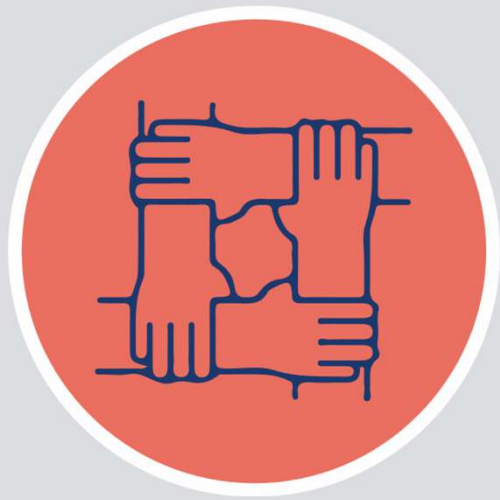


DEI: THE IMPACTS OF UNCONSCIOUS BIAS AND MICROAGGRESSIONS AND WAYS TO DISRUPT THEM



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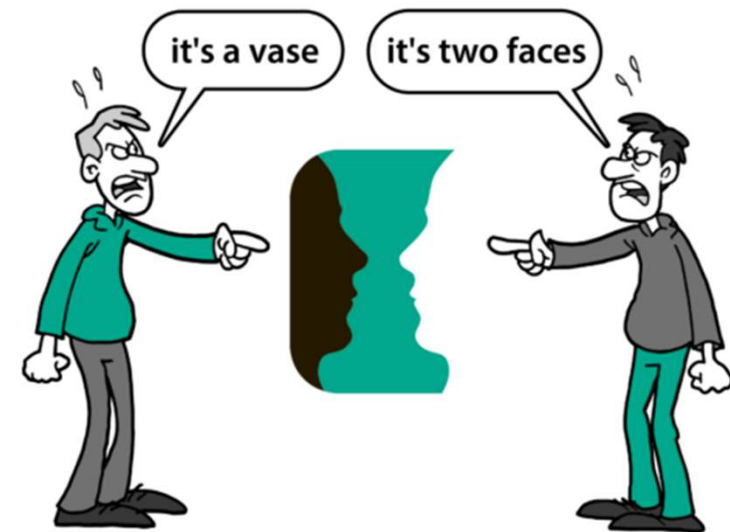
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SETTING THE STAGE

- ▶ Challenge to adopt a different perspective; Be more mindful of what we are saying and the impact on our colleagues and clients; Provide the skills for people to navigate certain social interactions
- ▶ The goalposts are always moving
- ▶ Be comfortable with discomfort
- ▶ Experiencing unpleasant feelings is normal – you're engaging and challenging yourself
- ▶ We are all learning and constantly making mistakes





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INTRODUCTION:

Why is DEIB important? What goals are we trying to achieve?

- ▶ Make the workplace a safe environment for everyone to be their full authentic selves— more productive, less attrition
- ▶ Distinguish where our unconscious biases are creating barriers. If you're saying I don't have any biases, I treat everyone the same—you do, and you're not
- ▶ Provide people with meaningful, challenging work
- ▶ Treating everyone the same does not achieve our goals because it assumes the same context for everyone, and assumes the dominant culture is and should be everyone's goal
- ▶ Obtaining the participation of individuals with diverse backgrounds to allow us to consider issues from various perspectives and, therefore, reach informed and often better decisions and provide superior service to our clients



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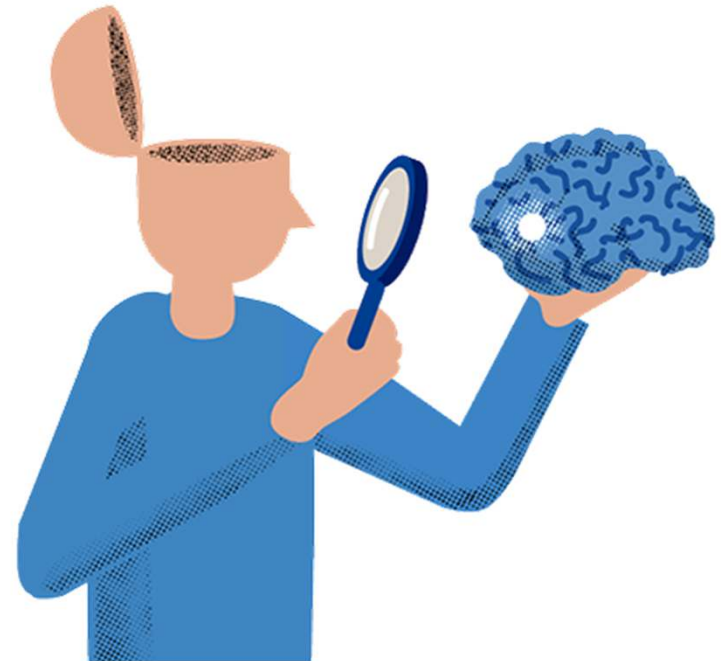
UNCONSCIOUS BIAS

Definition

Unconscious bias is a term often used to describe associations that we hold, outside our conscious awareness and control. They are mental short cuts we use to process information. It also refers to unconscious forms of discrimination and stereotyping based on race, gender, sexuality, ethnicity, ability, age, etc., and are specific to the society in which we live

Examples

- ▶ Hiring people from same law school/refusing to consider candidates from other law schools
- ▶ Assuming associate with a young child would not be interested in a particular assignment because it will involve a lot of travel
- ▶ Prove-it-again bias





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INCLUSION

UNCONSCIOUS BIAS

Types of bias

- ▶ **Conformity bias** – pressure to agree with the group.
- ▶ **Beauty bias** – better looking people get jobs and promotions
- ▶ **Affinity bias** – we favor people who “get us.”
- ▶ **Halo effect** – e.g., went to a top school – can hide problems.
- ▶ **Horns effect** – one flaw colors your interactions and how you view someone else’s accomplishments.
- ▶ **Similarity bias** – likely to hire or promote someone who looks like you.
- ▶ **Contrast effect** – compare resume to other resumes rather than against qualifications needed for job.
- ▶ **Attribution bias** – assume success is due to luck, or failure due to incompetence. Attribution bias is most often a contributing factor. for promotions or raises.
- ▶ **Confirmation bias** – you assume you’re right regardless of the facts.
- ▶ **Affect heuristics** – conclusions/decisions based on superficial or unimportant details (like first names or the color of someone’s tie) rather than facts and evidence.
- ▶ **Illusory correlation** – making connections between unrelated concepts and make assumptions based on those relationships (e.g., thoughtful dresser = a good fit for the position).
- ▶ **Intuition bias** - relying on your emotional response rather than facts when making a decision.



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INCLUSION

MICROAGGRESSIONS

- ▶ Microaggressions are “the everyday slights, indignities, put downs and insults that people of color, women, LGBT populations or those who are marginalized experience in their day-to-day interactions with people.”
- ▶ Microaggressions can be intentional or accidental
- ▶ The person who made the comment or action may not mean any harm and/or may not be aware of the hurtful effect





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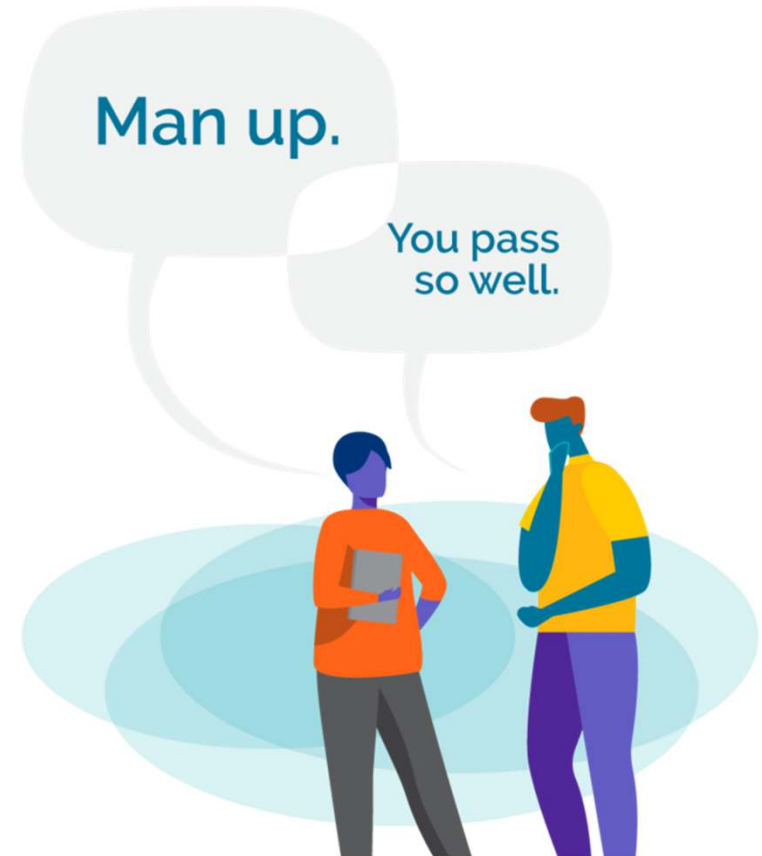


INCLUSION

MICROAGGRESSIONS

Examples of Microaggressions include

- ▶ "You just need to man up."
- ▶ "I didn't realize you are Jewish. You don't look Jewish."
- ▶ "You are so _____, for a _____."
- ▶ "I'm impressed; I had not realized you were so smart."
- ▶ "I like your hair today. You look more professional."
- ▶ Saying to someone who suffers depression, "You are just too sensitive. You'll get over it."
- ▶ Ignoring an idea expressed by one employee and then praising another employee who offers the same idea.





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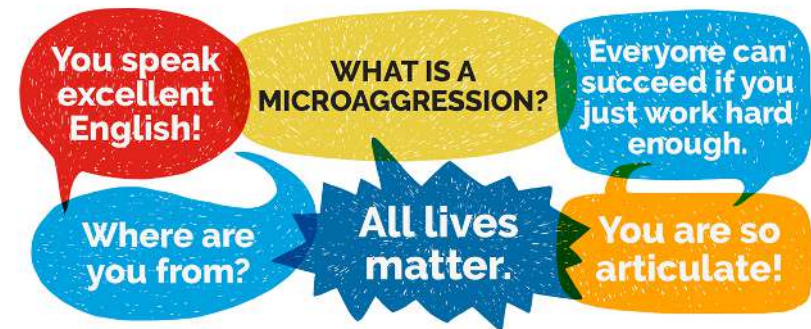


INCLUSION

MICROAGGRESSIONS

Examples of Microaggressions include

- ▶ "That's so gay."
- ▶ "You look better when you smile."
- ▶ "You speak such good English." (usually directed towards AAPI)
- ▶ "Did you get married for papers/documents?"
- ▶ Endless jokes and slights about boomers, millennials
- ▶ "Where are you really from?"
- ▶ "How come you're not married/have kids?"





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INCLUSION

IMPACTS

- ▶ Disillusionment
- ▶ Fatigue
- ▶ Burnout
- ▶ Financial impacts: Opportunities not available, Advancement delayed, Impacts ability to build wealth – the people most impacted and held back are the ones who most need the support
- ▶ Assignment of tasks, disciplinary actions – we see this in school context, contributes to school-to-prison pipeline.
- ▶ Harsher punishments on BIPOC; internalized oppression and “badness” prison.





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INCLUSION

IMPACTS

- ▶ Mistakes by women and BIPOC (Black Indigenous and Persons of Color) magnified and imputed to the person's overall competence vs. being on the court.
- ▶ Deviations from the norm are imputed to women + BIPOC's inability to do the job, not being a "good fit," and are imputed to their entire group: "we hired a Black attorney, they were terrible, now we're weary of hiring other Black attorneys."
- ▶ Pressure on individual to be the standard bearer for the entire group.
- ▶ Hypervigilance/impostor syndrome
- ▶ Affects ability to be a risk taker.





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INCLUSION

RACE

NATIONAL FIGURES:

- ▶ Asian American, Native Hawaiian and Pacific Islander women are paid 75 cents for every one dollar a white man makes
- ▶ Black women are paid 64 cents for every one dollar a white man makes
- ▶ Latina women are paid 54 cents for every one dollar a white man makes
- ▶ Native American women are paid 51 cents for every dollar a white man makes

Source: National Partnership for Women & Families





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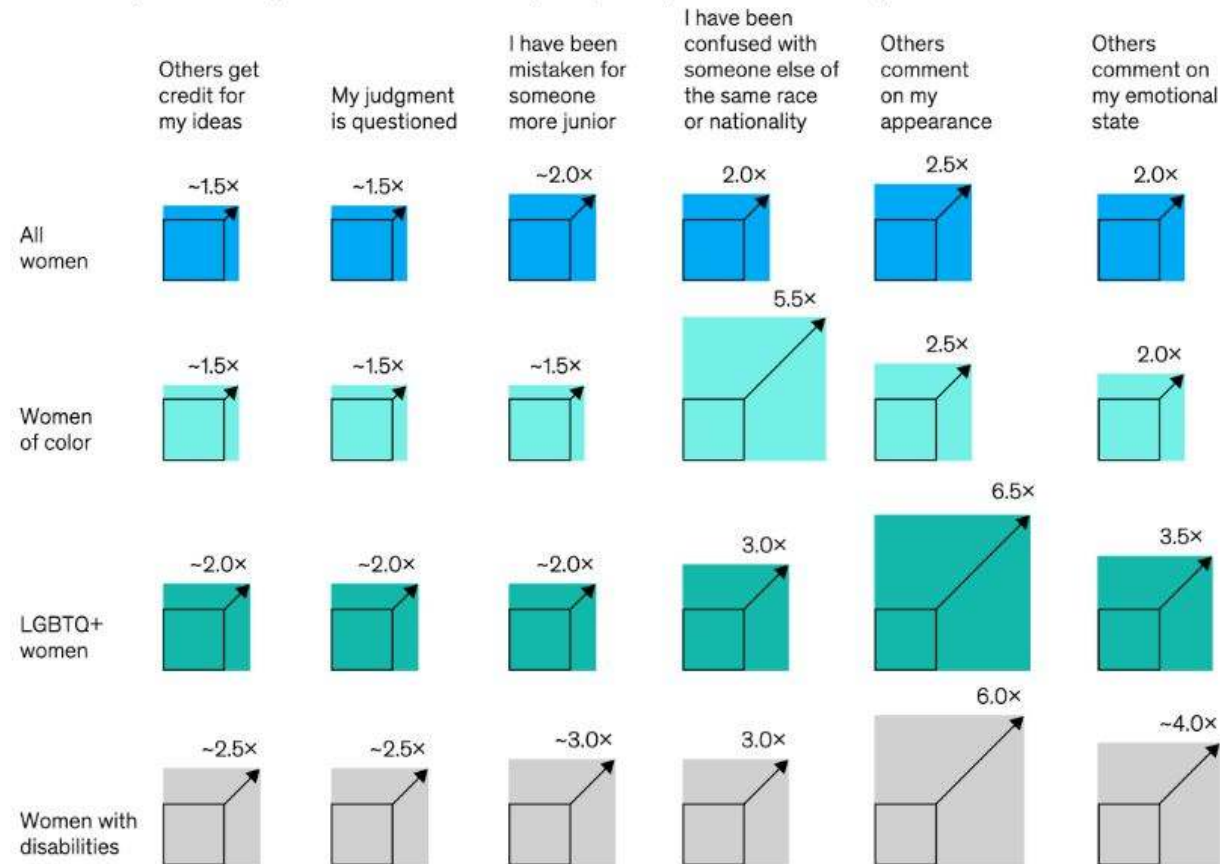


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While most employees report microaggressions, marginalized groups are disproportionately affected.

Women's personal experiences in the workplace, multiples of all men's experiences

□ Men



Source: Women in the Workplace 2023, McKinsey & Company and LinkedIn.org



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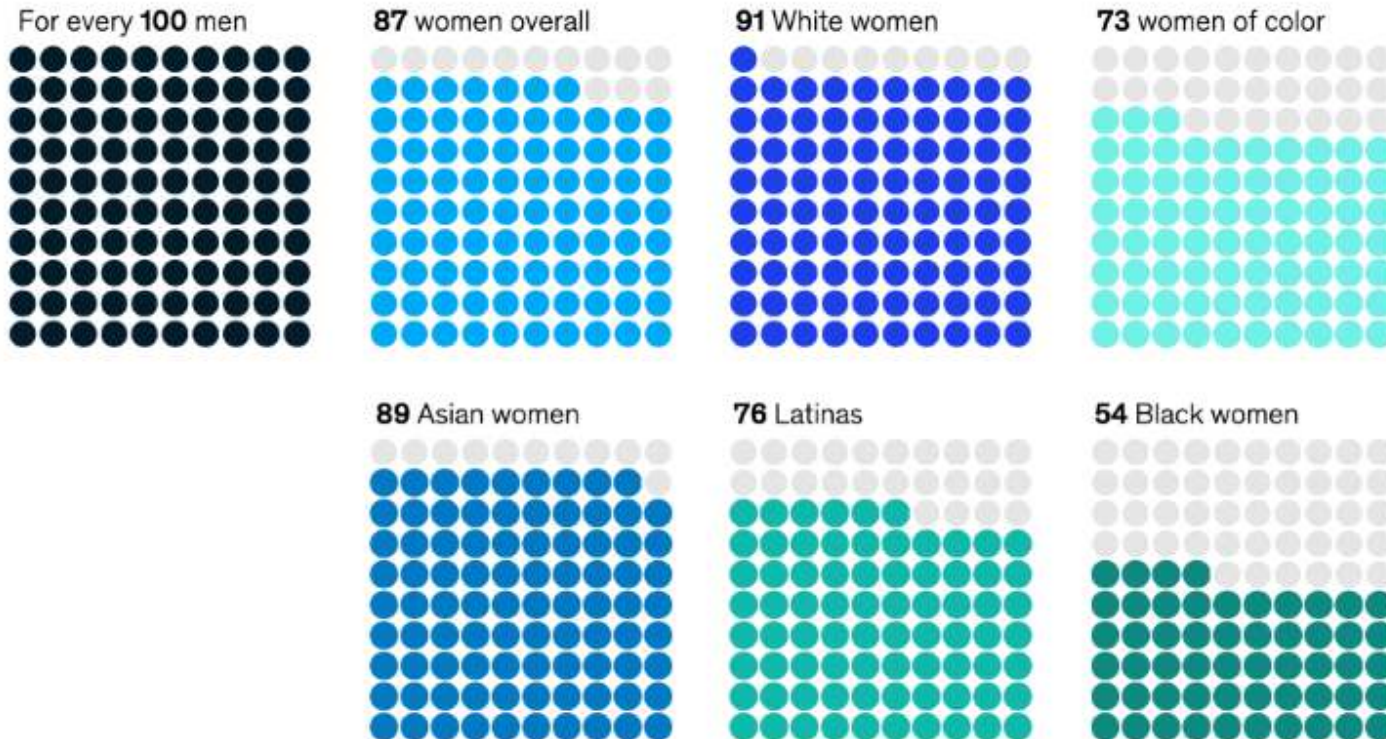


INCLUSION

BLACK WOMEN IN THE WORKPLACE “BROKEN RUNG”

All women lose ground at the first step up to manager, but the broken rung holds back Black women and Latinas the most.

Women promoted to manager for every 100 men promoted to manager, by ethnicity, number





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INCLUSION

DATA FOR BLACK EMPLOYEES

Common challenges in private sector jobs

- ▶ Black employees are underrepresented in frontline jobs (18 percent) vs. managerial jobs (9%)
- ▶ Black attrition is high (leaving jobs more often than counterparts at all levels – reducing chances of black candidates being promoted)
- ▶ Black employees encounter a broken rung: significantly limited representation at levels of a company (7%) of managers
- ▶ Trust deficit exists: Black employee perceptions of workplace as less fair, accepting, and authentic. Black employees are 23% less likely to receive support to advance, 41% are less likely to view promotions as fair, 39% less likely to believe in company DEI programs
- ▶ Black employees lack the sponsorship and allyship to support advancement. Only 23% of Black employees believe they receive support to advance
- ▶ It is commonplace in the black community to believe one must work twice as hard (or be twice as good) to succeed





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INCLUSION

DATA FOR BLACK EMPLOYEES

On the current trajectory...

- ▶ It will take about 95 years for Black employees to reach talent parity (or about 12% representation across all levels in the private sector)
- ▶ Black employees feel more receptive to public sector jobs to counteract private company hiring practices
- ▶ Even then, the unemployment rate is historically twice as high for black employees when compared to their white counterparts



AAPI IN THE WORKPLACE

- ▶ The myth of the model minority – Asian-Americans Pacific Islanders (AAPI) are often seen as “doers” not leaders, which impacts upward mobility. This is often referred to as the “bamboo ceiling.”
- ▶ “McKinsey’s Women in the Workplace study surveyed more than 400 large organizations across the United States in 2021 and found that Asian Americans account for 9 percent of senior vice presidents but just 5 percent of promotions from senior vice president to the C-suite. Asian American women make up less than 1 percent of these promotions.”
- ▶ “AAPI employees feel a lack of belonging or out of place in the workplace. They feel expected to be highly competent, content, and continue working.”
- ▶ “When asked whether their company provides all employees with the mentorship and coaching they need to be successful, only 27 percent of East Asian employees and 32 percent of Southeast Asian employees agreed, compared with 44 percent of White employees.”
- ▶ Anti-AAPI sentiment from the pandemic still impacts AAPI wellbeing (“Kung-Flu,” “China Virus,” etc.)



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INCLUSION

LGBTQIA+ IN THE WORKPLACE

- ▶ **Discrimination:** must prove competence more, especially women; family leave policies that exclude domestic partners; discrimination from clients
- ▶ **Microaggressions:** misgendering; assumptions about domestic lives
- ▶ **Isolation:** underrepresented in C-suites especially, often the “only”



McKinsey Institute



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INCLUSION

AGE

- ▶ The gender pay gap widens as workers age
- ▶ Men ages 45-54 were paid 30 percent more than women in the same age range.

Bureau of Labor Statistics





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INCLUSION

DISABILITIES

- ▶ Less than 1/5 of Americans with disabilities are employed.
- ▶ Of those employed, many believe their disability has led to missing out on a raise, promotion or opportunity to advance.
- ▶ Persons with disabilities face unconscious bias more often than other underrepresented groups, except for age-based unconscious bias.



McKinsey Institute



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INCLUSION

INTERSECTIONALITY

Intersectionality means the ways in which systems of inequality based on gender, race, ethnicity, sexual orientation, gender identity, disability, class and other forms of discrimination “intersect” to create unique dynamics and effects.

Kimberle Crenshaw





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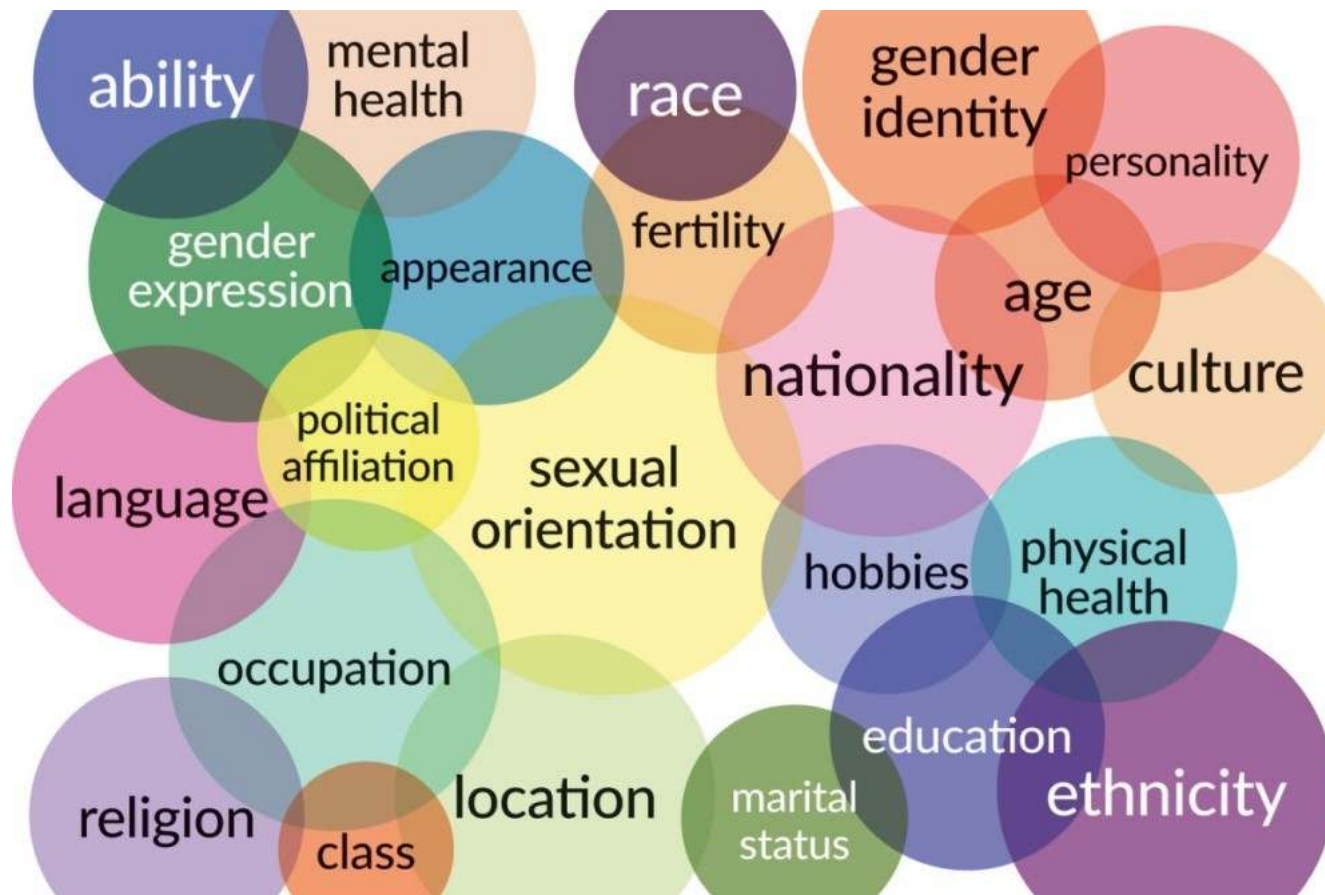
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INTERSECTIONALITY

Each of these are core areas of an identity that offer a unique experience. They provide different lenses that are intertwined with our understanding.





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INCLUSION

INTERSECTIONALITY

- ▶ The goal for an organization would be to incorporate intersectionality by way of systemic inclusion. This would allow for intersectionality to comprehensively address existent systemic barriers, and embed inclusion in all talent processes.
- ▶ Such a program calls for inclusion by design, thoroughly and thoughtfully planned.
- ▶ Doing so would allow for the most marginalized groups to become acknowledged as a means to include all.

Provide consistent opportunities for education and awareness





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INCLUSION

MICROAGGRESSIONS

Strategies to Disrupt Microaggressions

- ▶ Use your privilege
- ▶ Keep in my mind power dynamics – be safe! Interrupt the interrupters
- ▶ Micro affirmations
- ▶ Pick up a thread by an underestimated individual, acknowledge, elevate
- ▶ Call people in/out



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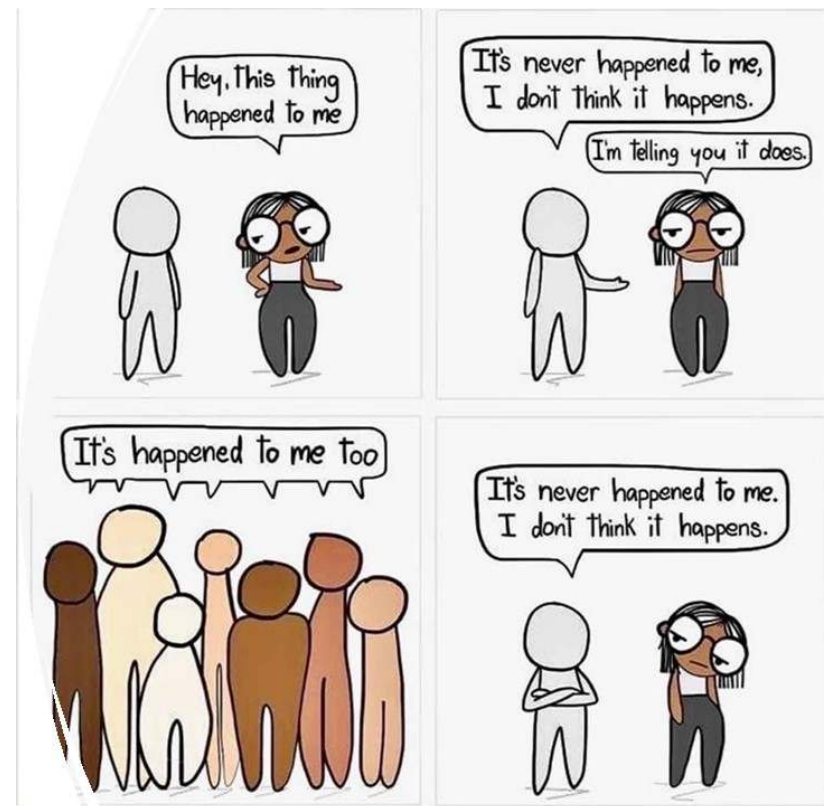
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INCLUSION

DECENTERING

- ▶ The practice of decentering our own experience, intention, and feelings as not relevant to the conversation, and putting the focus on the impact of what we say and do on other people. This includes taking the focus off our shame and feelings of guilt we might experience for saying or doing something that is offensive or exclusionary.
- ▶ This is an access to incorporating DEI into who you are in the world
- ▶ Understanding what decentering is is easier by using examples of what it isn't, or rather, examples that distinguish what centering is





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INCLUSION

CALLING PEOPLE IN/OUT



Calling In

Calling in is an invitation to a one-on-one or small group conversation to bring attention to an individual or group's harmful words or behavior, including bias, prejudice, microaggressions, and discrimination



Calling Out

Calling out is bringing public attention to an individual, group, or organization's harmful words or behavior



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INCLUSION

CALLING PEOPLE IN/OUT

Calling In: When?



Influence - You have influence with this person through a personal (e.g. close relationship) or professional (e.g. work colleague) connection

Safety - A one-on-one or small group conversation will not compromise your safety or wellbeing

Openness - This person has demonstrated an openness and commitment to learning how to better foster spaces of inclusion and belonging



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CALLING PEOPLE IN/OUT

Calling Out: When?



Urgency - There is an urgent need to hit “pause” to prevent further harm to others or yourself, and make it clear to others present that you are not in agreement with what is being said or done

Influence and Safety - There is a specific power or relationship dynamic that would render calling in harmful, unsafe, or ineffective for you

Openness - Previous attempts to call in have been unsuccessful



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INCLUSION

CALLING PEOPLE IN/OUT

Calling In: How?



“I’m curious. What was your intention when you said that?”

“How might the impact of your words or actions differ from your intent?”

“How might someone else see this differently? Is it possible that someone else might misinterpret your words/actions?”



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INCLUSION

CALLING PEOPLE IN/OUT

Calling In: How?

Why do you think that is the case? Why do you believe that to be true?"

"What is making you the most fearful, nervous, uncomfortable, or worried?"





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INCLUSION

CALLING PEOPLE IN/OUT

Calling In: How?

“That’s not our culture here. Those aren’t our values.”

“I don’t find that funny. Tell me why that’s funny to you.”

“It sounded like you said . . . Is that what you really meant?”





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INCLUSION

CALLING PEOPLE IN/OUT

Calling Out: How?

"I need to push back against that. I disagree. I don't see it that way."

"I need you to know how your comment just landed on me."

"It sounds like you're making some assumptions that we need to unpack a bit."





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INCLUSION

YOU'VE BEEN CALLED IN/OUT — NOW WHAT?

Recommendation:

Pause - take a breath. Ground yourself to receive what they have to say

Listen - with the intent of learning and seeing things from their point of view

Acknowledge - take responsibility for the impact of your words or actions





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INCLUSION

YOU'VE BEEN CALLED IN/OUT—NOW WHAT?

Recommendation:

Reflect - process your thoughts and emotions. It may help to do so with a trusted partner who will not only have grace for your mistake, neither defending your actions nor condemning you.

Repair the harm done - change your behavior going forward, inviting trusted partners to hold you accountable to learning and doing better.





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INCLUSION

YOU'VE BEEN CALLED IN/OUT—NOW WHAT?

Avoid:

Don't beat yourself up or go on a shame spiral; try to be kind to yourself.

Don't make the person calling you in or out be your emotional caretaker, especially if they are the recipient of the harm (that is centering yourself and may add to their emotional labor)



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INCLUSION

YOU'VE BEEN CALLED IN/OUT—NOW WHAT?

Avoid:

Remember: You are not a bad person. You are an ever changing and evolving person and this is just one step in your growth.



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INCLUSION

WAYS TO MAKE WORK SAFE

- ▶ Don't stumble into microaggressions
- ▶ Set a meaningful public example: normalize different gender identities and relationships; provide visible signs of support; support LGBTQ+ events and causes
- ▶ Educate your team, especially leaders
- ▶ Strengthen your pipeline
- ▶ Sustain support networks
- ▶ Strengthen policies: domestic-partner benefits; nondiscrimination policy; family-leave policy that treats all parents equally; health insurance that covers hormone therapy and gender-confirmation surgery; medical leave for employees that are transitioning; HR systems and documents that are inclusive of all genders and personal pronouns; all-gender or gender-neutral restrooms so that employees can use the facilities where they feel most comfortable



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INCLUSION

WHAT CAN LEADERS DO?

- ▶ Annual unconscious bias training
- ▶ Test our biases
- ▶ Periodic leadership training
- ▶ Burden on leaders/supervisors to demonstrate safe environment
- ▶ Restorative justice program/ approach
- ▶ No one-size-fits-all approach
- ▶ Educate ourselves regarding barriers to success for certain groups
- ▶ Proactive mentorship/ sponsorship
- ▶ Be coachable – hear people and believe them
- ▶ Be approachable – getting to know people reduces impact of bias
- ▶ Show up for DEI events/cultural events and be present
- ▶ Keep broadening pipeline





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INCLUSION

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1. Equity is not the same as equality
2. Treating everyone equally ignores the very real differences in access to training, education, and opportunities in non-dominant or underrepresented groups
3. Equity seeks to even the playing field so that people have the tools that are appropriate for them to be able to succeed
4. True equity identifies and eliminates barriers that prevent the full participation of diverse groups.
Barriers can come in many forms including, but not limited to being stereotyped based on ability, age, gender, name, and race

