

ARIZONA
TELEMEDICINE
PROGRAM



DEI: Legal Considerations in the Workplace and Beyond

Brian Santo, Esq., MPH

**Associate General Counsel, National Committee for
Quality Assurance**

Professor of Practice in Law, Arizona University

The Refresher on the Basics

- **Diversity:** The presence of differences within a given setting.
- **Equity:** The act of ensuring that processes and programs are impartial, fair and provide equal possible outcomes for every individual.
- **Inclusion:** The practice of ensuring that people feel a sense of belonging in the workplace. This means that every employee feels comfortable and supported by the organization.

DEI in Employment: Title VII and the Equality Act

Title VII

- Employers with 15 or more employees, including state and local governments.
- Protected Classes
- “In Employment”: Hiring, discharge, wages, conditions, privilege

Equality Act

- Makes sexual orientation and gender identity non-discrimination “official”
- Expands areas to which discrimination applies



DEI in Employment: ADEA, ADA and More

- ADEA – age 40 and over; Covers private employers with 20+ employees, state and local governments, labor unions
- ADA – those with disabilities as defined by the statute; applies to all private businesses with 15 or more employees
- Affirmative Action Programs - Businesses that contract with the federal government must have AAPs, while others can (SHOULD) implement them voluntarily.
- Equal Pay Act - requires that men and women in the same workplace be given equal pay for equal work.

DEI in the Provision of Care

Title VI

- Prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance.
- Bias not enough

Section 1557 of the ACA

- Nondiscrimination provision of the ACA
- Builds on longstanding nondiscrimination laws



Onslaught of Executive Orders

EO 19385

- Released on January 20, 2021
- Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- Directs federal agencies to evaluate whether their policies produce racially inequitable results when implemented, and to make the necessary changes to ensure underserved communities are properly supported.

EO 14035

- Released on June 25, 2021
- Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce
- Seeks to create a Government-wide initiative to promote diversity, equity, inclusion, and accessibility (DEIA)

Path Forward and Potential Legal Landmines

- **No legal requirement to implement a DEI program.....**
- **Metrics = Landmine**
 - **One must remain cognizant of Title VII duties**
 - **Express seek to promote diversity, equity, and inclusion in their workplace, and, consistent with that goal, hire only the most qualified candidates.**
- **Best Practices**
 - **Refrain from using rigid quotas or set-asides**
 - **Review DEI programs regularly**
 - **Communication is key**



To Learn More...

New online course starting this Spring 1 (January – March), entitled, **‘Leadership and Equity in the Life Sciences.’**

In partnership with The Drug Information Association (DIA) and the University of Arizona James E. Rogers College of Law, this course joins the [Graduate Certificate in Regulatory Science](#) and [Master of Legal Studies in Health Law & Policy](#).

For more information or to apply to take this course and program contact: law-healthcare@arizona.edu or visit <https://lnkd.in/eqACWZ6>.

Thank you!

bsanto@arizona.edu

This is
my
thank you
dance!

