

# JEWISH EMPLOYEE RESOURCE GROUPS

## **What are Employee Resource Groups?**

Employee Resource Groups (ERGs), sometimes called Affinity Groups or Diversity Network Groups, are company-recognized, sponsored, and supported organizations within a firm. They are usually formed around a particular characteristic, such as race, ethnicity, sex, or sexual orientation, that has traditionally experienced discrimination or workplace ostracization.

Well-functioning ERGs create a tangible “term and condition” of employment: a channel to combat employment discrimination, foster networking, provide mentorship and training, promote career advancement, aid recruitment, and facilitate corporate charitable giving. These can be valuable, meaningful advantages that directly impact ERG members’ professional success.

**Why Does the Law Care About ERGs?** Federal, state, and local employment discrimination laws prohibit segregating employees or denying them equal opportunities and the same terms and conditions of employment, based on their covered identities. ERG opportunities have to be offered in a non-discriminatory manner.

Poorly functioning ERG’s pose challenges to workplace culture, especially when designed without proper forethought. They may, for example, engender employee segregation, stereotyping, and exclusion; foment employee division, resentment, and distrust; increase

employers’ legal risk; and encourage violations of company policy, especially with respect to non-discrimination and anti-harassment issues. In such cases, they may undermine the sense of belonging that they are intended to create, especially among workers who feel excluded from their benefits.

**Where do Jewish Employees Fit in?** Companies often reject requests from Jewish employees to form an ERG because Jewish identity is erroneously pigeonholed as merely “religious,” and the company prohibits ERGs based on religious identity. This ignores that Jews share ethnic or ancestral background, a common lineage, history, culture, and language(s). Even Jews who never attend synagogue, observe Jewish holidays, or believe in the tenets of Judaism may identify as Jews.

Courts protect Jewish ethnic or ancestral heritage in the workplace under both the Civil Rights Act of 1866 and Title VII of the Civil Rights Act of 1964. State and local laws may bolster these protections. Denying Jewish employees an ERG where ERGs are offered to other ethnic groups is unlawful.

**What Should Employers Do?** Those companies that offer ERG’s to some worker groups must do so in an evenhanded manner, offering their Jewish employees any ERG opportunities that are offered to other ethnic groups.



The Louis D. Brandeis Center  
for Human Rights Under Law

The Louis D. Brandeis Center for Human Rights Under Law is an independent, unaffiliated, nonprofit corporation established to advance the civil and human rights of the Jewish people and promote justice for all.

### Contact Us

**Web:** [www.brandeiscenter.com](http://www.brandeiscenter.com)

**Phone:** 202-559-9296

**E-mail:** [info@brandeiscenter.com](mailto:info@brandeiscenter.com)

**Address:** 1717 Pennsylvania Ave NW, Suite 1025

Washington, D.C. 20006

**Facebook:** Louis D. Brandeis Center for Human Rights Under Law

**Twitter:** @brandeiscenter

### About the Brandeis Center

The Louis D. Brandeis Center for Human Rights Under Law is an independent, unaffiliated, nonprofit corporation established to advance the civil and human rights of the Jewish people and promote justice for all. LDB engages in research, education, and legal advocacy to combat the resurgence of anti-Semitism on college and university campuses, in the workplace, and elsewhere. It empowers students by training them to understand their legal rights and educates administrators and employers on best practices to combat racism and anti-Semitism. It is not affiliated with the Massachusetts University, the Kentucky law school, or any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice.