

# Don't Get Caught: Traps for the Unwary in Employer DE&I Initiatives

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## Agenda

### Recruiting Traps

- Strategies, Referral Bonuses, Voluntary Affirmative Action Plans

### Hiring Traps

- Implicit Bias, Applications, Interviews

### Advancement Traps

- Monitoring Performance & Performance Reviews
- Covering, Affinity Groups and Inclusivity Initiatives

## Recruiting

Recruiting Strategies  
Voluntary Affirmative Action Plans

## Recruiting Strategy

- Who is included in your recruiting strategy?
- Where are jobs posted?
- What is included in the job posting?
- Word of mouth hiring?

## Recruiting Strategy Tips

- Consider the methods and locations of job opening advertisements to ensure coverage across protected classes.
- Request statistics about the target and actual audience of job posting media to ensure protected classes are not excluded.
- Advertise job openings in a variety of media designed to reach separate audiences.
- Consider whether the existing workforce is homogenous. Diversify those strategies to reach a broader audience.
- Have clear referral policies and don't make exceptions.

## Referral Bonuses

- General vs. targeted referral bonuses
- Are we bonusing people who are referring people who are similar in beliefs, interests, and demographics as the employee?
- Anchoring bias, halo bias, framing bias

## Rooney Rule

- Background
- Interviewing versus hiring
- Channels of recruitment
- Diversity of hiring team

## Voluntary Affirmative Action Plans

1. The plan is remedial in nature, in that there has been past discrimination or possible adverse impact as to the group in question.
2. The plan does not unnecessarily interfere with the interest of non-minority employees, such as by terminating those employees to replace them with diverse employees.
3. The plan or program is temporary in nature with the goal of achieving some type of balance without maintenance.



## Interviewing & Hiring

Implicit Bias  
Applications  
Interviews

## What is 'Implicit Bias'?

## Implicit Bias

### 1. Anchoring bias.

People are **over-reliant** on the first piece of information they hear. In a salary negotiation, whoever makes the first offer establishes a range of reasonable possibilities in each person's mind.



### 2. Availability heuristic.

People **overestimate the importance** of information that is available to them. A person might argue that smoking is not unhealthy because they know someone who lived to 100 and smoked three packs a day.



### 3. Bandwagon effect.

The probability of one person adopting a belief increases based on the number of people who hold that belief. This is a powerful form of **groupthink** and is reason why meetings are often unproductive.



### 4. Blind-spot bias.

**Failing to recognize** your own cognitive biases is a bias in itself. People notice cognitive and motivational biases much more in others than in themselves.



### 5. Choice-supportive bias.

When you choose something, you tend to feel positive about it, even if that **choice has flaws**. Like how you think your dog is awesome – even if it bites people every once in a while.



### 6. Clustering illusion.

This is the tendency to **see patterns in random events**. It is key to various gambling fallacies, like the idea that red is more or less likely to turn up on a roulette table after a string of reds.



### 7. Confirmation bias.

We tend to listen only to information that confirms our **preconceptions** — one of the many reasons it's so hard to have an intelligent conversation about climate change.



### 8. Conservatism bias.

Where people favor prior evidence over new evidence or information that has emerged. People were **slow to accept** that the Earth was round because they maintained their earlier understanding that the planet was flat.



### 9. Information bias.

The tendency to **seek information when it does not affect action**. More information is not always better. With less information, people can often make more accurate predictions.



### 10. Ostrich effect.

The decision to **ignore dangerous or negative information** by "burying" one's head in the sand, like an ostrich. Research suggests that investors check the value of their holdings significantly less often during bad markets.



**SOURCES:** Brain Biases; Ethics Unwrapped; Explorable; Harvard Magazine; HowStuffWorks; LearnVest; Outcome bias in decision evaluation, Journal of Personality and Social Psychology; Psychology Today; The Bias Blind Spot: Perceptions of Bias in Self Versus Others, Personality and Social Psychology Bulletin; The Cognitive Effects of Mass Communication, Theory and Research in Mass Communications; The less-is-more effect: Predictions and tests, Judgment and Decision Making; The New York Times; The Wall Street Journal; Wikipedia; You Are Not So Smart; ZhurnalWiki

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## Implicit Bias

### 11. Outcome bias.

Judging a decision based on the **outcome** — rather than how exactly the decision was made in the moment. Just because you won a lot in Vegas doesn't mean gambling your money was a smart decision.



### 12. Overconfidence.

Some of us are **too confident about our abilities**, and this causes us to take greater risks in our daily lives. Experts are more prone to this bias than laypeople, since they are more convinced that they are right.



### 13. Placebo effect.

When **simply believing** that something will have a certain effect on you causes it to have that effect. In medicine, people given fake pills often experience the same physiological effects as people given the real thing.



### 14. Pro-innovation bias.

When a proponent of an innovation tends to **overvalue its usefulness** and undervalue its limitations. Sound familiar, Silicon Valley?



### 15. Recency.

The tendency to weigh the **latest information** more heavily than older data. Investors often think the market will always look the way it looks today and make unwise decisions.



### 16. Salience.

Our tendency to focus on the **most easily recognizable features** of a person or concept. When you think about dying, you might worry about being mauled by a lion, as opposed to what is statistically more likely, like dying in a car accident.



### 17. Selective perception.

Allowing our expectations to **influence how we perceive** the world. An experiment involving a football game between students from two universities showed that one team saw the opposing team commit more infractions.



### 18. Stereotyping.

Expecting a group or person to have certain qualities without having real information about the person. It allows us to quickly identify strangers as friends or enemies, but people tend to **overuse and abuse** it.



### 19. Survivorship bias.

An error that comes from focusing only on surviving examples, causing us to **misjudge a situation**. For instance, we might think that being an entrepreneur is easy because we haven't heard of all those who failed.



### 20. Zero-risk bias.

Sociologists have found that **we love certainty** — even if it's counterproductive. Eliminating risk entirely means there is no chance of harm being caused.



**SOURCES:** Brain Biases; Ethics Unwrapped; Explorable; Harvard Magazine; HowStuffWorks; LearnVest; Outcome bias in decision evaluation, Journal of Personality and Social Psychology; Psychology Today; The Bias Blind Spot: Perceptions of Bias in Self Versus Others, Personality and Social Psychology Bulletin; The Cognitive Effects of Mass Communication, Theory and Research in Mass Communications; The less-is-more effect: Predictions and tests, Judgment and Decision Making; The New York Times; The Wall Street Journal; Wikipedia; You Are Not So Smart; ZhurnalWiki

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## Application Process

- Application accessibility
- Background check requirements vary state by state
  - Ban the Box (MA, RI, VT)
  - Laws continue to evolve. Massachusetts employers cannot require HIV antibody or antigen tests as a condition of employment (M.G.L. c. 111, § 70F), or genetic information M.G.L. c. 151B, § 4(19)(a).
- Eliciting information about protected classes

## Interviews

Interviewers need to be prepared with appropriate interview questions.

Examples of inappropriate interview questions:

- Dates of school attendance (age)
- Last name of applicant's mother and father
- Who resides with the applicant?
- If applicant owns or rents their place of residence
- Ms. Versus Miss versus Mrs.
- Family status (married, divorced, kids no kids)
- DO ASK applicants about the need for reasonable accommodations when scheduling an interview to ensure that all candidates can compete on an equal basis

Interviewers need to be prepared to pivot

- “Over-sharer” interviewee

## Interview Tips

- Ensure that only those individuals whose qualifications are best matched to the written job requirements are selected for interviews.
- Consider documenting the reasons for selection or non-selection to minimize the risk of discrimination claims.
- Use multiple decision makers (or committee) to ensure that no one person's biases, explicit or implicit, influence the hiring process.

## Advancement

Covering  
Affinity Groups and other Initiatives to Build Diversity  
Monitoring Performance & Performance Reviews

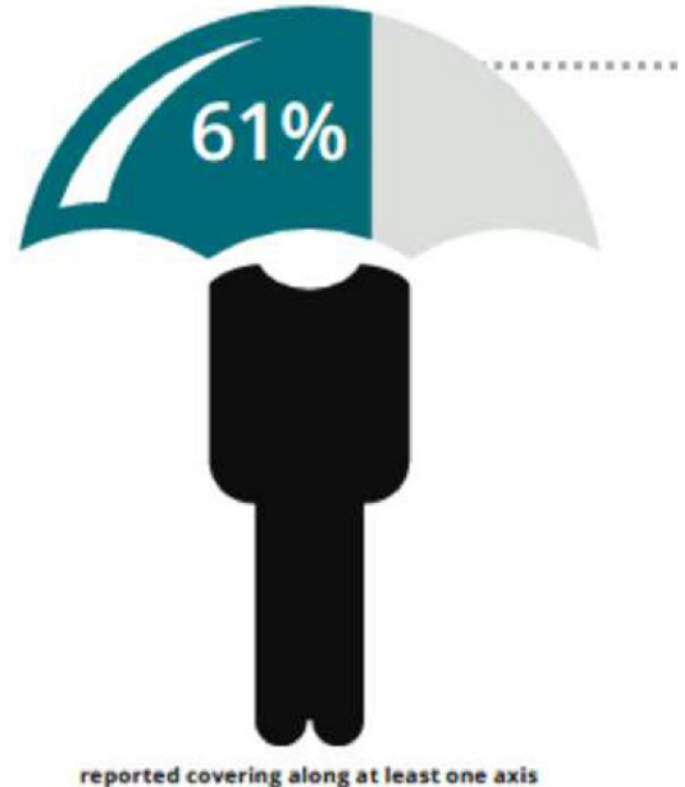


## Monitoring Performance & Performance Reviews

- Similar impact to interviews
- Watch implicit bias
- “Culture fit”
- Objective goals and measurements to those goals
- Honest feedback & opportunity to improve

## Covering

- What is covering?
  - Attempts to minimize personality characteristics or attributes based on societal stigmas
- Appearance Covering
- Affiliation Covering
- Advocacy Covering
- Associational Covering

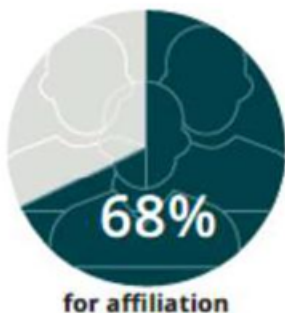


Source: Deloitte, *Uncovering talent: A new model of inclusion*.

## Role in Diversity and Inclusion?



The percentage of respondents who said that covering along an axis was "somewhat" to "extremely" detrimental to their sense of self was as follows:



Source: Deloitte, *Uncovering talent: A new model of inclusion*.

## Affinity Groups and Initiatives to Build Inclusivity

- What impact does covering have in these settings?
- Plan employee gatherings and events that are inclusive to everyone
- Treat all groups equally (funding, access to senior level leaders, etc.)
- Language matters

## Thank you!



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