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Welcome and thank you for joining us for today's Aviation Webinar Series. Our topic is **“Diversity, Equity & Inclusion and the Aviation Industry”** We have just a few announcements before we get started.

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Diversity, Equity & Inclusion and the Aviation Industry

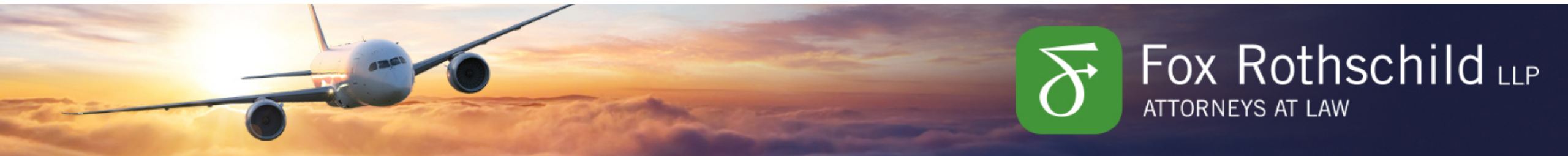
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Aviation Specific Statistics

- In the US 93.7% of professional pilots are white and 92.5% of professional pilots are male
- According to “Racial Diversity in Aviation,” published by Embry-Riddle Aeronautical University in December 2020:
 - 5 aviation occupations were reviewed over a 10-year period. In 2018:
 - Aircraft Pilot and Flight Engineer: 2.4% were Black individuals
 - Air Traffic Controller: 13.1% were Black individuals
 - Aerospace Engineer: 3.9% were Black individuals
 - Avionics Technician: 12.5% were Black individuals
 - Aircraft Mechanic and Service Technician: 10.6% were Black individuals



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Aviation Specific Statistics

- According to “Women in Aviation: A Workforce Report” (May 2019), women’s representation in the industry was as follows:
 - 7.3% of all pilots
 - 1.5% of airline captains
 - 2.4% of mechanics
 - 3% of CEOs, COOs, and other key leadership positions
 - 16.6% of airport managers and ATC
 - 40% of TSA screeners
 - 79% of flight attendants
 - 86% of travel agents



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What does “Diversity, Equity & Inclusion” mean?

Diversity

- Dictionary definition: “The state or fact of being diverse; difference; unlikeness” or “variety; multiformity”
- Purpose of “diversity” in DEI context is to recognize, understand, embrace and benefit from the ways in which people are different
- Dimensions of diversity: age, ethnicity, gender, physical abilities, race, religion, education, professional experience, marital status, parental status, socioeconomic status, etc.



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Increased Emphasis on Cultural Diversity

- Need to change mindset that individuals must conform to company's culture
- Organizations should strive for cultural competence = a set of values, behaviors, attitudes, and practices within a system, organization, program or among individuals and which enables them to work effectively cross culturally
 - Fosters stronger and more effective relationships



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Equity

- Dictionary definition - “The quality of being fair or impartial; fairness; impartiality.”
- “Equity” vs. “Equality”
 - Equality means each individual or group of individuals has the same access to resources and opportunities
 - Equity recognizes that each person is not “equal” due to their individual circumstances, but allocates the resources and opportunities required to reach an equal outcome.
 - “Leveling the playing field”
- Legal concept of equity
 - Courts of equity administer justice according to principles of “fairness”
 - Fashion non-monetary remedies to “right” a “wrong” (injunctions, writs, specific performance, etc.)
 - Similar concept applicable to DEI initiatives



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Inclusion

- Dictionary definition: “The practice or policy of including and integrating all people and groups in activities, organizations, political processes, etc., especially those who are disadvantaged, have suffered discrimination, or are living with disabilities.”
- Having a diverse workforce is the first step; Need to ensure employees feel a sense of belonging and value within their organizational setting
- Natural result of feeling included and valued is increase in morale and loyalty



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CLE Code #1

- Inclusion



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Benefits of Diversity, Equity & Inclusion in the Workplace

- Attract and retain talent
 - Interview process
 - Mentoring
 - Feedback
- Expand and strengthen customer/client base
- Increase innovation
- Financial performance



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Consequences of Not Developing, Implementing and Enforcing DEI Policies

- Litigation to force companies to follow-through with publicly stated DEI initiatives
 - Shareholder derivative lawsuits against Directors and Officers of Oracle, Facebook, Qualcomm, Norton LifeLock, Gap and Danaher
 - Claims that they breached their Caremark duty of oversight by failing to monitor the company's compliance with anti-discrimination laws
 - Claims that they authorized allegedly false statements regarding the company's commitment to diversity in annual proxy statements in violation of SEC regulations
 - Claims that they breached their fiduciary duties by failing to ensure diverse candidates are selected to sit on the board; and
 - Claims that they overcompensated themselves at the expense of minority and women employees and resulting from other alleged breaches
- Violations of Federal or State Discrimination Laws
- Individuals are not immune; Common law claims increasingly being asserted against individuals:
 - Defamation, assault & battery, false imprisonment, and intentional infliction of emotional distress



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Renewed Emphasis on DEI at the Federal Level

June 25, 2021, Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce

- Purpose is to cultivate a workforce that reflects the diversity of America
- “Diversity” – the practice of including the many communities, identities, races, ethnicities, abilities, cultures, and beliefs of the American people, including underserved communities
- “Equity” – the consistent and systemic fair, just, and impartial treatment of all individuals who belong to underserved communities that have been denied such treatment
- “Inclusion” – the recognition, appreciation, and the use of talents and skills of employees of all backgrounds
- “Accessibility” – the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



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Impact on Aviation Regulatory Agencies

- Executive Order is intended to apply to and impact the make up of all “agencies” under the authority of the United States. 44 U.S.C. § 3502(1)
- Includes the Department of Transportation (DOT), Federal Aviation Administration (FAA), Department of Homeland Security (DHS) & Transportation Security Administration (TSA)
- Does not apply to the National Transportation Safety Board (NTSB). 44 U.S.C. § 3502(5)
- Many of these agencies already have their own Diversity, Equity & Inclusion hiring initiatives



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The FAA: A Step in the Right Direction

- FAA established a number of employee associations to “facilitate career development, formal and informal mentoring, diversity, inclusion and social interaction”
 - FAA GLOBE – Gay, lesbian or bisexual employees
 - National Native American Alaska Native Coalition of Federal Aviation Employees (NAAN)
 - National Hispanic Coalition of Federal Aviation Employees (NHCFAE)
 - National Asian and Pacific American Association (NAPA)
 - National Black Coalition of Federal Aviation Employees (NBCFAE)
 - Professional Women Controllers (PWC)
 - Special Emphasis Programs
 - Federal Women’s Program
 - Hispanic Employment Program
 - People with Disabilities Program



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CLE Code #2

- FAA



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The FAA: A Step in the Right Direction

- FAA established the Aviation Development Program (ADP) to hire underrepresented individuals

“ADP uses Schedule A hiring authorities to sponsor persons with Targeted Disabilities (PWTD) as paid Air Traffic Controller Specialist (ATCS) trainees. ADP participants must meet the same qualifications as any other ATCS students. Those who demonstrate the aptitude and ability may receive an appointment to the Air Traffic Control Academy and, upon graduation, an ATCS position.”



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What Can I Do?

- Learn more about your organization's DEI policies and initiatives and what steps are being taken to implement and enforce these policies
- Attend training sessions targeted at understanding DEI related issues, particularly with respect to interviewing, hiring, mentoring, and providing effective feedback to current employees
- Encourage your organization to establish affinity groups
- Promote DEI in your everyday interactions with colleagues, clients, claimants, opposing counsel, etc.
 - In 2016, the American Bar Association adopted Model Rule of Professional Conduct 8.4(g) to recognize an attorney's affirmative obligation to promote diversity in the profession and equality in society
 - Rule 8.4 provides that it is professional misconduct for an attorney to “engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity marital status or socioeconomic status in conduct related to the practice of law. . .”



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Thank You

If you have any questions, please contact us:

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