rule, regulation or policy forbidding or preventing any of his employees from engaging or participating in politics,” she said.

Ordinances and statutes specific to employers sometimes make political activity or affiliation a protected classification. For example, in Madison, Wis., a statute provides that political beliefs are a protected class under the employment discrimination ordinance, Frost said.

Even where a state or local ordinance prohibits discrimination based on political activity, actions an employee takes in the workplace in support of a political party may subject the employee to discipline for reasons unrelated to the political content of the activity, she added. This may be the case where the activity interferes with work performance or violates a specific employment policy, such as a policy against mass emails, solicitation or personal conversations during work hours, or personal attire standards.

Despite all these restrictions, Frost said that many states do not protect anything beyond the employees’ voting rights, so other political action or affiliation in these jurisdictions could be used as a reason for termination.

*Federal Legal Considerations*

Beyond political campaigns, employers can’t ban employees from engaging in concerted activity to impact legislation, such as advocating for an enhanced minimum wage. Doing so could violate the National Labor Relations Act. In addition, Title VII of the Civil Rights Act of 1964 prevents employees from being treated discriminatorily because of their race, color, religion, sex or national origin.

“However, employers can certainly prohibit political discussions that might violate anti-discrimination or anti-harassment laws, promote hostility or violence, violate company policies such as code-of-conduct rules, or generally infringe on the rights of others,” said Joe Beachboard, an attorney and president of Beachboard Consulting Group in Los Angeles.

*Employee Relations Concerns*

Of course, employers should consider the ramifications of firing a worker based on their political activities from an employee relations perspective, not just a legal one.

“This issue would cut both ways,” Frost said. It is good employee relations to support your employees, so if someone’s political activity is offensive to other employees and the company’s principles, a termination—if the reason for it is obvious—could boost morale, she said.

On the other hand, Frost noted that employees expect employers to stay out of their personal lives, so a termination could be seen as a threat against all employees.

https://www.shrm.org/topics-tools/employment-law-compliance/fired-political-affiliation-activity

## 5 Ways to Make Employees More Loyal and Productive

Retaining employees has become more challenging as many seek a higher level of work/life balance and are eager to structure their jobs around their personal requirements, which pulls them away from their job’s responsibilities. However, linking the employee experience more closely to the following five strategic components can help employers meet workers’ demands while embedding them more securely in the organization. These more loyal employees become better aligned to the strategic direction of the company and more productive in their jobs.

The five strategic components are mission, values, goals, vision and purpose. For each, the role of HR is to support employees by providing tools and procedures to their managers, who in turn can leverage them to lead their employees to greater loyalty and productivity.

Here is an overview of those five strategic components:

First, employees are looking for recognition within the organization and acknowledgment of their need for personal time. The employee’s position combines material factors such as hierarchical rank and compensation with immaterial factors such as esteem and reputation. These factors can be cultivated for all employees by linking them to the company’s mission.

The organizational “reason for being” defines the company through its image, market standing, prioritized stakeholders and so on. These criteria can serve as the basis for recognizing employees materially through promotions, salary decisions and bonuses, as well as immaterially via feedback from supervisors and sharing successes in team meetings, posts on company whiteboards and announcements in internal communication.

It is beneficial to break down the company-level criteria to the operational specifics of individual teams in order to achieve the desired mission. Recognition works best in a corporate culture that regularly celebrates success and attributes it, depending on the culture and the circumstances, to the capabilities of individuals, teams or the entire company. Recognition becomes part of the daily experience, and employees appreciate the acknowledgment of their individual or collective contributions to the organizational standing.

Without prying into personal affairs, supervisors can be made sensitive to the position of their employees at home. Leslie Hammer, professor of psychology at Oregon's Portland State University, has shown that by providing an instruction kit plus two hours of manager training in family-supportive behavior leads to improved loyalty, job satisfaction and mental health among team members.

Second, workers want to feel part of a team in the workplace. Even those employees who work part time, under contract or outside of the workplace feel this need. Company values like excellence and respect characterize the nature of relations between workers and can inform how employees are included in processes and internal communication.

Within a company that values excellence, an explanation about how the work produces market-leading outputs and company successes can be made transparent by leadership. At Intel, leaders prioritize regular communication with employees through such channels as emails, newsletters, video messages and face-to-face interactions. They share updates on company strategies, goals, achievements and challenges. Each employee becomes engaged to orient their own work, no matter how routine, to contributing to overall excellence.

In an organization valuing respect, communication should be two-way and informal, inviting employees to share feedback, comments, suggestions and ideas. Email, digitalized documents, video platforms and online meeting software should be widely available to include everyone whenever and wherever they work. Transparently seeing their own contributions to the work and staying informed raises employee engagement, especially when they work part time, as temps or outside the workplace.

Third, many people want to experience greater self-determination and control on the job and when dividing their days between work and personal activities. The Self-Determination Theory highlights employees' needs for autonomy, competence and relatedness. Autonomy begins when employees are given clear guidelines and expectations regarding task outcomes and how these outcomes can help achieve company goals, such as raising customer satisfaction or speeding processes.

Different companies will encourage differing degrees of leeway in task performance; the leeway enables employees to better achieve the goals. Competence is gained via experience in the skills needed for goal-oriented task performance, particularly when combined with autonomy. In such circumstances, errors or failures are bound to happen sometimes. For this reason, supervisors need to demarcate critical areas of behavior where leeway cannot be tolerated, as well as treat errors that occur as a learning experience for all. Relatedness is gained from the team via dividing up the tasks, supporting each other in performing the tasks, sharing knowledge, and acting as a kind of “checks and balances” in minimizing errors and aligning tasks to strategic goals.

MIT professor of management Lotte Bailyn has shown that reducing stress and improving people’s work/life balance improves their performance. In her studies, work activities were restructured to accommodate personal lives while at the same time raising goal achievement due to reduced stress. The result can be the lever to change work practices. By linking self-determination and work/life balance to strategic goals, employees can be given more freedom in how, when and where they accomplish their tasks.

Fourth, employees strive to realize a personal vision of their professional development and social life on and off the job. Workers can align their personal and professional vision to the company vision. At many companies, an internal talent marketplace system matches employees’ skills and aspirations with future opportunities for work. However, placing the right employees to drive the fulfillment of the company vision requires building a culture of trust and putting the whole company first. Managers should not hoard their best workers, but rather become knowledgeable about future company developments to help identify growth opportunities for their workers. Employees should be willing and able to adopt a growth mindset to push forward their skills in line with the company’s future while developing with their supervisors their personal vision, which may go beyond their current team.

Cultural changes are needed even when a company foregoes a talent management system. Low-tech measures in the appropriate cultural setting can reproduce the functionality of an internal talent marketplace. Examples include systematic mentoring, posting all new vacancies or projects for current employees to see, and introducing career advancement potential to job descriptions by indicating what taking on the opportunity can lead to afterward.

Mai Lan Nguyen, head of human resources for North America at Schneider Electric in Boston, said it’s critical for HR to assist managers in identifying and realizing the required cultural changes behind new people management practices and policies. A key cultural change is to build trust in new types of behaviors and activities, she said. In such initiatives, HR should start small and then iterate to build up. A pilot with a team open to innovative people management can be the spark for change in the entire organization.

Fifth, people increasingly seek meaning on the job and an employee experience in accord with their personal lives. Meaning can be found in the company purpose, which positively impacts wider social issues such as sustainability and equality. At companies without a stated purpose, employees can find meaning in work that expresses their personal values, such as creativity or collaboration. HR can suggest this topic as an agenda item in team meetings or internally post interviews with selected personnel.

Jennifer Herrity, a career coach with Indeed in Austin, identified seven life lessons that can be learned at work and applied in private life. HR can initiate a discussion group or post internal think pieces about her suggestions, including: “Make connecting with others a priority” or “Learn how to change the situation, not the person.” HR can then develop company-specific life lessons or ask employees what they have experienced.

Employees experiencing any or all of the following—feeling entrenched in the company mission, embodying the company’s values, performing goal-oriented tasks, developing themselves in line with the company’s vision, or feeling absorbed in purposeful and life-enhancing work—are more likely to feel bound to the fulfilling working conditions of the company. And such strategically oriented employees are exactly the ones that employers are happy to retain.

https://www.shrm.org/topics-tools/news/employee-relations/viewpoint-loyal-productive-employees

## The End of Workplace Mindfulness Training?

New research suggests it doesn’t reduce stress, but helping others does.

Mindfulness-based interventions, and other similar programs, may not improve employees’ subjective well-being.

Creating opportunities for employees to become socially connected can positively influence mental health.

Employees who are exposed to higher levels of stress may be the ones who benefit from mindfulness training.

William J. Fleming, a professor at the Well-Being Research Centre at Oxford, recently published a review of the impact of individual-level well-being interventions on the mental health of over 46,000 employees across 233 organizations. When it comes to subjective well-being (self-ratings of one’s perception of how well one is doing), there appears to be no impact on those who take these courses when compared to those who just continue with their own ways of coping. On the surface, the findings do not surprise me. We’ve known for some time that when resilience is promoted through interventions that only change individuals, the sustainability of those changes is extremely poor.

Fleming’s work, though, should be a wake-up call for organizational consultants. Asking people to change themselves instead of changing the work environment around them is a strategy that not only wastes resources but may also infuriate employees, who feel like all the responsibility for dealing with a toxic work environment and unrealistic demands rests on their shoulders alone.

There is a better way to approach workplace stress reduction.

Focusing on improving the ruggedness (e.g., grit, mindfulness, personal attribution style) of employees in combination with a change to their environment can produce changes that reduce stress and improve engagement. For example, Fleming's paper does offer a bit of good news. He notes that employees whose workplaces provided them with opportunities to volunteer and share their skills, especially out in their communities, reported better psychological health. As Fleming writes, "Enhancing social resources, rather than psychological skills, may be more effective for improving workers' well-being."

If one thinks more systemically, it's easy to see why this is the case. Time spent volunteering changes our perceptions of ourselves, accentuating our skillset and offering us a more powerful identity as a person who contributes to the welfare of others. It also gives us a very tangible opportunity to socialize with our colleagues, breaking social isolation and challenging competitive norms. It may also increase our sense of self-efficacy, self-esteem, and other positive emotions as a consequence of making a contribution to one's community.

Of course, in defense of mindfulness-based training, my own recently published research with Dr. Raquel Arjona in the International Journal of Applied Positive Psychology found that individually focused interventions like mindfulness may be most effective for those at the highest levels of risk for psychological distress, but do very little for individuals with more resources who are exposed to less stress. In other words, despite the ubiquity of workplace and school interventions focused on individual change, it all may be a huge waste of effort and money unless we (1) reach those who are exposed to the most difficult environments, and (2) combine these individual interventions with changes to the social and physical environments around people.

This means employers are going to have to spend more time thinking about workplace safety, their staff's sense of common mission and belonging in the workplace, whether the workplace offers employees the chance to use a range of skills and gives them ways to make a real contribution, and whether they are safe physically and psychologically. Combined, these kinds of workplace initiatives are likely to create a better functioning, more engaged workforce. That is especially true if people are also well-enough compensated and experience enough flexibility to allow them to cope with life's hurdles when they happen beyond the workplace.

It all comes down to providing a great work environment that brings out the best in people. To be frank, no amount of meditation or yoga is going to change a toxic workplace nor people's experience of stress working there.

https://www.psychologytoday.com/us/blog/nurturing-resilience/202401/the-end-of-workplace-mindfulness-training

# EEOC Cracks Down on Transgender Harassment

As the discourse surrounding transgender rights in the U.S. continues, the U.S. Equal Employment Opportunity Commission (EEOC) is cracking down on unlawful treatment of transgender employees.

T.C. Wheelers Inc., a restaurant that operates a bar and pizzeria in Tonawanda, N.Y., has agreed to pay $25,000 and provide other relief to settle an EEOC lawsuit alleging the company harassed and drove out a transgender employee.

"The EEOC considers protecting members of the LGBTQIA+ community to be an important enforcement priority," EEOC New York District Director Yaw Gyebi Jr. said in a statement. "We will continue to assure that transgender employees receive the full benefit of federal anti-discrimination laws in all industries."

According to the lawsuit, the owners and staff of the restaurant made crude comments to an employee who is a transgender man, including telling the worker that he "wasn't a real man" and asking invasive questions about his transition and genitalia.

The lawsuit also alleged that the owners repeatedly and intentionally misgendered the employee and failed to correct the behavior of employees and customers who did the same. The employee reported the harassment on several occasions, but the behavior continued until he was compelled to resign.

The terms of the settlement also include:

T.C. Wheelers must institute and enforce equal employment opportunity policies that include a strong and clear commitment to preventing unlawful sex discrimination and harassment, including discrimination and harassment towards transgender persons.

All owners, managers and employees will be required to complete training on federal anti-discrimination employment laws, with a special emphasis on issues relating to gender identity and expression.

The company must provide annual reports to the EEOC regarding its implementation of these and other terms of the decree.

The EEOC will retain the right to inspect the company's business records and premises to ensure compliance.

T.C. Wheelers did not respond to SHRM Online's request for comment.

*How to Protect Transgender Employees*

Despite transgender inclusion at work reaching record levels, these workers still experience harassment and discrimination.
A 2021 report by the Williams Institute, part of the UCLA School of Law, showed that:

48.8 percent of transgender employees reported experiencing discrimination based on their LGBTQ+ status.

43.9 percent reported not being hired because of their LGBTQ+ status.

43.8 percent of transgender employees reported experiencing verbal harassment during their careers.

36.4 percent said they changed their physical appearance.

27.5 percent said they changed their bathroom use at work.

In many cases, the verbal harassment transgender employees experienced came from their supervisors, co-workers and customers, the report found.

"At the end of the day, allowing harassment to continue is an active choice on the side of the [employer]," Greene said. "It is giving them permission to continue their actions."

He outlined two simple ways HR can prevent harassment against transgender workers:
Build cultural and structural support. Create policies that protect your employees from harassment. Enforce those policies or include them in performance reviews and promotion criteria. Make sure employees understand and respect those policies. Educate the workforce about inclusive language and the LGBTQ+ community.

Be proactive in your support. Many transgender employees are hiding their gender identity, wondering if their workplace will be a safe place to come out, while leaders say they'll develop a policy or spread education when it's needed. Tell your workforce, before they ask, that the employer is supportive of transgender workers. Additionally, huge margins of LGBTQ+ people, especially people of color and members of Generation Z, are actively searching for employers with a strong commitment to LGBTQ+ inclusion.

With continued workplace harassment and more states passing laws restricting LGBTQ+ rights, Greene explained, building support for transgender employees "is more important now than ever."

https://www.shrm.org/topics-tools/news/inclusion-equity-diversity/transgender-harassment-pizzeria

## EEOC Launches New Outreach Initiative

Commissioner Kotagal Led Initiative Enhances Outreach to Vulnerable Workers and Underserved Communities

WASHINGTON – Today the U.S. Equal Employment Opportunity Commission (EEOC) launched the REACH initiative: "Enhancing OutREACH to Vulnerable Workers and Underserved Communities," a new, multi-year effort led by Commissioner Kalpana Kotagal. The initiative focuses on ensuring EEOC's outreach and education efforts are effectively reaching workers who often are the least likely to seek the agency's assistance, despite their great need.

"I am delighted that Commissioner Kotagal agreed to lead this critical effort to ensure that the EEOC is accessible to all members of the public, including the most vulnerable workers and those who live in parts of the country that are geographically removed from an EEOC office," said EEOC Chair Charlotte A. Burrows. "The REACH initiative will help us to identify ways to more effectively reach underserved communities—including rural areas, many Tribal nations, and other communities at significant distance from the EEOC's 53 field locations."

The REACH initiative will:

Hold in-person and virtual listening sessions with a broad range of stakeholders in different areas around the country to examine how the EEOC can bolster its efforts to reach vulnerable and underserved communities by identifying existing barriers to reporting discrimination and soliciting recommendations on how to serve these populations better.

Review and evaluate existing research and recommendations on effective outreach strategies, tools, and methods to inform the work of the initiative.

Identify best practices for reaching vulnerable and underserved communities and consider how to develop an increased presence in rural areas and areas far from physical EEOC office locations.

Develop recommendations to present to the EEOC Chair for enhancing outreach efforts.
Kotagal is holding her first in-person REACH listening session in Las Vegas today with local non-profit organizations and labor unions that have experience working with low-wage workers and workers of color and serve as trusted partners on the ground.

“As the daughter of immigrants, I know what is possible in this great country, and that it is due in no small part to our nation’s deep commitment to equal opportunity,” Kotagal said. “By ensuring that the Commission is accessible to vulnerable and underserved communities, we can advance fair and inclusive workplaces and achieve systemic change. I’m grateful for the opportunity to hear directly from local stakeholders across the country about how the agency can enhance its outreach efforts and make the promise of equal opportunity a reality for all.”

The REACH initiative advances the EEOC’s Strategic Plan for Fiscal Years 2022-2026’s Objective II.A to ensure “[m]embers of the public are aware of employment discrimination laws and know their rights and responsibilities under these laws.”

Also, it furthers the EEOC’s Strategic Enforcement Plan for Fiscal Years 2024-2028 (SEP), which prioritizes protecting vulnerable workers from employment discrimination. The SEP identifies vulnerable workers as: immigrant and migrant workers and workers on temporary visas; people with developmental or intellectual disabilities; workers with mental health related disabilities; individuals with arrest or conviction records; LGBTQI+ individuals; temporary workers; older workers; individuals employed in low wage jobs, including teenage workers employed in such jobs; survivors of gender-based violence; Native Americans/Alaska Natives; and persons with limited literacy or English proficiency

https://www.eeoc.gov/newsroom/eeoc-launches-new-outreach-initiative

## NEURO-DIVERSITY – THE LAW OF DIFFERENCE

An employee does not require formal diagnosis in order to be protected under the legislation – for example, they may have symptoms of autism that are severe enough to impact on day-to-day life – but have never received a piece of paper from a doctor confirming their condition. Of course, due to stigma and fear of discrimination, an employee may choose not to disclose their neurodiversity to their employer. They may not even realize whether their condition impacts their performance at work. This can make things even more complicated for employers. There is a need, therefore, to educate HR, managers and colleagues around neurodiversity and the associated legal obligations.

While complying with the law is of course a compelling reason for employers to support neurodiversity at work, it’s also the right thing to do. Speaking to the relative of a woman with autism and dyspraxia, one particular comment hit home. She said, “employers don’t understand that my sister’s condition won’t disappear once she’s trained up. She’s not just going to be ‘better’ at social skills. But there’s so many things she is really good at.” Employers may simply be unaware of the benefits neurodivergent employees can bring. Someone on the autism spectrum might be uncomfortable in social situations, but could be excellent at analytical work.

An employee with ADHD might need support to stay on track with projects, but their creative thinking might lead to a solution nobody else has thought of. Someone with dyslexia might need their writing proof read, but could be a fantastic verbal communicator who excels at presenting. I am often asked, what is a ‘reasonable adjustment’? Unfortunately, there is no one-size-fits-all answer. But just because something is inconvenient to the employer, does not make it unreasonable. T he definition of reasonable may differ depending on the size and resources of your organisation and a tribunal would generally expect a larger employer to do more to accommodate a disabled employee than would be required of a smaller organisation.

Common employee requests might be flexible working hours or a change in working location. Someone with ADHD may find a noisy office difficult and may prefer working from home, or in a quieter area. Others may struggle with day-to-day functions.

Adjusting targets, or absence trigger points may be required. Every individual is different, so it is important to observe, listen to the employee and seek medical advice concerning what support is required. Such requests have to be balanced against the needs of the role and the organisation to determine their reasonableness.

Employers also need to ensure they are not putting unlawful barriers in place that prevent neurodiverse people from gaining employment. Organisations are expected in law to anticipate the needs of disabled applicants and make reasonable adjustments to their processes. Job ads should be easy to read. Application forms should be accessible, with clear, precise questions and available in a range of formats. Help should be offered to anyone who needs support to apply.

Those selecting candidates and interviewing should be educated about unconscious bias and the importance of not simply rejecting a candidate without further consideration because, for example, their body language is different from ‘normal’. After all, a fixation with normal is hardly a credo for striving for diversity.

https://www.thehrdirector.com/features/neurodiversity/neuro-diversity-law-difference-thehrdirector-issue-231-january-2024-publication-article-week/

## United States: Backlash Against DEI: What's An Employer To Do?

Since the U.S. Supreme Court's June 2023 decisions1 found that race-conscious admissions practices in higher-education violated both the Constitution's 14th Amendment Equal Protection Clause and Title VI of the Civil Rights Act of 1964, the potential ripple effect that this ruling may have outside the university context has been a cause for concern among private-sector employers.

This unease comes at a time when Diversity, Equity and Inclusion (DEI) initiatives are increasingly under attack by non-BIPOC (Black, Indigenous, and people of color) complainants, who assert that programs designed to advantage some workers amount to unlawful discrimination against others.

The Court's rulings may be read as a cautionary tale and likely preview of coming attractions in the context of employment discrimination. Within the past year or so, many employers have either explicitly ended their formal DEI initiatives or have quietly let them go dormant (including, in many cases, reducing DEI staff headcount or laying off their entire DEI teams), a trend that has seemingly picked up steam recently. Big business is worried – with good reason – that their DEI programs will result in negative PR or, worse, will be challenged in court and found to be illegal. In recent weeks, the growing unease with DEI has reached a fever pitch, with numerous and increasingly negative posts on social media, as well as media reports of pending and potential litigation related to various employment-related DEI programs and outcomes.2 Given the politicization of issues that normally comes with a presidential election, the controversy over DEI is bound to become even more fraught in 2024.

*How did we get here?*

Many employers have asked "how did we get here?" The short answer is, not by following existing law. Employers have long been and remain subject to anti-discrimination laws that prohibit using race and sex in individual hiring decisions. And the Supreme Court's rulings in the admissions cases did not change this. Accordingly, employers who have carefully tailored their DEI programs and practices to meet federal and state/local anti-discrimination law probably have little cause for concern.

Nonetheless, an examination of DEI's origins does provide useful context. The goal of DEI in the workplace was ostensibly to foster a diverse and inclusive workforce, thereby ending unlawful discrimination and expanding opportunities. But, in many organizations, especially large corporations, DEI initiatives have experienced "mission creep" by including within their scope express attempts to extinguish "implicit bias" against groups designated as underrepresented, along with explicit favoritism toward some categories of workers over others. Disfavored workers have often complained of being subject to mandatory "training" designed to teach them to recognize their "inherent bias" and "be less white."3

Regrettably, what DEI has meant in practice at some organizations is merely to substitute one form of unlawful discrimination for another. For example, many executives and hiring managers have been incentivized to recruit, hire and promote workers based on factors other than merit and qualifications.4 It also has been fairly common in recent years for Fortune 500 companies to tie executive pay to "diversity goals."5Playing this numbers game has created a variety of legal risks and issues ranging from workplace disharmony to public safety concerns, as well as actual or threatened lawsuits on behalf of shareholders or disfavored workers. In addition to the pending action involving IBM's DEI initiatives, Meta6, Comcast,7 Amazon,8 and Starbucks9 have also been sued for DEI-based racial discrimination.

Many companies had already begun to reassess their hiring practices and shed their DEI staffs during pandemic-related layoffs, with attrition rates for DEI roles reportedly outpacing those of non-DEI positions in more than 600 U.S. companies that laid off workers since late 2020, and attrition rates reportedly increased during 2023.10 Private employers' decisions to slash DEI jobs and change DEI policies and practices were not related only to pandemic economics, but also to pushback against DEI initiatives in general and some DEI practices in particular.

And then came the Supreme Court decision in the university admissions cases, and the resulting spike in corporate concern along with DEI-related pushback and threats of litigation.

Immediately following the Court's June 2023 ruling, the Equal Employment Opportunity Commission ("EEOC") weighed in and published commentary.11

The statement from Commissioner Andrea Lucas urged "companies to take a hard look at their corporate diversity programs," while noting that "from the focus on ESG to the rise of 'equity' parlance in corporate diversity initiatives, companies remain under heavy pressure to take race-conscious employment actions," and that such pressure "has been enabled by common misunderstandings of the civil rights rules governing employers."

In the same statement, Commissioner Lucas emphasized that the EEOC is charged with "enforcing equal opportunity at work, not 'equity,'" (emphasis added) and its "mission is to prevent and eliminate discrimination, not impose 'equitable' outcomes," adding that, "poorly structured, voluntary diversity programs pose both legal and practical risks for companies."

In discussing the difference between diversity interests as justifications for race-based university admissions decisions and the legal requirement that employers may not take race-based employment actions, even if based on an employer's interest in workforce diversity, Commissioner Lucas reminded employers that they "cannot use racial or sex-based quotas," nor may companies "take race-motivated actions to maintain a demographically 'balanced' workforce."

Soon after the Court's ruling, thirteen Republican state Attorneys General wrote to Fortune 100 CEOs to "remind [them] of [their] obligations as employers under federal and state law to refrain from discriminating on the basis of race, whether under the label of [diversity, equity, and inclusion] or otherwise." The CEOs were urged "to immediately cease any unlawful race-based quotas or preferences [their companies had] adopted for employment and contracting practices."12 As might have been expected, only days later, twenty-one Democratic state Attorneys General wrote to the same Fortune 100 executives to offer reassurance "that corporate efforts to recruit diverse workforces and create inclusive work environments are legal and reduce corporate risk for claims of discrimination." Indeed, they urged the CEOs to "double-down on diversity-focused programs."13 14

*So, what is a prudent employer to do?*

Clearly, many large employers are tuned in and paying heed to potential legal liabilities. Of the 25 major U.S. corporations that received public shareholder letters of complaint since 2021, claiming that their DEI programs constitute illegal discrimination and a breach of the directors' duties to investors, many are modifying their policies.15 Changes have included the removal of language identifying certain programs as being intended only for groups designated as underrepresented, as well as the modification of executives' goals relative to racial representation in the workforce.

After JPMorgan was notified in May 2022 of allegations that 10 of its DEI initiatives were discriminatory and unlawful, the bank changed the descriptions for its "Advancing Hispanics & Latinos" and "Advancing Black Pathways" programs. Previously offered only to Black and Latino students, these programs now invite applications from all students, "regardless of background."

Likewise, investment management and financial services firm BlackRock removed language stating that a scholarship it offered was "designed for" members of specific underrepresented groups, and now has expanded eligibility. Lowe's, Pizza Hut operator Yum! Brands (deleting references to specific racial groups), and American Airlines (discontinuing numerical diversity targets) have also made changes to their diversity programs, according to the above-cited Reuters review of publicly-available information.

Pending and future litigation may provide greater clarity in this area. Until then, employers may wish to consider taking the following steps:

Review DEI policy and program initiatives carefully, and be prepared to make revisions.
Link executive/manager performance and compensation to diversity and inclusion efforts, not results. Consider working with counsel, within the legal privilege, to assess and monitor workforce demographics, conduct compensation audits, and develop or revise policies.

Reconsider representation objectives based on EEO-1 categories, and avoid unnecessary data-gathering and discussion of DEI data points.

Be mindful of corporate communications, both internal and to the public, to help avoid the possibility that anyone will misconstrue the organization's purpose and motives.

Review recruiting programs to ensure that the organization is casting a wide net that is likely to attract applicants from a truly diverse talent pool.

Ensure recruiting, onboarding, and training are all geared toward the elimination of unlawful workplace discrimination and harassment, with equal opportunity for all.

Train supervisors and managers to ensure that promotion and disciplinary processes are neutral and consistently administered.

Review DEI training materials, and be prepared to discontinue any that are discriminatory on the basis of protected characteristics or are offensive toward "disfavored" groups. This is especially important since some state laws now prohibit or restrict DEI training topics.

Ensure that organization-sponsored training and mentoring programs are available to all employees, irrespective of any protected characteristics.

Consider seeking and promoting diversity based on characteristics that do not involve protected classes (e.g., instead of race or sex, consider economic background, first-generation college graduates, diverse experiences and viewpoints).

Review other existing policies to ensure they are neutral and that they promote professionalism, respect, and courtesy to all employees.

https://www.mondaq.com/unitedstates/employee-rights-labour-relations/1418132/backlash-against-dei-whats-an-employer-to-do

## EEOC unveils initiative to reach rural, underserved workers

The agency may be looking to increase outreach in the West, where district offices had significantly fewer filings last year.

From a ground view, the exterior of U.S. Equal Employment Opportunity Commission is seen Sept. 7, 2022. The agency has announced a new initiative to reach underserved and rural populations.

The U.S. Equal Employment Opportunity Commission has launched a new campaign — the “REACH initiative” — to better reach workers in rural and underserved areas, the agency announced Monday.

The effort, led by Commissioner Kalpana Kotagal, will involve listening sessions, a review of existing outreach strategies, and the development of best practices for reaching communities that are underserved or are physically far from the agency’s regional offices.

“The REACH initiative will help us to identify ways to more effectively reach underserved communities — including rural areas, many Tribal nations, and other communities at significant distance from the EEOC’s 53 field locations,” EEOC Chair Charlotte A. Burrows said in a release.

According to the EEOC, the REACH initiative serves the agency’s goal, laid out in its 2022-2026 strategic plan, to make members of the public aware of employment discrimination laws and ensure they know their rights and responsibilities under these laws.

Separately, the initiative serves the agency's strategic enforcement plan, which focuses on protecting vulnerable workers from discrimination. The agency defines vulnerable populations as immigrant and migrant workers, workers on temporary visas, people with developmental and intellectual disabilities, older workers and more.

"As the daughter of immigrants, I know what is possible in this great country, and that it is due in no small part to our nation's deep commitment to equal opportunity," Kotagal said in the agency's release. "By ensuring that the Commission is accessible to vulnerable and underserved communities, we can advance fair and inclusive workplaces and achieve systemic change."

Kotagal joined the EEOC last July, giving the agency a Democratic majority. With Democrats at the helm, the agency upped its enforcement dramatically, leading to a 50% increase in lawsuits filed over the previous fiscal year, the agency announced when it wrapped its fiscal year last September.

In particular, the agency has shown interest in "systemic" lawsuits — those in which the discrimination has a "broad impact."

An analysis of regional cases filed in FY 2023 by law firm Seyfarth found that the East Coast was especially busy, with the Philadelphia district office more than tripling its filings. In contrast, the Western region of the country was comparatively quiet, with Phoenix, Los Angeles and San Francisco combined only filing 23 cases, compared to Philadelphia's 22.

EEOC may be looking to increase outreach in the West, as the first listening session — held Jan. 29 with nonprofits and labor unions in Las Vegas — appears to indicate.

https://www.hrdive.com/news/new-eeoc-initiative-rural-underserved-workers/706047/

## Hybrid Work Is an Equity Issue

- It's about more than flexibility.
- Hybrid and remote work are highly valued by employees.
- Microaggressions and psychological stress for women at work makes work flexibility an equity issue.
- Hybrid working models should be crafted with employee input.

"For women, hybrid or remote work is about a lot more than flexibility. When women work remotely, they face fewer microaggressions and have higher levels of psychological safety."1 While executives may believe it's time to come back to the office, there continues to be a debate around flexible work.2 In a 2022 study of 1,612 employees, hybrid work reduced attrition by 33%, was highly valued by employees, and improved job-satisfaction measures.3

This is clearly a multilayered issue. For example, a 2023 systematic review found that employees' performance while working from home was impacted by the “nature of the work, employer and industry characteristics, and home settings, with a majority reporting a positive impact and few documenting no difference or a negative impact.”4 Nevertheless, an aspect of flexible work not to be overlooked is that it is an equity issue.

In the summary of the Women in the Workplace 2023 report Field et al. (2023) found that both men and women view flexibility, such as hybrid and remote work, as an important benefit and “critical to their company’s success.”

The report is based on data collected from 276 organizations in which more than 27,000 employees and 270 senior HR leaders were surveyed. It shows that men benefit disproportionately from on-site work as they are more likely “to be ‘in the know,’ receive the mentorship and sponsorships they need, and have their accomplishments noticed and rewarded.”

Women experience microaggressions at a significantly higher rate, and they “are twice as likely to be mistaken for someone junior and hear comments on their emotional state.”

This may include others assuming that they do not hold a leadership position or being told that they are acting aggressively. Such microaggressions happen more often to women with traditionally marginalized identities. They provide the example that, “Asian and Black women are seven times more likely than White women to be confused with someone of the same race and ethnicity.”

The experience of microaggressions increases stress and leaves women feeling less psychologically safe.1 These low feelings of safety make it difficult for women to propose new ideas, take risks, or raise concerns. “78% of women who face microaggressions self-shield at work, or adjust the way they look or act in an effort to protect themselves.”

This includes Black women code-switching and LGBTQ+ women being “2.5 times as likely to feel pressure to change their appearance to be perceived as more professional.”

The inequities and bias women face in the workplace and their lower likelihood of gaining the benefits of in-person work make a compelling case for offering remote or hybrid work to all employees. Moreover, women often have higher demands on their time in general (e.g. managing most of the emotional labor at home).

Since both women and men reported preferring flexible working models, employers should establish clear expectations and norms around working flexibly, including defining “the work best done in person, versus remotely, and injecting flexibility into the work model to meet personal demands.”

There should also be flexibility in setting these norms so supervisors can collaborate with their workers to identify “an approach that unlocks benefits for men and women equally.”

Workers need to know the expectations related to their work outside of the office setting. It’s also critically important that they have a say in setting those expectations.
Additionally, employers should closely track the impact of new flexibility initiatives and continually adjust them as needed, based on an approach of “co-creation with employees.”

Workers know best what flexible models will fit their needs. In equity discussions the channels of communication need to be open both ways, and not default to top-down decision making.

Finally, there is a need for a level playing field to ensure employees are evaluated fairly and aren’t penalized for remote or hybrid work, which includes “redesigning performance reviews to focus on results rather than when and where work gets done.”

If employees are able to select their work model (e.g. in-person, hybrid, or remote), it is important that they will be held to the same evaluation standards as their peers, and that these standards are shared in advance.

Employers would do well to act as champions in diversity, equity, and inclusion by offering employees flexibility in how they do their work.

https://www.psychologytoday.com/us/blog/you-are-enough/202401/hybrid-work-is-an-equity-issue

## Just 48% of U.S. employees believe their company cares about them

Aflac’s Jeri Hawthorne argues that employers have an opportunity to refocus on employee well-being.

How we work, where we work, and when we work have been focal points of many employee satisfaction conversations for quite some time. Employers have been reimagining and reassessing work models. Employees have been taking a closer look at how their professional and personal lives intersect.

And now, while the workplace continues to be under a microscope and in a constant state of analysis, I believe employers and employees have invaluable opportunities to learn from each other—and lean on one another. Our ongoing conversations about work can be enriched with insights gleaned from workplace studies. Sometimes, study findings show that the state of the workplace is heading in the right direction. Other times, what we see calls for pause and, more importantly, attention.

Aflac's latest survey of employers and employees yielded one particularly sobering stat: Only 48% of American employees believe their employers care about their well-being. Of the employees who say they believe their employers don't care about their well-being, 60% are at least somewhat likely to look for a new job in the next 12 months. Equally concerning is what the survey reveals about employee burnout: 57% of employees are experiencing at least moderate levels of burnout. The most significant culprit? Workplace stress, due primarily to "a heavy workload."

It's difficult to attribute employee burnout to any one cause. For many employees, there may be a blurred line between the stress employees feel at work and at home. Personal and professional obligations, paired with financial pressure, can easily escalate stress and lead to burnout.

If an employee is stressed at work, it carries over into their personal lives, and vice versa. According to our survey, Gen Z and millennials are hit particularly hard with workplace burnout. Given that these generations make up roughly half of the nation's workforce, this could explain why there is a growing notion that employers don't care about their workers.

Employers, meanwhile, have been caught in a rapid vortex of change. Consider that in 2021, our research showed that 60% of employees believed their company did care about them, a 12% difference compared to 2023.

A key theme that often comes through in our surveys of employers and employees is a gap between employers' perceptions and employees' lived experiences. For example, employers tend to overestimate employees' satisfaction with, and understanding of, their benefits packages. That said, this situation presents an opportunity for employers to improve employee well-being—and make themselves the employer of choice—by refocusing on the whole employee and various aspects of wellness: emotional, physical, and financial.

Healthy work environments are anchored in openness and vulnerability, fostering an active, two-way conversation on mental health and well-being. This teaches both employers and employees how to stay ahead of workplace stress that signals burnout is around the corner. Employers can advocate for their employees by offering benefits that include mental- and financial-health tools and resources, in addition to work-life-balance perks, such as flexible work schedules, if possible. And employers who lead by example and model healthy wellness habits will positively impact the way they show up for their employees.

Fortunately, most employees feel comfortable turning to individuals at work—primarily their managers—to talk about mental health struggles and ask for help, according to our survey. This is encouraging and reinforces the value of trust between employees and their supervisors.

Well-being should be at the heart of the workplace, no matter how large or small the employer. Employees who feel cared for have a stronger relationship with work. Employers who prioritize mental health and well-being—and hold themselves accountable by connecting it to their business outcomes—may see a boost in productivity, job satisfaction, retention, and the bottom line.

https://www.fastcompany.com/91018974/just-48-of-u-s-employees-believe-their-company-cares-about-them