

DEI Policy Review Checklist



Despite the current backlash in the U.S., many companies in Canada remain committed to the principles of Diversity, Equity, and Inclusion (DEI). That includes some of the country's biggest and most powerful corporations such as Scotiabank, Procter & Gamble, D2L Corporation, Air Canada, CBC/Radio Canada, and BC Hydro. While DEI goes beyond the duty to refrain from discrimination and harassment based on race, religion, sex, and other characteristics protected by human rights laws, the workplace DEI policy establishes a framework for ensuring compliance with those laws to the extent it directly affects recruitment, hiring, promotion, discipline, training, investigations, and other HR operations. So, it's imperative to periodically review your DEI policy to ensure that it's legally aligned, operationally realistic, and effective in driving measurable outcomes. Here's a Checklist you can use to carry out a structural review of your current DEI policy that you can adapt for the specific circumstances of your own company.

Workplace DEI Policy Review Checklist

Company:

Policy Name:

Current Policy Version Date:

Review Date:

Next Scheduled Review Date:

Review Lead:

Contributors (HR, Legal, DEI Committee, Exec, etc.):

Purpose of This Review

- Annual scheduled review
- Legal update
- Post-incident review
- Governance/board request
- Organizational restructuring
- Other: _____

1. Legal & Regulatory Alignment

1.1 Human Rights Compliance

- All prohibited grounds of discrimination contained in your jurisdiction's human rights statute are accurately listed.
- Policy definitions are consistent with applicable human rights laws and current legal standards.
- Prohibitions of discrimination and workplace harassment are clearly stated and in alignment with current law.
- Reprisal protections are clearly stated.

Notes / Required Revisions:

1.2 Reasonable Accommodation Obligations

- Duty to provide reasonable accommodations to the point of undue hardship is clearly described.
- Policy contains clear and legally valid definitions of "reasonable accommodations" and "undue hardship".
- Policy includes or refers to the organization's process for making and processing requests for reasonable accommodations.
- DEI-related roles and responsibilities are defined.

Gaps Identified:

1.3 Employment Equity / Special Programs

- Policy covers personal characteristics and circumstances that are not prohibited grounds of discrimination under your jurisdiction's human rights statute, such as diversity in education, experiences, culture, communication styles, etc.
- Policy describes any affirmative action or other targeted DEI initiatives the company takes that involve preferential treatment to women, racial minorities, Indigenous populations, or other historically disadvantaged groups.
- Such affirmative action or other targeted DEI initiatives really are necessary to enable disadvantaged groups to overcome systemic barriers and don't constitute illegal reverse discrimination.
- Affirmative action and other targeted DEI initiatives are properly documented as equity initiatives.

Legal Review Required?

- Yes
- No

2. Policy Structure & Clarity

2.1 Separation of Values and Operational Commitments

- Aspirational language contained in Policy is clearly distinguishable as such so that they won't be interpreted as enforceable commitments.

Policy contains no ambiguous promises that create unintended legal exposure.

Language Revisions Needed:

2.2 Scope & Applicability

DEI policy applies to:

- Employees
- Supervisors
- Managers
- Company leadership/board
- Job applicants
- Contractors/consultants
- Other third parties (describe)

Clarifications Required:

3. Operational Alignment Review

3.1 Recruitment & Hiring

- Inclusive hiring commitments align with recruitment policy.
- Interview and selection standards are documented.
- Bias mitigation measures are defined.
- Objective, job-related qualifications criteria are spelled out.

Inconsistencies Identified:

3.2 Promotion & Advancement

- Policy addresses equity in leadership development.
- Objective, performance-related qualifications criteria for promotion, and advancement are spelled out.
- Above criteria are incorporated into performance review and management.

Risks Identified:

3.3 Compensation & Pay Equity

- Policy addresses equity in pay.
- Policy's pay equity provisions comply with applicable laws.
- Policy specifies company's commitment to monitor and eliminate compensation disparities.

Review Notes:

3.4 Complaint & Investigation Procedures

- Clear reporting channels are identified.
- Confidentiality commitments are realistic and accurate.
- Anti-retaliation protections are included.
- Investigation process is included or referenced.

Required Enhancements:

4. Governance & Accountability

4.1 Oversight Structure

- Policy lists who has ownership of DEI initiatives (HR/Executive/DEI Committee, etc.)
- Policy provides for formation of a DEI Committee.
- Policy describes DEI reporting structure.
- Policy provides for Board or executive reporting at specified frequency.

4.2 Manager Responsibilities

- Managers' DEI-related responsibilities and expectations are clearly articulated.
- Performance evaluation linkage is addressed.
- Consequences for non-compliance are spelled out.

4.3 Metrics & Monitoring

- Performance metrics are used to measure effectiveness of DEI initiatives.
- Hiring, promotion, and turnover data is maintained, monitored, and analyzed.
- DEI-related complaint trends are analyzed.
- Regular reporting schedules are defined.

Metrics Currently Used:

5. Data Collection & Privacy Review

- Voluntary self-identification language complies with privacy laws.
- Purpose of DEI-related data collection is clearly explained.
- Data storage and access controls are documented.
- Data retention policy is aligned.

Privacy Risks Identified:

6. Risk Assessment

Policy doesn't include any of the following litigation or reputational risk factors:

- Unrealistic promises or commitments that are beyond the company's capability to keep.
- Ambiguous language.
- Inconsistent disciplinary standards.
- Inadequate or lack of enforcement mechanisms.

7. Policy Clarity & Accessibility

- Policy is written in plain language.
- Policy includes clear definitions and practical examples.
- Policy provides for clear escalation pathways.
- FAQs, toolkits, or other guidance is available.

8. DEI Training

- Policy provides for DEI training at defined intervals.
- Policy training curriculum aligns with overall company training.
- Policy provides for verification of DEI training effectiveness.
- Policy provides for documentation of training and attendance.

9. Stakeholder Input

Consulted During Policy Review:

- Legal Counsel
- Senior Leadership
- Employee Resource Groups
- Union Representatives
- External DEI Advisor
- Board or Governance Committee

Feedback Summary:

10. Required Revisions Summary

Issue Identified Risk Level (Low/Med/High) Action Required Responsible Party Deadline

11. Executive Sign-Off

Reviewed By (HR Lead):

Reviewed By (Legal):

Approved By (Executive/Board):

Approval Date: