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A REVIEW OF UNCONSCIOUS BIAS

Bias is a prejudice in favor of or against one thing, person, or group compared with another usually in a way that's considered to be unfair. Biases may be held by an individual, group, or institution and can have negative or positive consequences. The types of biases are conscious bias (also known as explicit bias) and unconscious bias (also known as implicit bias). Biases are not limited to ethnicity and race and may exist toward or from any social group. One's physical appearance and/or abilities are subject to bias.

Unconscious or implicit bias is "the bias in judgment and/or behavior that results from subtle cognitive processes (e.g. implicit attitudes and stereotypes) that often operate at a level below conscious awareness and without intentional control. It is unlike explicit bias which reflects the attitudes or beliefs that one endorses at a conscious level."¹

Consider this: Less than 15% of American men are over six-foot tall, yet almost 60% of corporate CEOs are over six foot tall. Less than 4% of American men are over six foot, two inches tall, yet more than 36% of corporate CEOs are over six foot, two inches tall. Why does this happen? Clearly corporate boards of directors do not, when conducting a CEO search, send out a message to "get us a tall guy," and yet the numbers speak for themselves.²

Implicit bias research developed from the study of attitudes. Scientists realized long ago that people don't always say what's on their minds. Simply asking people to report their attitudes was a flawed approach because people may not wish to or may not be able to accurately do so. This is because people are often unwilling to provide responses perceived as socially undesirable and therefore tend to report what they think their attitudes *should* be rather than what they know them to be. More complicated still, people may not even be consciously aware that they hold biased attitudes.³

¹ Helping Courts Address Implicit Bias, a document summarizing the National Center for State Courts' project on implicit bias and judicial education. www.ncsc.org/ibreport

² Exploring Unconscious Bias by Howard Ross, Founder & Chief Learning Officer, Cook Ross, Inc. ©2008 Diversity Best Practices. www.diversitybestpractices.com

³ Helping Courts Address Implicit Bias, *ibid.*

You may wish to discover your unconscious biases. If so, Project Implicit at Harvard University is a good source. The Implicit Association Test (IAT) measures the strength of associations between concepts (e.g., race, gender) and evaluations (e.g., good, bad) or stereotypes (e.g., athletic, clumsy). The test even has a disclaimer that warns you may not be ready to handle the answers, and allows you to read more before taking the test. Give it a try!⁴

Most of us believe that we are ethical and unbiased. “But more than two decades of research confirms that, in reality, most of us fall woefully short of our inflated self-perception.” For example, a Yale University study asked science researchers to rate two candidates for a manager position – a male and a female, both with the same qualifications. Participants, including both men and women, rated the male candidate as more qualified and were willing to pay him a higher starting salary than his female counterpart. This translates into a huge issue in the workplace.⁵

The nature of discrimination today is dramatically different from the overt discrimination that existed prior to the Civil Rights Act of 1964. Then, civil rights advocates lobbied to protect minorities and women from intentional discrimination that limited their employment opportunities. Currently, they are challenging discrimination of subtle natures – unconscious bias. Research demonstrates that individuals tend to process incoming information by relying on cognitive shortcuts—in essence, stereotypes. Bias against another thus begins to occur when new information is processed by the individual, such as upon a first meeting, and continues with each interaction between two people. This is at odds with the employment discrimination doctrine under Title VII. As individuals become more aware of statutory protections afforded protected class citizens, smoking gun statements have become largely a thing of the past.⁶

Examples of this theory are two cases that were then pending in federal district court.

Deborah, an African American woman, worked as an administrative assistant for her employer for several years. She consistently received positive performance reviews until she came under the supervision of a new administrative director, Joan, who is white. One of only a handful of minority employees, Deborah became subjected to increased scrutiny by Joan, who singled her out by requiring her to document her use of time at work. Relations were strained between the two, culminating in Deborah’s termination for failure to meet with Joan to discuss her job responsibilities. Joan’s stated reason for terminating Deborah appears pretextual given that Deborah agreed to meet with her; because Deborah felt harassed, she had requested the presence of a supportive direct

⁴ Project Implicit is a non-profit organization and international collaboration between researchers who are interested in implicit social cognition... www.implicit.harvard.edu/implicit

⁵ You’re More Biased Than You Think by Jane Porter, 10/16/14. www.google.com

⁶ Unconscious Bias Theory in Employment Discrimination Litigation by Audrey J. Lee, J.D., Harvard Law School 2005. Harvard Civil Rights-Civil Liberties Law Review [Vol. 40]

supervisor, a move recommended by the employee manual. Deborah has filed a Title VII race discrimination complaint against her employer in federal district court. Complaints of race discrimination against the employer have also been filed by at least two other minority employees.

Alejandro, a Hispanic man, worked for several years at a large retail store in a sales position. He was highly regarded by his supervisors and had received an award for his sales performance. Alejandro repeatedly expressed interest in a management position, but each of the three times an opening emerged, a white candidate with less relevant experience was selected. Shortly after the last management selection, Alejandro was terminated for alleged fraud for failing to deduct sales credit that had accrued toward his commission earnings for a series of returns. He claims the omissions were inadvertent due to mechanical errors with the register, but the store did not credit his explanation or consider his years of exemplary performance. Based on initial discovery in the Title VII race discrimination suit, he has filed in federal district court, it appears that a white employee had received a warning prior to her ultimate termination for similar reasons.

All identifying qualities have been altered to preserve attorney-client confidentiality.⁷

While we may not be aware of our prejudices, and prefer not to admit them if we are, they can have damaging consequences on both the way we manage and the people we manage. The impact of discrimination can affect various elements of employee performance, such as commitment, job satisfaction and work tension. In addition, the employer has both an image and monetary risk when complaints of discrimination occur.

Organizations that embrace a diverse workforce and create systems that support it can reap numerous benefits such as increased adaptability, better customer service, greater innovation, and easier recruitment and retention. You can address discrimination issues by increasing your awareness of your unconscious biases, and by developing plans that make the most of the talents and abilities of your team members. Recognize your own biases (take the IAT), focus on people and less on your processes, increase exposure to biases by providing positive images in the workplace and use language that is clear and non-biased.⁸

If people are aware of their hidden biases, they can monitor and attempt to ameliorate hidden attitudes before they are expressed through behavior. It may not be possible to avoid the automatic stereotype or prejudice, but when a person has a conscious commitment to change, it is certainly possible to consciously rectify it.⁹

⁷ Unconscious Bias Theory in Employment Discrimination Litigation, *ibid.*

⁸ Avoiding Unconscious Bias at Work by the MindTools Editorial Team. www.mindtools.com

⁹ Hidden/Unconscious Bias: A Primer, www.tolerance.org/teach/

Additional Resources

Racial Bias May Be Conveyed by Doctors' Body Language
<http://www.upmc.com/media/NewsReleases/2016/Pages/barnato-nonverbal-race.aspx>

Teaching Tolerance. <http://www.tolerance.org/hidden-bias>

Unconscious Bias Resources, <https://diversity.ucsf.edu/resources/unconscious-bias-resources>

What is Bias in Qualitative Research? <http://www.focusgrouptips.com/qualitative-research.html>

Researched and submitted by Joyce Pratt 7/11/16