

PRACTICAL TIPS TO ADDRESS IMPLICIT BIAS IN THE WORKPLACE

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Over the past half century, employers have made great strides in protecting employees and applicants from conscious bias on the basis of race, gender, age and other protected characteristics. But what about unconscious – or “implicit” – bias?

WHAT IS “IMPLICIT BIAS”?

Implicit bias refers to “the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.”

Each of us has implicit biases, formed based on our experiences and exposures from a variety of sources over time.

WHAT ARE THE IMPLICATIONS OF IMPLICIT BIAS FOR THE WORKPLACE?

By their nature, implicit biases may cause decision-makers to unconsciously form opinions – and make employment decisions – about applicants and employees in a manner that has a negative effect based on protected characteristics such as race, gender, and age.

Some studies have shown, for example, that when reviewers were given copies of a memorandum with identical errors, but some reviewers were told the writer was African-American and others were told the writer was Caucasian, the average score on a scale from 1 to 5 was nearly a point higher for the Caucasian writer, and the Caucasian writer was described as having “potential” while the African American writer was called “sloppy.”

WHAT CAN EMPLOYERS DO ABOUT IMPLICIT BIAS?

Unfortunately, implicit biases operate at a subconscious level. As a result, our implicit biases may run counter to what we consciously believe. This can make it difficult for decision-makers to realize that their decisions have been impacted by implicit bias.

However, research has found that implicit biases can change, or be “unlearned.” Some practical steps employers and decision-makers can take to change or reduce the impact of implicit bias in the employment context include:

- Awareness: Include discussion about implicit bias – and strategies for counter-acting it – when conducting workplace training. Encourage employees to take implicit bias tests to help them identify their own unconscious, implicit biases and be on guard for situations in which those biases could impact a decision. (Such tests can be found online; the most well-known test is the [Harvard Implicit Association Test](#)).
- Networks: Expand traditional avenues of obtaining referrals and otherwise identifying potential employees by challenging your assumptions and growing your networks.
- Exposure: Actively take steps to learn about groups of people who are different from you. Identify and discuss areas of commonality (family, shared hobbies and interests, etc.).
- Input: Be willing to confront your own assumptions about people. Seek out and listen to feedback of others when evaluating candidates (for hire, promotion, etc.). Take the time to consider others’ viewpoints, opinions and experiences. Ensure that key decisions include the input of multiple individuals, preferably with varying backgrounds.
- Time: Allow more time to gather information and consider selection decisions. Avoid “gut reactions” and hasty decisions that may feed into biased decision-making. Fully evaluate each candidate and be intentional about your decisions.
- Alignment and Thoughtfulness: Ensure that decision-makers are in agreement ahead of time as to the key criteria for the decision or selection at hand; such criteria should be as objective as possible. Be thoughtful about the criteria rather than simply relying on the same attributes that have “always” been embraced or considered appropriate or necessary for the role. Focus on skills and abilities vs. mannerisms and style. Consider writing out the criteria ahead of time so as to reduce the likelihood of changing the criteria during the decision-making process in order to select the “preferred” candidate.
- Question: Don’t be afraid to ask questions designed to probe the meaning of and/or basis for generalized statements about employees, such as that the employee is “liked” or “is not a good fit.” Challenge decision-makers to think of both positive and negative aspects of each candidate under consideration. Challenge stereotypical categorizations or descriptions about people. For example, if a female colleague is described as “bossy” or “aggressive,” question what specific conduct led to that description, and consider whether a male colleague would be described in the same way based on the same conduct.
- Interruptions: Avoid interrupting speakers during meetings. Better yet, actively “interrupt the interrupters” to ensure that voices are heard.

- Assignments & Acknowledgments: Assign work and projects fairly, without making assumptions regarding employees (e.g., assuming that an employee with several children cannot complete a time-sensitive, labor-intensive project). Assign “office house work,” such as arranging meetings, note-taking during meetings, and other administrative tasks, fairly and evenly. Identify and acknowledge contributions and successes by all employees.

When leaders embrace the call to acknowledge and tackle the problem of implicit bias in the workplace, real change can occur.

Bryan Cave Leighton Paisner LLP has a team of knowledgeable lawyers and other professionals prepared to help employers address implicit bias in their workforce. If you or your organization would like more information on this or any other employment issue, please contact an attorney in the Labor and Employment practice group.

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