

Elimination of Bias in a Post-Pandemic Workforce

HR Challenges and Opportunities

BENJAMIN D. WOODARD, ESQ.





Overview

- What Is Bias?
- Recent World Events Effecting the Workplace and Potential Explicit and Implicit Biases
- Types of Biases On the Rise
- How to Reduce Bias in the Workplace



UNDERSTANDING BIAS

Our background and experiences create the lens through which we interpret and judge the world: we see the world as we are, not as it is.

Bias stems from our natural inclination to distinguish "friend" from "foe" in order to survive: to have bias is to be human.

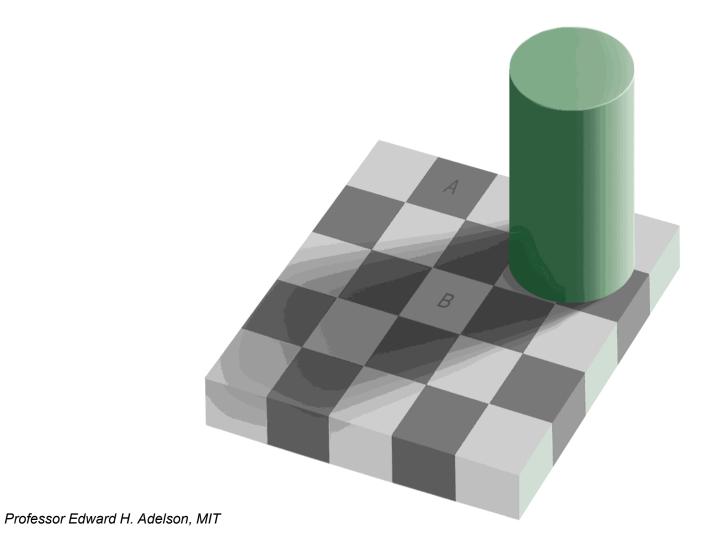
Being busy and distracted bends us towards making decisions from our past/ unconscious.

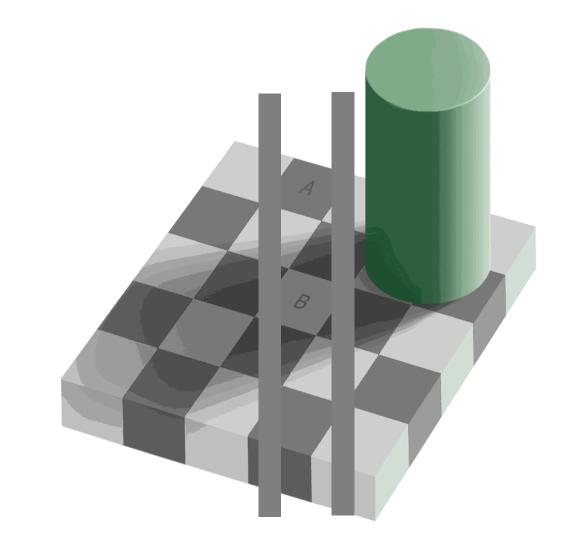
Our talent management systems & decision-making can be riddled with bias; we have to first see it, slow down, and pause to make more objective decisions.



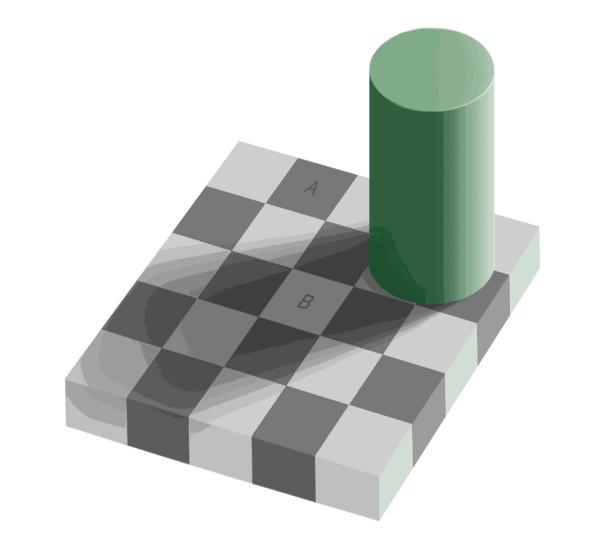
IMPLICIT BIAS

"The process by which the brain uses mental associations that are so well-established as to operate without awareness, intention, or control."











Schemas

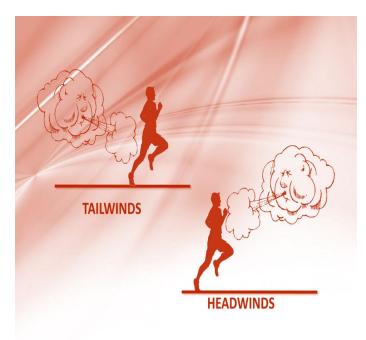
Expectations associated with members of a group that guide perceptions and behaviors.

SCHEMAS:

- Influence judgments of group members
- Influence group members' expectations about how they will be judged

9

Headwinds & Tailwinds for Underrepresented Groups



- Networking opportunities (formal & informal)
- Access: insider information & decision-makers
- Mentors and sponsors
- Meaningful work assignments
- Candid and frequent feedback
- Social integration
- Training & development
- Client contact & pitch opportunities
- Promotions
- COVID examples: caregiving; race-based trauma

The Past Few Years...

















The Challenges

Workplaces are Social Microcosms

Fear and Uncertainty + Political, Social and Economic Polarization
 Increase in Explicit and Implicit Illegal Biases

Workplace Changes = New Potential Biases and Challenges

Types of Implicit Bias



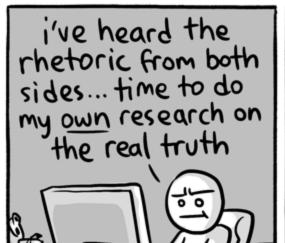
Affinity Bias

Tendency to gravitate toward and develop relationships with people who are more like ourselves and share similar interests and backgrounds





Confirmation Bias





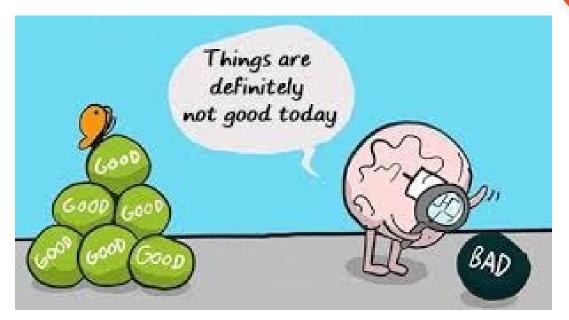


Causes people to pay more attention to information that confirms their existing belief system and disregard that which is contradictory.



Anchoring Bias

When people are trying to make a decision, they often use a focal point (anchor) as a reference or starting point. Anchoring bias occurs when a person relies too heavily on specific information or a specific value when making decisions. E.g., overlooking troubling qualities because the candidate went to Harvard.



1st Impression/Horns/Halo Effect

A cognitive bias that causes an interviewer to allow a first impression or one trait, either good (halo) or bad (horns), to overshadow other traits, behaviors, actions, or beliefs.







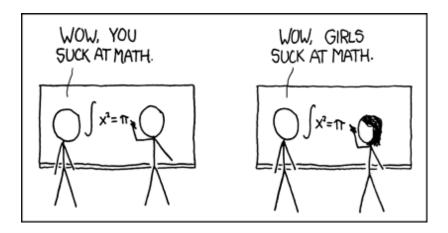


BERMAN, FOEHL, TROWER 2018



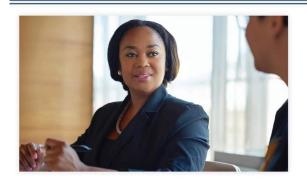
Stereotyping

Forming an opinion about how people of a given gender, religion, race, appearance, or other characteristic think, act, respond, or would perform the job without any evidence that this is the case.



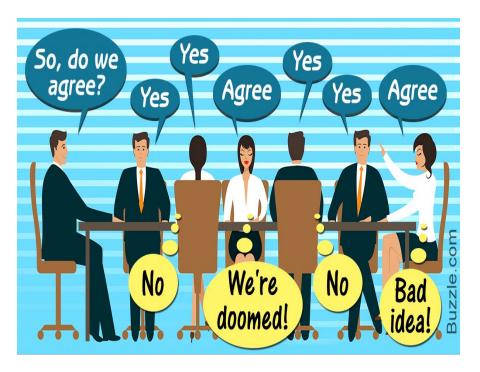
YOU DON'T LOOK LIKE A LAWYER

Black Women and
Systemic Gendered Racism



TSEDALE M. MELAKU

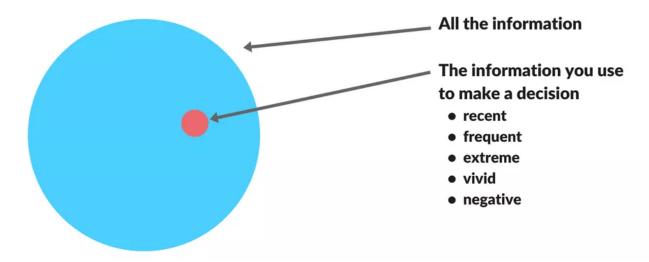
Groupthink



Occurs when people make irrational or non-optimal decisions because of the desire to conform. Group members refrain from expressing doubts or disagreement.



Salience (Availability) Bias



When an interviewer is more likely to focus on information that is more prominent, striking and perceptible while ignoring those that are less so. Interferes with good decision-making because it causes people to default to "top of mind" information.

Proximity Bias



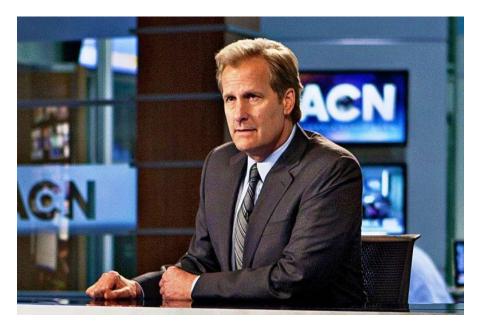
How do We Reduce Bias?

ONE WAY = BECOMING AWARE THAT IT EXISTS

Becoming Aware

"The first step in solving a problem is recognizing there is one."

Fictional Character Will McAvoy, HBO Hit Show "The Newsroom"





What is cultural competence?

- The state of being capable of functioning effectively in the context of cultural differences and in a way that acknowledges and respects the culture of the person or organization being served.
- Using the knowledge about individuals and groups of people and integrating it in standards, policies, practices and attitudes in culturally appropriate ways to increase the quality of services.



Culture

- Is the body of learned beliefs, traditions, principles, and guides for behavior that are commonly shared among members of a particular group.
- Includes codes of behavior, values, norms, beliefs, communications, and customs or "the way things are done here."
- Provides us with our identity, beliefs, values, and behavior.
- Each person is a member of many cultures (e.g., ethnic group, business, social group, neighborhood, etc.)
- Culture is dynamic and changes over time.



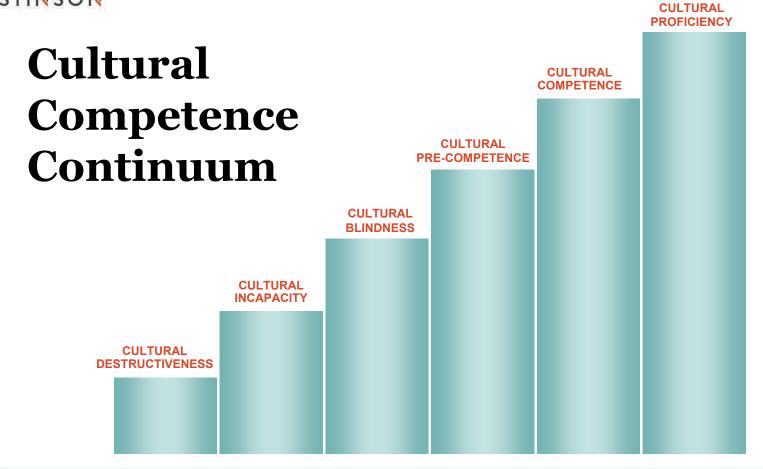


Culture & Cultural Groups

- Cultural groups occur when people form a community and interact with each other around specific identities, geographies, beliefs, and daily practices.
 - Dominant groups set the parameters; have the greatest influence, power, and privilege.
 - Subordinate/marginalized groups must learn the parameters; have less influence, power and privilege.

27

STINSON





Cultural Competence Continuum

Cultural Destructiveness	Destroy differences. Judge differences among people as wrong and seek to eliminate them.
Cultural Incapacity	Inability to work with diverse populations. Accept that differences exist, but regard some as superior to others.
Cultural Blindness	Discount differences. Act as if there are no differences. Treat everyone equally regardless of their differences.
Cultural Pre-competence	Accommodate differences. Begin to make changes, some of which may be inadequate or incorrect because of limited understanding.
Cultural Competence	Collaborate with differences with respect to both individual behavior and organizational practices. The organizational commitment is characterized by a sustained, systematic integration and evaluation at all levels.
Cultural Proficiency	Co-create a healthy environment. Advocate for and learn from differences.



Cultural Competency Continuum

- Progress along the cultural competency continuum requires a **continual assessment** of your (or your organization's) ability to address diversity, equity and inclusion.
- Actions taken at one point in time may not be sufficient to address diversity issues at another point in time. Today's changing environment demands that efforts to move toward cultural proficiency are more than the "right" and "good" thing to do – they are an essential component of effective businesses today.

30

How can you become more culturally competent?

Pedersen's Developmental Model





Awareness

Consciousness of one's own biases and sociopolitical factors that impact other groups.

- Recognize aspects of your identity that form your perspectives.
- Reflect on your reactions to and interpretations of people who are of a culture or background significantly different from your own.
- Examine your own biases, prejudices, and stereotypes toward other cultures and conduct an in-depth exploration of your cultural and professional background.





Attitudes

What are your attitudes toward others and about change?

- Explore your values, belief systems, phobias and your adherence to individual cultural norms that could impact crosscultural effectiveness.
- Analyze the extent to which you are open to differing views and opinions. Less openness will likely lead to more crosscultural challenges.



Culturally Competent Attitudes + Awareness

- You believe that differences are valuable and that learning about others who
 are culturally different is necessary and rewarding.
- You are open to change, and believe that change is necessary and positive.
- You are willing to examine your beliefs and challenge and change when necessary.
- You are personally committed to justice, equity, and combating marginalization.
- You accept other worldviews and perspectives and are willing to acknowledge that you do not have all the answers.
- You believe that cultural differences do not have to interfere with effective communication or meaningful relationships.



Knowledge

Accumulation of factual information about other cultures.

 The more knowledge you have about people of different cultures, the more likely you are able to avoid cross-cultural missteps. Knowing how culture impacts problem solving, managing people, asking for help, etc. can help you connect in cross-cultural interactions (as individuals and as organizations).





Culturally Competent Knowledge

- Understand your own cultural heritage and acknowledge how it affects your values and assumptions.
- Study other cultures, worldviews and perspectives. (Diversify trusted circle)
- Learn about the nature of institutional oppression, power and privilege that impact marginalized groups.
- Take time to understand how class, gender, race, etc. affect individuals and their experiences.
- Learn about internalized oppression and its impact on identity and self-esteem.
- Understand the ways that cultural differences affect verbal and nonverbal communication.

37



Skills

Integrating awareness and knowledge to better interact with others.

- Repeatedly practice interacting with different cultures until it becomes integrated into your daily behaviors (e.g., effective and respectful verbal and nonverbal communication).
- You can have an open-minded attitude, considerable self-awareness, and a lot of knowledge about cultural differences, yet still lack the ability to effectively manage differences. The key is to learn how to apply the knowledge and practice it.



38



Culturally Competent Skills

- Identify and openly discuss cultural differences and issues.
- Serve as an ally to those being marginalized.
- Accurately assess your own multicultural skills, comfort level, growth, and development.
- Use verbal and non-verbal responses to communicate with diverse individuals and/or groups.
- Resolve conflicts in a culturally appropriate manner.
- Use multiple viewpoints in problem-solving.
- Employ critical thinking skills.

Building Your Cultural Competence

- Diversify your circle of trust.
- Practice responding rather than reacting (cognitive brain).
- Learn about the experiences of people who are different from you.
- Practice empathy.
- Accommodate differences in communication styles and values.
- Look for ways to bring in diverse points of view to achieve a better result.
- Practice micro-affirmations small things that show a person matters.

Don't let fear of making mistakes stop you from trying!



Next Steps

- Get a baseline: take one or more of the Implicit Association Tests (IAT) -https://implicit.harvard.edu/implicit/takeatest.html
- Don't judge the results. Use it as information for improvement.
- Discuss internally:
 - Based on my IAT results, where would I rate myself on the cultural competency continuum?
 - What steps can I take to advance?
- Commit: What's <u>one</u> thing you are willing to do to reduce bias and become more culturally competent?

STINSON

Thank You!



Benjamin D. Woodard, Esq.

314.259.4539 benjamin.woodard@stinson.com

DISCLAIMER: This presentation is designed to give general information only. It is not intended to be a comprehensive summary of the law or to treat exhaustively the subjects covered. This information does not constitute legal advice or opinion. Legal advice or opinions are provided by Stinson LLP only upon engagement with respect to specific factual situations.