

## **PRACTICE AREAS**

## Privileged Audits of DEI Programs

In light of federal and state government initiatives focusing on unlawful DEI, employers should conduct a thorough review and audit of their diversity, equity, and inclusion (DEI) programs. In addition to government scrutiny, there are additional pressures from private sector advocacy groups, shareholders, and customers regarding the employer's approach to diversity and inclusion initiatives. Moreover, under Executive Order 14173, federal contractor employers will be required to certify that they do not have any unlawful DEI programs.

Roffman Horvitz assists employers in assessing and evaluating their inclusion programs for lawfulness and risk under the protection of attorney client privilege, while also working with the client to ensure consistency with its workplace culture and organizational branding.

Among the components of these DEI audits are:

- In-depth review of existing policies and procedures
- Assessment of human resources (HR) practices and documentation
- Evaluation of recruitment and hiring processes, performance review/bonus criteria and advancement processes
- Review of HR reporting and internal workplace metrics

- Review of employee resource groups (ERGs)
- Review of contract flow-down language and self-identification forms to ensure compliance with executive orders and current federal regulations
- Statistical analysis to monitor and ensure neutrality of hires, promotions, terminations decisions
- Review of external website information regarding inclusion and diversity
- Review of intranet and other internal communications regarding inclusion and diversity