



Global Webinar Series:
Collecting and
Monitoring D&I Data



**Opportunities and
Challenges for
Employers in The
Americas**

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Today's presenters



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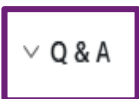


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Housekeeping

WebEx functionality – asking a question

To ask a question, use the Q&A function and select **All Panelists** from the drop down list



All (0)

Ask: All Panelists

Select a panelist in the Ask menu first and then type your question here. There's a 512-character limit.

If you are having technical difficulties, use the Q&A function to contact the **Host** by selecting Host from the drop down list



All (0)

Ask: Host

Select a panelist in the Ask menu first and then type your question here. There's a 512-character limit.

USA

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1

Is there a legal obligation on US employers to collect/publish D&I data?

- Title VII of the Civil Rights Act 1964 – “Component 1” data
- Additional obligations on federal contractors – disability and veteran status

2

Can employers **require** job applicants/staff to provide them with D&I data about themselves?

No

3

Can employers **ask** job applicants/staff to provide them with D&I data about themselves on a voluntary basis?

Yes

4

Does the information have to be provided on an anonymous basis?

No, but the EEOC encourages employers to collect D&I data anonymously where possible

5

What are the data protection/privacy issues for employers to consider?

- Appropriate security measures should be implemented to protect D&I data from unauthorised and inappropriate access and use
- D&I data that includes protected health information may be subject to additional data protection requirements
- State law may also impose additional obligations, e.g. California
- Appropriately sequestering data from H.R. decisions about hiring, firing, promotions

USA: Practical considerations

Collection

What questions are you going to ask and what is the best way to ask them?

How will you collect the data – your organisation or a 3rd party provider?

Who is the communication coming from regarding the survey/collection?

At what stage in the employment life cycle are you going to collect the data?

Monitoring/analysis

How does the data help inform your D&I strategy?

What actions need to be taken as a result?

What steps could you take to get a better response rate?


When are you next going to collect and monitor?

Storing the data (where and for how long)


Are you going to publish or report the results? If so, where and to whom?

Who is responsible for keeping the information secure and sequestered?


USA: Some concluding thoughts




Administer your D&I data collection practices strategically in relation to any broader company D&I endeavors



Understand your obligations relating to D&I information collected in other contexts (e.g., when processing leave requests or during day-to-day communications with other employees)



Consider other best practices for protecting against D&I related legal risks (e.g., pay equity audits, comprehensive anti-discrimination policies, compliance with unique state and local anti-discrimination rules)



Assess the benefit of additional steps to promote D&I, and understand the legal considerations that apply (e.g., affirmative action hiring committees)














Latin America





Is there a legal obligation on employers to collect/publish D&I data?

- Argentina - No
- Brazil – Employment quotas for persons with disabilities
- Chile – Employment quotas for persons with disabilities
- Costa Rica – No, although tax incentives for hiring disabled employees
- Mexico - No, although fiscal benefits in certain states for hiring women

	Argentina	Brazil	Chile	Costa Rica	Mexico
Can employers require job applicants/staff to provide them with D&I data?					
Can employers ask job applicants/staff to provide them with D&I data?					
Does the information have to be provided on an anonymous basis?					



What are the data protection/privacy issues for employers to consider?

- Argentina
- Brazil – General Data Protection Law
- Chile
- Costa Rica
- Mexico – Mexico Privacy Law

Practical considerations

Collection

Avoid using US-centric concepts or definitions

Ensure employees know they can refuse to take part or not answer all the questions

How will you reach out to employees - who will lead the communications, what will you say, etc.?

Monitoring/analysis


If response rate is low or inconsistent with local information, avoid making decisions based on partial or limited information

Storing the data (where and for how long)


How is the data protected?

When should/can you dispose of the data (safely)?


Latin America: Some concluding thoughts



D&I questions and exercises are less common in these jurisdictions and may be more conservative and less comfortable disclosing personal information



Communication and engagement is key to achieving a good response rate – ensure you have buy-in from local entities and discuss with union leadership, if applicable



Make sure you understand what diversity means in each country and consider focusing on each country's priorities and values



Consider a regional or country-specific approach to D&I categories

Any questions?



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