

Equal Opportunity Laws and Diversity

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Equal opportunity, *diversity*, and *inclusion* in the workplace sounds simple enough but we all know it simply isn't so. For years women and minorities were not, and in some cases, still are not, treated equally. The *Equal Employment Opportunity Commission (EEOC)* was established in 1978 as a central authority, responsible for leading and coordinating the efforts of federal departments and agencies to enforce all laws relating to equal employment opportunity without regard to race, color, religion, sex, national origin, age, or handicap.

A visit to the Equal Employment Opportunity Commission's Web site at www.eeoc.gov will likely have an example of a hospitality company being sued by the EEOC for violation of the equal opportunity laws. The fact that equal opportunity was denied to so many is the reason that in June of 1963, then President John F. Kennedy sent comprehensive civil rights legislation to Congress. Later that summer, in front of the Lincoln Memorial, Dr. Martin Luther King Jr. gave his famous "I Have a Dream" speech that came to symbolize the insistence for meaningful legislation to address the demand for racial equality and justice.¹

As a hospitality leader, you will be responsible for equal opportunity in the workplace, for employing and supervising people from cultures different from your own. A "standard" approach to equal opportunity in the workplace, which does not consider each employee's cultural background, will often create communication barriers. Culturally appropriate communication strategies are needed. But what exactly is equal opportunity in the workplace? What is diversity? Why should we want equal opportunity, diversity, and inclusiveness?

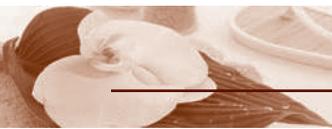
What role does culture play? Our *culture* is defined as our values, which are manifested in the way we behave, speak, think, dress, our religious beliefs, the music we like, the way we interact, and the food we eat. Culture strongly



influences behavior. Failure to understand and respect the diverse cultural backgrounds of your employees, and the differences among them, can result in misunderstandings, tension, poor performance, poor employee morale, and higher rates of absenteeism and turnover. On the other hand, when differences are respected, the working environment is richer, much more fun, and even more interesting. Employee satisfaction and performance improve because of this. The need for equal opportunity, diversity, and inclusiveness in the workplace is of critical importance in the hospitality industry.

In this chapter we help you to:

- **Define equal opportunity in the workplace.**
- **Describe the equal opportunity laws.**
- **Explain what every leader needs to know about equal opportunity.**
- **Outline EEO and the hiring process.**
- **Define the term *diversity*.**
- **Describe steps that increase positive cross-cultural interaction.**
- **Give examples of leading diversity issues positively.**



Equal Opportunity

Diversity

Physical and cultural dimensions that separate and distinguish individuals and groups: age, gender, physical abilities and qualities, ethnicity, race, sexual preference.

Inclusion

To include, to make a person feel welcome.

Today, whenever a job is advertised and candidates are recruited, interviewed, tested, and selected, it is necessary to take equal opportunity into account. Progressive corporations create offices and programs responsible for planning, developing, implementing, and evaluating a comprehensive equal opportunity and diversity program with multifaceted opportunity and diversity initiatives to support the company's commitment to equal opportunity, diversity, and inclusiveness. Many large hospitality companies have an office of Equal Opportunity and Diversity (EO&D). They may also be called by similar names, such as Diversity and Equal Opportunity (DEO).

EEO AND DIVERSITY

The Equal Opportunity and Diversity Office provides effective leadership to ensure that diversity and equal opportunity are a thriving part of the fabric of your company. The Equal Opportunity and Diversity Office provides an array of services, such as:

- Education and training the public about equal opportunity and diversity
- Advocacy for diversity
- Support for the company's initiatives toward equal opportunity and diversity
- Consultation on best strategies for equal opportunity and diversity recruitment
- Conflict mediation and resolution
- Monitoring employers' equity and affirmative action goals
- Reviewing compliance with state and federal regulations
- Processing and resolving complaints

**Equal Employment Opportunity Commission (EEOC)**

A federal office responsible for enforcing the employment-related provisions of the Civil Rights Act of 1964 as well as other EEO laws.

Culture

The socially transmitted behavior patterns, art, beliefs, institutions, and all other products of human work or thought characteristic of a community or population.

Applebee's is one of the restaurant industry's progressive companies. Former CEO Lloyd Hill took a stand on racial and sexual orientation issues by saying, "There have been too many 'no comments' on these matters." Operations, finance, and marketing have been the "big three" of the industry for years and something crucial has been left out of the equation, and that is human resources. Applebee's, for example, has a chief people officer, Lou Kaucic, who says that it is critical for human resources to have a seat around the executive table.²

Sodexo, which is rated one of the top 50 employers for diversity, says that it is committed to respecting, leveraging, and celebrating the diversity of its workforce, its clientele, and the community in which they live, work, and serve.³

Marriott International, one of Fortune magazine's 100 best companies to work for, says that its commitment to diversity is absolute. It is the only way to attract, develop, and retain the best talent available.⁴

 **INCLUSION**

Inclusion in the workplace means exactly what it says: to include everyone regardless of gender, marital status, race, national origin, religion, age, disability, sexual orientation, weight, or looks.⁵ For example: People who are overweight or less beautiful should not be discriminated against—only the ability to do the job should be the employment criteria; gays and lesbians perform work as well as, or better than, any other person and should not be discriminated against.

The restaurant industry's 10-year effort to improve diversity and inclusion in all aspects of the business has been average at best and failing in some areas according to Gerry Fernandez, president of the Multicultural Foodservice & Hospitality Alliance. Fernandez urges the pursuit of diversity in four areas: workforce; customer; community, and suppliers.⁶

Equal Employment Opportunity Laws

A number of laws have been passed to ensure that no individual or group is denied the respect deserved. Understanding the legal requirements of equal opportunity in the workplace is important for three reasons: It will help leaders to do the right thing; realize the limitations of your company's HR and legal departments; and minimize your company's potential liability. Equal employment opportunity is a concept that means that people should be treated equally in all employment matters. Figure 2-1 lists important federal laws commonly referred to as equal employment opportunity (EEO) laws. In general, EEO laws make it unlawful for you to discriminate against applicants or employees with respect to recruiting, hiring, firing, promotions, compensation, or other employment-related activities, on the basis of race, color, religion, gender, nationality, age, or disability. Discrimination in the workplace can be thought of as making employment decisions based on factors that have nothing to do with a person's ability to do the job.





Laws	Type of Employment Discrimination Prohibited	Employers Covered
Equal Pay Act of 1963	Gender differences in pay, benefits, and pension for substantially equal work	Almost all companies, private and government
Title VII, 1964 Civil Rights Act (amended in 1991)	Discrimination in all human resource activities based on race, color, gender, religion, or national origin; established Equal Employment Opportunity Commission to administer the law	Companies with 15 or more employees
Age Discrimination in Employment Act of 1967 (amended in 1978 and 1986)	Age discrimination against those 40 years of age or older	Companies with 20 or more employees
Pregnancy Discrimination Act of 1978	Discrimination in hiring, promoting, or terminating because of pregnancy; pregnancy to be treated as medical disability	Same as Title VII
Immigration Reform and Control Act (1986 and 1990)	Discrimination on the basis of citizenship status and nationality	Companies with 4 or more employees
Americans with Disabilities Act (1990)	Discrimination of disabled persons in hiring and employment	Businesses with 15 or more employees
Family and Medical Leave Act of 1993	Mandates 12 workweeks of leave for husband or wife upon birth or adoption of a child or sickness in the family	Companies with 50 or more employees
Fair Employment Practice Acts of States and Local Governments	Discrimination; varies	Varies

FIGURE 2-1: Equal Employment Opportunity Laws.



Diversity in the workplace is on the increase.

Equal Pay Act of 1963

A law that requires equal pay and benefits for men and women working in jobs requiring substantially equal skills, effort, and responsibilities under similar working conditions.

Civil Rights Act of 1964, Title VII

An act that makes it unlawful to discriminate against applicants or employees with respect to recruiting, hiring, firing, promotions, or other employment-related activities, on the basis of race, color, religion, gender, or national origin.

The starting point for EEO laws was probably passage of the *Equal Pay Act of 1963*. This law requires equal pay and benefits for men and women working in jobs requiring substantially equal skills, effort, and responsibilities under similar working conditions. Congress passed the *Civil Rights Act of 1964, Title VII (amended in 1991)*, to bring about equality in employment decisions. The act makes it unlawful for you to discriminate against applicants or employees with respect to recruiting, hiring, firing, promotions, or other employment-related activities, on the basis of race, color, religion, gender, or national origin. Other employment-related activities include, but are not limited to, wages, overtime pay, job assignments, training opportunities, leaves of absence, and retirement plans. Title VII does not require you to hire, promote, or retain employees who are not qualified. The law does provide for you to hire a person of a particular gender if it is based on what is called a bona fide occupational qualification (BFOQ). For instance, it is permissible to hire a man to clean lounges and restrooms reserved for men. The Equal Employment Opportunity Commission (EEOC) was created by the Civil Rights Act of 1964, and it is responsible for enforcing the employment-related provisions of the Civil Rights Act of 1964 as well as other EEO laws. Employees can file complaints of discrimination with the EEOC, which also develops and issues guidelines to enforce EEO laws.

Age discrimination was addressed in the *Age Discrimination in Employment Act of 1967 (ADEA), amended in 1978 and 1986*, which makes it unlawful for you to discriminate in compensation, terms, or conditions of employment because of a person's age.



Age Discrimination in Employment

Act of 1967 (ADEA)

An act that makes it unlawful to discriminate in compensation, terms, or conditions of employment based on a person's age. The ADEA applies to everyone 40 years of age or older.

Pregnancy Discrimination

Act of 1978

An act that makes it unlawful to discriminate against a woman on the basis of pregnancy, childbirth, or related medical conditions.

Immigration Reform and Control Act of 1986 and 1990 (IRCA)

A federal law that requires employers to verify the identity and employment eligibility of all applicants and prohibits discrimination in hiring or firing due to a person's national origin or citizenship status.

The ADEA applies to all people 40 years of age and older. This act also bans forced retirement. The *Pregnancy Discrimination Act of 1978* makes it unlawful to discriminate against a woman on the basis of pregnancy, childbirth, or related medical conditions. You cannot refuse to hire (or promote) a woman just because she is pregnant. According to this law, pregnancy is a temporary disability and women must be permitted to work as long as they are physically able to perform their jobs. Employers cannot determine the beginning and ending dates of a pregnant employee's maternity leave.

The *Immigration Reform and Control Act (IRCA; 1986 and 1990)* was prompted by problems associated with the increasing numbers of immigrants living in the United States. This act makes it illegal to discriminate in recruiting, hiring, or terminating based on a person's national origin or citizenship status. In these kinds of cases, fines can be charged and judges can order employers to provide back pay, pay court charges, and reinstate an employee. Although Title VII of the Civil Rights Act of 1964 has long prohibited this type of discrimination, IRCA covers employers with four or more employees, and Title VII covers employers with 15 or more employees.

The only people you can discriminate against are those you are not legally allowed to hire (or continue to employ): illegal aliens. IRCA imposes penalties for hiring unauthorized aliens. To help ensure that you don't hire an illegal alien, IRCA requires employers to verify that the people they hire are eligible to work in the United States. This is done by completing an I-9 Employment Eligibility Verification form within three days after hire. Using this form, the employer may ask for certain documents that establish the person's identity (such as a driver's license) and employment eligibility (such as a U.S. birth certificate or valid Immigration and Naturalization Services' Employment Authorization Card). To be fair and nondiscriminatory, you cannot request certain work status documentation from some applicants but not others.

The *Americans with Disabilities Act (ADA) of 1990* makes it unlawful to discriminate in employment matters against the estimated 43 million Americans who have a disability. Under the ADA, a person has a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities, such as hearing, seeing, speaking, or walking. It also covers recovering alcohol and drug abusers (as long as they are in a supervised treatment program) and people infected with the HIV virus.

It is unlawful to ask an applicant whether he or she is disabled or about the disability itself. You can ask an applicant questions about his or her ability to perform job-related functions as long as the questions are not phrased in terms of a disability. You can also ask the applicant to describe or demonstrate how (with or without reasonable accommodation) he or she will perform job duties. The ADA does not interfere with your right to hire the best-qualified applicant, and a disabled applicant must satisfy your job requirements and be able to perform essential job functions.

Reasonable accommodation, which is legally required, refers to any change or adjustment to a job or the work environment that will enable someone with a disability to perform essential job functions. For example, a worktable may be lowered to enable someone to work while seated, a work schedule may be modified, or a job

Americans with Disabilities Act of 1990 (ADA)

An act that makes it unlawful to discriminate in employment matters against the estimated 43 million Americans who have a disability.

Family and Medical Leave Act of 1993

An act that allows employees to take an unpaid leave of absence from work for up to 12 weeks per year for the birth or adoption of a child or a serious health condition of the employee or his or her spouse, child, or parent.

may be restructured. Employers are not required to lower quality or quantity standards to provide an accommodation, nor are they required to make an accommodation if it would impose an undue hardship on the operation of the business. Undue hardship is defined as an “action requiring significant difficulty or expense” and is determined on a case-by-case basis.

In addition to the federal EEO laws, state and local governments have fair employment practice acts (FEPs) that often include further conditions. For example, some states forbid employment discrimination on the basis of marital status. It is important to learn about EEO laws because you need to be able to select applicants in a fair and nondiscriminatory manner.

The *Family and Medical Leave Act of 1993* allows employees to take an unpaid leave of absence from work for up to 12 weeks per year for any of the following reasons:

- Birth or adoption of a child
- Serious health condition of a child
- Serious health condition of a spouse or parent
- Employee’s own serious health condition

When the employee returns from leave, he or she is entitled to his or her former position or an equivalent position. To be eligible for a leave of absence, the employee must have worked for the employer for at least 12 months. If it was provided before the leave was taken, the employer is obligated to maintain group health insurance during the leave.

EEO Laws and the Hiring Process

Figure 2-2 lists recommended ways to ask questions of job applicants, whether on job applications or during interviews, to avoid charges of discrimination. The kinds of questions that are not allowed relate to race, gender, age (except to make sure that the applicant’s age meets labor laws), family and marital status, religion, national origin, appearance, and disabilities unrelated to the job.

Job requirements or qualifications, such as those regarding education and work experience, must be relevant to the job, nondiscriminatory, and predictive of future job performance. Although requiring a high school diploma for an entry-level foodservice job, such as server, seems to be acceptable, there are certainly many servers who do their jobs well without the diploma. The requirement of a high school diploma when it is not related to successful performance of the job can be viewed as discriminatory.

Any type of pre-employment test must be valid, reliable, and relevant to the job. To be valid, tests must be related to successful performance on the job. To be reliable, tests must yield consistent results. Tests should be given to all applicants, with a single standard for rating scores, and must be given under the same conditions. Even when a test is given to all concerned, it may be considered discriminatory if the test eliminates members of protected groups (the groups protected or covered by EEO laws) more frequently than members of nonprotected groups.

Do You Know?

Are EEO laws effective?





Subject	Inappropriate Questions (May Not Ask or Require)	Appropriate Questions (May Ask or Require)
Gender or Marital Status	<ul style="list-style-type: none"> • Gender (on application form). • Mr., Miss, Mrs., Ms.? • Married, divorced, single, separated? • Number and ages of children? • Pregnancy, actual or intended? • Maiden name, former name? 	<ul style="list-style-type: none"> • In checking your work record, do we need another name for identification?
Race	<ul style="list-style-type: none"> • Race? • Color of skin, eyes, hair, etc.? • Request for photograph. 	
National Origin	<ul style="list-style-type: none"> • Questions about place of birth, ancestry, mother tongue, national origin of parents or spouse. • What is your native language? • How did you learn to speak [language] fluently? 	<ul style="list-style-type: none"> • If job-related, what foreign languages do you speak?
Citizenship, Immigration Status	<ul style="list-style-type: none"> • Of what country are you a citizen? • Are you a native-born U.S. citizen? • Questions about naturalization of applicant, spouse, or parents. 	<ul style="list-style-type: none"> • If selected are you able to start work with us on a specific date? If not, when would you be able to start? • If hired, can you show proof that you are eligible to work in the United States?
Religion	<ul style="list-style-type: none"> • Religious affiliation or preference? • Religious holidays observed? • Membership in religious organizations? 	<ul style="list-style-type: none"> • Can you observe regularly required days and hours of work? • Are there any days or hours of the week that you are not able to work? • Are there any holidays that you are not able to work?

FIGURE 2-2: Equal employment opportunity: Appropriate and inappropriate questions sometimes used in hiring a new employee.



Age	<ul style="list-style-type: none"> • How old are you? • Date of birth? 	<ul style="list-style-type: none"> • Are you 21 or older? (for positions serving alcohol)
Disability	<ul style="list-style-type: none"> • Do you have any disabilities? • Have you ever been treated for (certain) diseases? • Are you healthy? 	
Questions that may discriminate against minorities	<ul style="list-style-type: none"> • Have you ever been arrested? • List all clubs, societies, and lodges to which you belong. • Do you own a car? (unless required for the job) • Type of military discharge? • Questions regarding credit ratings, financial status, wage garnishment, home ownership. 	<ul style="list-style-type: none"> • Have you ever been convicted of a crime? If yes, give details. (If crime is job-related, as embezzlement is to handling money, you may refuse to hire.) • List membership in professional organizations relevant to job performance. • Military service: dates, branch of service, education, and experience (if job-related).

FIGURE 2-2: (continued)

A good way to check yourself to ensure that you are not discriminating when evaluating job applicants is to be sure you can answer “yes” to the following five questions:

1. Are the qualifications based on the actual duties and needs of the job, not on personal preferences or a wish list?
2. Will the information requested from the applicant help me to judge his or her ability to do the job?
3. Will each part of the selection process, including job descriptions, applications, advertising, and interviews, prevent screening out those groups covered by EEO laws?
4. Can I judge an applicant’s ability to do the job successfully without regard to how he or she is different from me in terms of age, gender, race, color, nationality, religion, or disability?
5. Is the selection process the same for all applicants?

Check Your Knowledge

1. Define equal employment opportunity.
2. List four important federal laws commonly referred to as equal employment opportunity laws.
3. What is the function of equal employment opportunity laws?



Equal Opportunity in the Workplace: What Leaders Need to Know

The following is excerpted from The U.S. Equal Employment Opportunity Commission “Training and Technical Assistance Program.”⁷

Q & A: RACE, ETHNICITY, COLOR—WHAT PRACTICES ARE DISCRIMINATORY?

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin.

It is illegal to discriminate in any aspect of employment including:

- Hiring and firing
- Compensation, assignment, or classification of employees
- Transfer, promotion, layoff, or recall
- Job advertisements
- Recruitment
- Use of company facilities
- Training and apprenticeship programs
- Pay, retirement plans, and disability leave
- Terms and conditions of employment

INTERVIEWING

Questions you can and cannot ask at an interview are discussed in more detail in the chapter on recruiting and selecting applicants. But we should mention here that there are several inappropriate questions that should be avoided (see Figure 2.2). Questions such as: How many children do you have? What country do your parents come from? What is your native language? What is your height? What is your weight? How old are you? What church do you go to? What religion are you? Are you a United States citizen? Do you have any disabilities? Are you dating anyone right now? When did you graduate from high school? A simple rule to follow is if it’s not job related—don’t ask. When facing charges of discrimination, the employer bears the burden of proving that answers to all questions on application forms or in oral interviews are not used in making hiring and placement decisions in a discriminatory manner prohibited by law. The guiding principle behind any question to a job applicant is: “Can the employer demonstrate a legitimate job-related or business necessity for asking the question?” Both the intent behind the question and how the information is to be used by the employer are important for determining whether a question is an appropriate pre-employment inquiry.⁸



Diversity

Understanding and embracing diversity is of critical importance in today’s increasingly multicultural and diverse society. The term diversity is often used when discussing people of different cultures. Diversity refers to the following cultural as well as physical



dimensions, which separate and distinguish us both as individuals and as groups. This list is not meant to be all inclusive of all groups. Diversity is so much more than just what is listed.⁹

- Culture
- Ethnic group
- Race
- Religion
- Language
- Age
- Gender
- Physical abilities and qualities
- Sexual orientation

Culture, ethnic group, and race are related terms. Culture is a learned behavior consisting of a unique set of beliefs, values, attitudes, habits, customs, traditions, and other forms of behavior. Culture influences the way that people behave. Cultural behavior varies from culture to culture. Culture refers to the behaviors, beliefs, and characteristics of a particular group, such as an ethnic group. Ethnic groups share a common and distinctive culture, including elements such as religion and language. Race refers to a group of people related by common descent.

The population of the United States is becoming more multicultural, and diverse, every day. Almost one in four Americans has African, Asian, Hispanic, or Native American ancestry. It is estimated that by 2020, the number will rise to almost one in three, and by 2050, the number will be almost one in two. The fastest-growing segments of the U.S. population are minority groups.

As the United States becomes more diverse, so does the workplace. The hospitality workplace employs a particularly diverse group of employees. A restaurant's staff often resembles a miniature United Nations, with employees from all around the globe. According to the U.S. Department of Labor, 12 percent of foodservice employees are foreign-born, compared to 8 percent in other occupations. Foodservice also employs many more Hispanics and African-Americans than other industries. The National Restaurant Association's Web site states that:¹⁰

1. Restaurants employ more minority managers than any other industry.
2. More than two-thirds of the supervisors in the foodservice industry are women; 16 percent are African-American; and 13 percent are Hispanic.
3. Since 1994 African-American spending on food away from home increased by 46 percent. For Hispanics, that increase was 78.6 percent.

Up until the late 1980s, white males made up the majority of the U.S. workforce. Now this group represents less than 50 percent of the workforce. Many of the new workers entering the labor force are minorities, such as Hispanics, Latinos, Asians, and many immigrants. The reasons behind these trends include a young, growing minority population and a continuing high rate of immigration.

Promote inclusion in the supply chain by partnering with minority-owned firms demonstrating a commitment to inclusion and creating jobs in the very communities that support your business as patrons. If companies' marketers and service providers do not reach out to minority communities in a holistic way, they're setting themselves up



PROFILE Gerry Fernandez



Courtesy of
Gerry Fernandez

Gerry Fernandez began working as a cook at Royal's Healthside Restaurant in Rutland, Vermont. Ernest Royal, owner of the restaurant and a noted New England restaurateur, was the first African-American board member of the National Restaurant Association. Royal had experienced considerable racism,

and in his honor, Gerry Fernandez conceived the Multicultural Foodservice and Hospitality Alliance (MFHA; www.mfha.net). The MFHA is dedicated to promoting diversity within the foodservice industry.

Since his first position as cook at Royal's, Gerry has had a successful career beginning with a bachelor of science in food service management from Johnson and Wales University where he also earned a degree in culinary arts, followed by terms as sous chef, manager, and general manager of various New England restaurants. Gerry spent more than 10 years

as a senior manager opening and operating fine-dining restaurants.

In 1995, Gerry moved to General Mills as a technical service specialist in foodservice research and development. He provided support and training as well as sales, marketing, and product development teams. Additionally, he evaluated current new competitor products and conducted recipe development, concept testing, tolerance testing, photo shots, and product presentations. Gerry has received numerous awards including the General Mills "Champion's Award" and *Nation's Restaurant News's* "50 Power Players."

In a recent interview Fernandez spoke about the vision of the MFHA organization and its intended impact on foodservice operations worldwide.

How does diversity affect foodservice in general? "Comprehensive diversity issues exist in many large companies, and they are asking foodservice operators, 'Where do you stand?' It is coming, whether or not you like it. Diversity is not simply a social agenda issue; it is a bottom-line issue. When people talk about diversity, they think about inclusion of more women and

for failure in the long run. The market savvy businesses of today are responding to the changing demographics by targeting diverse consumers, employees, and supply partners in ways that build meaningful and reciprocal relationships.¹¹

In the hospitality workforce it is vital that multicultural management recognizes cultural differences among employees, and allows and encourages them. It is important to have cross-cultural awareness and to respect the cultures of others. In today's hospitality industry understanding and harmonizing with other cultures is necessary for all employees in order to avoid misunderstandings. By allowing and encouraging variation, blends of people from all different kinds of backgrounds are able to learn from one another and grow in aspects of the workplace.¹²

ARAMARK's definition of diversity is, "The mosaic of people who bring a variety of backgrounds, styles, perspectives, values, and beliefs as assets to ARAMARK and our partners." Kaleidoscope Vision states that ARAMARK is composed of unique individuals who, together, make the company what it is and can be in the future. Only when all individuals contribute fully can the strength and vision of ARAMARK be realized. The guiding principles for diversity are: "Because we are committed to being

(continued)

more people of color. They tend to think only about the soft issues, the green issues. Diversity really is a green discussion more than it is any other color. MFHA is striving to make this an economic discussion rather than a social discussion.”

What is the object of MFHA? “To be the solutions bridge for multiculturalism in the foodservice industry so that operators can leverage diversity as a positive influence on the bottom line. We think of multicultural diversity as a way to improve the foodservice business in all aspects: human resources, marketing, training, community relations, and so on. We are the multicultural Yellow Pages for the industry. We are solution focused: a connector of people to issues and people to information.”

What does MFHA offer operators? “This is a place to start the diversity process. If operators are looking for opportunities, recipes, programs, or qualified diversity experts, they can call on us. Whether you are an on-site operator—self-op or contract managed—there is a concern regarding bids for city, state, and federal contracts. These potential clients are inquiring directly as to what percentage of your business purchases are from women- and minority-owned businesses. Companies are

realizing that they need a way to address this issue. We offer a context in which such issues can be explored constructively.”

What kind of services does MFHA have available? “We help identify qualified women- and minority-owned business operators who can do business with the big boys. Additionally, MFHA can provide in-house solutions in the form of awareness and skills training, recruiting and retention, marketing, purchasing, and referral services.”

How is MFHA evolving? “The last three years have been internally focused as we have developed the infrastructure. Now we are focused externally on our members. We will be able to provide more research and, through focus groups and benchmarking, help operators by training in ways to be more strategic in their diversity effort and to recruit better talent. It’s not about one company or one ethnic segment, it’s about our industry as a whole reaching out and recruiting from and to every segment of the population.”

Source: Diane Ridge, “Diversity Runs Deep,” *Food Management*, Vol. 35, No. 7, pp. 48–52, July 2000. Last update March 21, 2005.

a company where the best people want to work, we champion a comprehensive diversity initiative. Because we thrive on growth, we recruit, retain, and develop a diverse workforce. Because we succeed through performance, we create an environment that allows all employees to contribute to their fullest potential.”¹³



Why Does Cultural Diversity Matter?

Cultural diversity matters to every single one of us, both professionally and personally. When a group or segment is excluded or oppressed, all of us are denied. For businesses and communities to not only survive, but to thrive, each of us needs to be aware and sensitive to all members of the community. Our communities are rich in resources. When all segments are respected and utilized, it benefits everyone involved. America is the most diverse nation in the world. Our ethnicity, religion, life experience, etc., makes each one of us unique.



Developing Cross-Cultural Interaction

Diversity in itself is not a challenge but, in fact, an opportunity. It is an opportunity for us to build diverse teams; diverse knowledge perspective and experiences can solve business problems and create value for our shareholders and guests. The second prong in the initiative is moving beyond awareness training and moving toward diversity skills training, which helps to enhance the skills of managers and supervisors in communication across lines of difference. This enhances the ability to recognize and respond to the needs of our diverse customers. Every successful business needs to practice sensitivity to diversity as well as to our diverse makeup.

By developing cross-cultural interaction skills, you will be better equipped to do your job and to motivate diverse employees to accomplish company goals. But don't think you will be able to develop these skills overnight or, for that matter, even over a few months. By considering the major steps listed in Figure 2-3, you will better appreciate that this process is complex and will take time to master. The effective supervisor is aware that employees come from different cultural backgrounds, learns about how their cultures differ, and works with employees without passing judgment about their cultures.

Shifting demographics make practicing diversity more than just a politically correct idea in the hospitality industry. Diversity is anything that makes people different from each other, such as gender, race, ethnicity, income, religion, and disabilities. Foodservice has welcomed minorities for a long time, and minorities make up the largest percentage of workers in the foodservice industry. For supervisors in the hospitality industry it is important to encourage minority talent. Promoting people based solely on their abilities, skills, and job performance into supervisory positions helps promote minority advancement in the foodservice industry.



How to Increase Personal Awareness

Without realizing it, it is possible to become culture bound, meaning that you believe that your culture and value system are the best, the one and only. You think your way of talking, perceiving, thinking, valuing, and behaving are normal and right. For example, when you hear someone talking with an accent, you are likely to think how strange it sounds, or even how wrong or abnormal it is. How many of us realize that each of us has an accent, which probably sounds strange to those of different backgrounds? The first step in developing your cross-cultural skills is to examine how your own culture

1. Increase personal awareness.
2. Learn about other cultures.
3. Recognize and practice cross-cultural interaction skills.
4. Maintain awareness, knowledge, and skills.

FIGURE 2-3: Developing Cross-Cultural Interaction Skills.

has influenced who you are. Consider, for example, how your culture has influenced your attitudes toward the following:

- Education
- Work
- Family
- Self-sufficiency
- Money
- Authority
- Expression of emotions

An activity at the end of this chapter will help you look more deeply at your own cultural attitudes and compare them to others.

LEARNING ABOUT OTHER CULTURES

After becoming more aware of your own culture, the next step is to learn various facts of other cultures. As a supervisor, it is crucial to see other cultures as objectively as possible and not pass judgment. By learning about another culture, it is hoped that you will be better able to understand people from that culture, as well as to be understood better in turn. Some aspects of another culture that are interesting to learn include verbal and nonverbal language differences, values, customs, work habits, and attitudes toward work.

A danger in learning about any culture is that the information may be overgeneralized, thereby promoting stereotypes. It is important to keep in mind that regardless of cultural background, a person is still an individual and needs to be treated and respected as someone with a unique personality, wants, and needs.

You can learn about other cultures in various ways: reading about them in books and magazines, attending cultural fairs and festivals, and interacting with individuals from other cultures. By learning about other cultures and interacting with people of varying backgrounds, you can work on valuing your differences as well as uncovering and overcoming any of your own fears, stereotypes, and prejudices.

How to Recognize and Practice Cross-Cultural Interaction

A person's nationality, culture, race, and gender affect how he or she communicates. However, communication between people of different cultures can often be difficult when neither person is familiar with the other's style of communicating. Three specific problem areas that supervisors must take steps to overcome are:

1. The tendency not to listen carefully or pay attention to what others are saying.
2. Speaking or addressing others in ways that alienate them or make them feel uncomfortable.
3. Using or falling back on inappropriate stereotypes to communicate with people from other cultures.





To be an effective supervisor in a culturally diverse workforce, you must be able to recognize the different ways that people communicate, be sensitive to your own employees' cultural values, and adapt your own supervisory style accordingly.

For example, in some cultures, people rely primarily on verbal communication. In other cultures the spoken word is only part of communication; people express themselves “in context”—language, body language, the physical setting, and past relationships are all parts of communication.

The use of personal space is another important culture difference. If you step into someone's personal space, they will often step back, in order to maintain their space. People from Latin America, Africa, the Middle East, and South America often prefer to communicate at much closer distances than would seem comfortable for people from Canada or the United States. Asians, by contrast, sometimes prefer even more personal space. As a supervisor, if an employee steps into your personal space and you step back, your action



Creating opportunities to learn about other cultures is helpful in creating cultural harmony.



may be seen as being aloof or not wanting to talk. To adjust to situations when talking with someone, stay put and let the other person stand where he or she is comfortable.

Eye contact and facial expressions are two other nonverbal communication techniques that vary among cultures. Whereas in North America it is common to maintain good eye contact and employ facial cues such as nodding the head when listening to someone speak, not all cultures share those practices. In many Asian and African cultures, people will make greater eye contact when speaking, but when listening, make infrequent eye contact. They also might not use facial expressions when listening to others. These nonverbal communication differences may lead to misunderstanding. A supervisor may wrongly misinterpret that an employee who does not make eye contact or nod in response is simply not listening or doesn't care, when in fact, the employee is listening in a respectful manner.

Cultural differences also affect other areas of communication, such as the rate at which people speak, the volume, speech inflections, and the use of pauses and silence when speaking. It is common in Europe and North America to speak whenever there is silence in a conversation, and to speak loudly. This is not always the case in other cultures. In Asian cultures, silence is not regarded as an interruption or indication that the conversation has ended but is often considered as much a part of conversation as speaking is. Silence is also often used as a sign of politeness and respect for elders rather than a lack of desire to keep talking. Whereas a North American's loud speech in many Asian countries is often interpreted as being aggressive or even angry, an Asian's soft-spoken voice in the United States might be seen as a sign of weakness or shyness.

Another communication difference is the tendency in Europe and the United States to be direct in conversation and get to the point. In many other cultures, this practice is considered impolite and rude. To an Asian-American, being direct might be interpreted as being insensitive to the feelings of others. Native Americans, Asian-Americans, and all Hispanic-Americans value respect and harmony and will use indirect speaking methods to achieve those ends.

It is also important to remember that not everyone from one culture will act the same. Even though it is a common perception that Asian people are soft-spoken, it is not uncommon for Asian people to speak loudly. Furthermore, not all people who look like they are of certain cultures are. For example, someone who "looks" Hispanic might have been born and raised a few blocks away from your establishment, right next door to another employee.

As a leader, you should be sensitive to your employees' cultural values and understand their different communication styles. Always be open for feedback when communicating. Feedback can tell you how you are perceived by others as well as how well

you are getting your point across. Also, keep in mind that it is only natural that people from other cultures speak with a different tone of voice, rhythm, and pace. Finally, as a supervisor, you can also focus on core values that transcend cultural boundaries by creating a workplace where all employees feel valued, safe, and respected.

Check Your Knowledge

1. Describe the process of developing cross-cultural interaction skills.
2. Define culture bound.



The Value of Cultural Diversity

In the 21st century supervisors and managers, in order to be effective, have to handle greater cultural diversity. Supervisors and managers who are not able to handle diversity in the workforce are a liability. Poor supervision can cost companies dearly in the following ways:

- Discrimination lawsuits
- Litigation time and money
- Legal fees/settlements
- High employee turnover rates
- Negative community image

Understanding what cultural diversity is, why it matters, and how to effectively manage your diverse team of associates can minimize risks.



More women are members of the executive committee or guidance team.

Courtesy of PhotoDisc/Getty Images

LEADING CULTURAL DIVERSITY IN THE WORKPLACE

Leading diversity in the workplace means to recognize, respect, and capitalize on the different backgrounds in our society in terms of race, ethnicity, gender, and sexual orientation. Different cultural groups have different values, styles, and personalities, each of which may have a substantial effect on the way they perform in the workplace. Rather than punishing or stifling these different management styles because



they do not conform to the traditional white (male) management methods, employers should recognize these differences as benefits. Not only can diverse leadership styles achieve the same results as traditional methods, but a diverse workforce can also help improve the company's competitive position in the marketplace.

Diversity, or sensitivity, training is now commonplace in the corporate world. However, all businesses need to be aware of these issues. Awareness and respect of diversity truly matters to your employees and client base.

You must create a balance of respect and understanding in the workplace to have happy and optimally productive workers. In addition to this, it is important that you and your employees are aware of the importance of respecting diversity when dealing with your clients. When you work effectively with your community, both you and the community benefit.¹⁴

Rohini Anand, senior vice president and chief diversity officer, Sodexo USA, says that diversity has an extremely broad definition at Sodexo. "It includes all those differences that make us unique, including race and gender, ethnicity, sexual orientation, religion, class, physical and mental abilities, language abilities, etc. We also have a very clear mission statement about diversity being the right thing to do and making business sense for our company. It's about creating a work environment for our employees as well as giving back to the community and providing socially responsible services to our clients."

There needs to be a real commitment for top management to "walk their talk." Plus, senior management needs to establish goals and monitor their accomplishment, otherwise they won't succeed. In some companies people only do it because the president says so, but what if the president leaves? The next president may not have the same agenda. It is better to have diversity, inclusion, and multiculturalism in the mission statement and in the departmental goals with objectives as to how the goals will be met.

Sodexo strives to be the best in class in the hospitality industry and is rapidly becoming a benchmark for corporate America. This is being achieved by six strategic imperatives, diversity being one of them. Alongside financial results they report on how they are doing on diversity and inclusion. The second is an incentive program where bonuses of 10 to 15 percent are linked to the diversity scorecard. Twenty-five percent of the executive team's bonus is linked and the CEO has guaranteed that this bonus will be paid out regardless of the financial performance of the company. Now that's putting your money where your mouth is!

A third recommendation is to have someone whose sole job is to attend to the diversity and inclusion because it's such a broad scope in terms of the kinds of things that are involved in a diversity effort. Plus, it really shows the commitment. The symbolic aspect is as important as the actual work.

According to Anand, "There are so many pieces included in a diversity effort. It ranges from recruiting and sourcing to retention . . . my recommendation is that somebody be responsible for diversity and inclusion and report to senior management—preferably the president. You want to have influence at the top. A diversity effort can only be successful if you get top level buy-in along with grass roots efforts."¹⁵

An example of managing cultural diversity in the workplace is that many hospitality organizations are hiring more Hispanics, because they have proven themselves capable and enthusiastic. Many hospitality organizations hiring more Hispanics are



confronted with new communications problems. Whatever your approach, patience is a virtue and necessity. Establish workplace policies and resources, then recognize and encourage a family mentality. Provide easy and affordable access to their long-distance home; supply phone cards as incentives and gifts; ask about the well-being of their relatives; arrange for easy and affordable transmission of money home.¹⁶

Hospitality human resource professionals and leaders should be careful to avoid problems associated with requiring employees to speak English at all times in the workplace. This is in conflict with Title VII which prohibits workplace discrimination based on national origin. Clearly, it is important for hotel owners, operators, and managers to balance how to best deliver a unique brand experience along with the rights of their workforce. The increasingly diverse workforce in America makes English-only a difficult question. This potential conflict is best reflected in a recent settlement between the EEOC and the Melrose Hotel of New York. In that case 13 employees received an \$800,000 settlement for complaints of a hostile work environment which included allegations that Hispanic employees were subjected to an English-only rule.¹⁷



Establishing a Diversity and Inclusion Program

The following five steps are the how-tos for establishing a diversity and inclusion program:

1. Develop a mission statement that includes diversity and inclusion.
2. Develop goals for diversity and inclusion for each key operating area.
3. Develop objectives/strategies to show how the goals will be met.
4. Develop measurements to monitor progress toward the goals.
5. Monitor progress toward goal accomplishment.

Gerry Fernandez, president of the Multicultural Foodservice and Hospitality Alliance (MFHA), says that with more than one trillion dollars in buying power, minorities of today will be the majority of tomorrow. That's not a philosophical argument; it's based purely on facts and data found in the U.S. Census. Focusing on multiculturalism isn't about doing the right thing; it is about doing the right thing for your business.¹⁸

Hotel corporations are also reaching out to minority groups to help them become hotel owners. For example, Hilton says it has picked all the low-hanging fruit by approaching minority athletes and entertainers, and now it's going after people who are pooling their money.¹⁹

Some might be concerned about the costs of promoting diversity and education about other cultures. According to Salvador Mendoza, director of diversity at Hyatt Hotels, it is possible to leverage diversity to the bottom line. Multicultural initiatives are bottom-line issues. You have to be sensitive to the needs of employees, and you have to make money. There's a way to do both while promoting a multicultural environment.²⁰

Many of the larger well-known hotel and restaurant corporations have a diversity initiative to encourage minority ownership of franchised hotels and restaurants as well as becoming suppliers to those companies. Wyndham's Keys to Success program aims to give minorities a leg up in the hotel business by offering an allowance of \$1,000 per room for properties up to 74 rooms and \$1,500 per room for larger ones. At Starwood Hotels and Resorts, which *Fortune* magazine recently named among the top 50 companies for minority employees, 80 percent of the associates are women and minorities.²¹



At the W Hotel on Union Square in New York, they celebrate the holidays of many religions and countries, theme days in the employee recreation room, as well as provide opportunities for more formal communication by employee survey index, which measures how successful they were in creating a multicultural workplace of excellence. Supervisors and managers take this seriously because one-third of their bonus is based upon the survey results.²²



Leading Diversity Issues Positively

The following list of tips and suggestions will help you to remember that your staff is made up of individuals, which is important to keep in mind, no matter how diverse your staff.

GENERAL GUIDELINES

- Get to know your employees, what they like about their job, what they do not like, where they are from, what holidays they celebrate. Listen to their opinions. Help to meet their needs.
- Treat your employees equitably but not uniformly. Do not treat everyone the same when, after all, they are all different. Of course, there must be some consistency to what you do, but as long as you apply the same set of goals and values to each situation, you can treat each employee individually and consistently.
- Watch for any signs of harassment, such as employees telling jokes that make fun of a person's cultural background, race, sexual orientation, religion, and so on. Know your company's policies on harassment.
- Foster a work climate of mutual respect.
- Encourage the contributions of diverse employees at meetings, in conversations, and in training. Recognize their valuable contributions. Also, allow differences to be discussed rather than suppressed.

GENDER ISSUES

- Make sure that you are not showing favoritism to males or females, by, for instance, granting time off more readily or allowing certain employees to come in late or leave early.
- Show the same amount of respect and listen actively to both genders.
- Know your company's policy on sexual harassment and take seriously any charge of misconduct.

CULTURAL ISSUES

- Learn some of the foreign language phrases that are used by your employees. It shows respect for the employees who speak that language and improves communication.
- Find out how your employees want to be addressed in their own language and how to pronounce their names correctly. Avoid using slang names such as "Honey," "Sweetheart," "Dear," "Fella," and so on. They are disrespectful and annoying.



- Give rewards that are meaningful and appropriate to all employees.
- If an employee is having trouble with English, be careful when speaking to them. Speaking a little more slowly than usual might be helpful, but speaking too slowly might make your employees feel that you think they're stupid. Speaking very loudly will not make things easier to understand. Make sure that slang terms and idioms are understood. It's always important that employees (even those who speak English well) know and are comfortable enough to tell you when they don't understand what you're saying.
- Be cautious about the use and interpretation of gestures. Gestures such as thumbs up are by no means universal. For example, in the United States, a customer may gesture "one" to a server in a restaurant by putting up an index finger. In some European countries, this gesture means "two." If you are not sure what someone's gesture means, ask for the meaning.



RELIGIOUS ISSUES

- Be consistent in allowing time off for religious reasons.



AGE ISSUES

- Both the young and the old sometimes feel that they do not get the respect they deserve. They need to know what is going on in the department and how well they are doing their jobs, just like anyone else. Make them feel like part of the team.
- Young workers want to do work they consider worthwhile and to have fun doing it. They want their supervisors to listen to them, to let them participate in decision making. Not surprisingly, they do not want supervisors to bark orders military-style. They like to have time and money invested into their training and development.
- Do not have higher expectations of older adults than of their peers, and don't patronize them.



PHYSICALLY AND/OR MENTALLY CHALLENGED ISSUES

About 43 million Americans have a physical disability. At work, people with disabilities often feel that supervisors do not see beyond their disabilities and do not think they are capable. Coworkers may seem to patronize them and, because of embarrassment, may avoid speaking directly to them.

- Look at the differently abled employee the same way you look at other employees, as a whole person with likes, dislikes, hobbies, and so on, and encourage the employee's coworkers to do so.
- Speak directly to the differently abled employee.
- Hiring of handicapped workers does have a positive effect on the economy.
- Disabled workers are good for the community and for employers.
- The hospitality industry has a responsibility to provide job opportunities for all.



- Employees with disabilities are just as productive as other employees. You might have to make some adjustments for disabled employees, but this does not affect the quality of their work.

Even with great cross-cultural interaction skills, you will occasionally do something that offends an employee. When this happens, do the commonsense thing: Apologize sincerely.



KEY POINTS

1. Equal employment opportunity was denied to so many for so long that eventually in 1963 Congress passed the Equal Pay Act and, in 1964, the Civil Rights Act, Title VII, which established the Equal Employment Commission.
2. Progressive companies embrace equal opportunity, diversity, and inclusiveness. Many have EEO/Diversity officers who plan, develop, implement, and monitor EEO, diversity, and inclusion programs.
3. Hiring and negligent hiring include knowing the questions you can/cannot ask and an outline of what supervisors need to know.
4. Failure to understand and respect the differences, or the diversity, of your employees can result in misunderstandings, tension, poor performance, poor employee morale, and higher rates of employee absenteeism and turnover. On the other hand, when differences are respected, the working environment is richer, more fun, more interesting, and employee satisfaction and performance improve.
5. Steps to develop cross-cultural interaction skills are:
 - Increasing personal awareness
 - Learning about other cultures
 - Recognizing and practicing cross-cultural interaction skills
 - Maintaining awareness, knowledge, and skills
6. The chapter lists tips that can be used to manage diversity issues positively.



KEY TERMS

Age Discrimination in Employment Act of 1967
Americans with Disabilities Act of 1990
Civil Rights Act of 1964, Title VII
culture
diversity
Equal Employment Opportunity Commission
Equal Pay Act of 1963
Family and Medical Leave Act of 1993
Immigration Reform and Control Act of 1986 and 1990
inclusion
negligent hiring
Pregnancy Discrimination Act of 1978



REVIEW QUESTIONS

Answer each question in complete sentences. Read each question carefully and make sure that you answer all parts of the question. Organize your answer using more than one paragraph when appropriate.

1. Outline equal opportunity in the workplace.
2. List the laws that affect equal opportunity in the workplace.
3. Identify the important things that every supervisor needs to know about diversity.
4. Describe the process of developing cross-cultural interaction skills.
5. Identify two diversity-related problems that could come up in a day-to-day job scenario, and give tips for managing these situations.



ACTIVITIES AND APPLICATIONS

1. Discussion Questions

- Have you ever been discriminated against in the workplace, or observed when someone else was discriminated against? Describe what happened and how it could have been handled better.
- Do you know a supervisor/manager who handles diverse employees skillfully? If so, what skills does he or she have?
- What are some traditions that are important in your family? After those of several families have been discussed, look for similarities and differences.
- What are some foods and dishes native to your culture?

2. Group Activity

In groups of two (or four) students, each student writes down two adjectives (positive or negative) that come to mind for each of these groups: New Yorkers, Californians, Latinos, lesbians, whites, Asian-Americans, women, teenagers, elderly, men, Catholics, African-Americans, and disabled. Discuss your reactions with the group using the following discussion questions.

- Were there any groups you know so little about that you felt uncomfortable writing about them?
- Were any of your adjectives used because you had limited personal experience?
- Were any of your adjectives reflective of stereotypes?
- Do you think the way you described certain groups would affect how you would communicate with them?
- How quick are we to prejudge others when we know little about them?

3. Group Activity

The Cultural You. In groups of two, each student should first write down his or her attitudes toward each of the following: money, expression of emotions, time, religion, education, authority, family, independence, work, children, competition, use of alcohol. Next, discuss your attitudes with your partner. Identify to what extent your culture has influenced your attitudes.



4. Case Study: Culture Clash

As the new head of housekeeping, Nancy, a white middle-aged woman, oversees a staff made up of a diverse group, mostly minorities. She is not sure that she is getting her messages through to her staff because they do not respond the way she expects them to when she gives directions. She is starting to wonder if they are really listening. To solve this problem, Nancy decides to spend a half-hour each day supervising the employees directly.

One week later, she comes to the conclusion that just about everyone is doing the job the way they should, but she hears from another department head that housekeepers are grumbling about being watched over. Later that day, one of the housekeepers complains in a very emotional way, and Nancy isn't sure what to do.

Case Study Questions

1. What did Nancy do right?
2. What did Nancy do wrong?
3. In what ways was Nancy insensitive to cultural differences?
4. What should Nancy do now? How can she learn more about the cultures represented in her staff to help her to do her job better?



WEB ACTIVITY

- Go to the following Web site: www.mfha.net. Find a topic and discuss it with your classmates.



RELATED WEB SITES

Americans with Disabilities Act	www.dol.gov/esa/reg/statutes/ofccp/ada.htm
Equal Employment Opportunity Commission (EEOC)	www.eeoc.gov
Immigration Reform and Control Act of 1986	www.dhs.gov/dhspublic/
Title VII of the Civil Rights Act of 1964	www.eeoc.gov/laws/vii.htm
Multicultural Foodservice and Hospitality Alliance	www.mfha.net
Women's Foodservice Forum	www.womensfoodserviceforum.com



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