

# Daily Journal

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FRIDAY, JULY 29, 2016

## Talking implicit bias at work

By Adam Rosenthal

Sadly, one of the few things both the right and left can agree on is that the state of race relations in the U.S. is suffering. When asked in a recent Gallup poll about the most important problem in the U.S., not surprisingly race relations took the top spot. And yet excluding the hatemongers who openly spout their vitriol, the vast majority of Americans earnestly do not believe they are racist. However, social scientists have known for years that while overt racism has been on a steady decline (or at least people are less likely to “own” their racism), racial bias continues to have a devastating effect on our individual and collective subconscious.

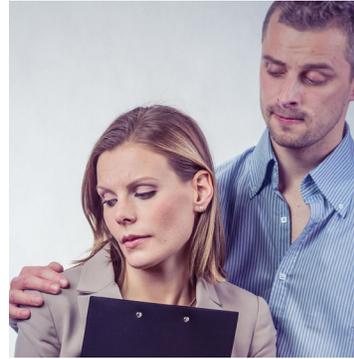
How do we know that despite touting our equal opportunity bona fides many of us still deploy unconscious bias? Because empirical evidence continues to prove this point. Subconsciously Americans of all different stripes unknowingly use race as a proxy when placing people and groups in categories of “good” and “bad.” UCLA Law Professor Jerry Kang describes this as the “Implicit Association Effect.” This refers to the mental gymnastics we unknowingly employ when our brains sort positive associations with white people and negative associations with black people. And while in a utopian version of America we would somehow be able to reengineer our subconscious, given the current state of affairs, we need to focus on actual practical steps we can take today to mitigate the effect of implicit racial bias.

In their 2003 study, Professors Sendhil Mullainathan and Marianne Bertrand mailed out thousands of résumés for job openings. Before sending out the résumés, they randomly assigned stereotypically African-American names (e.g., Lakisha and Jamal) and stereotypically white names (e.g., Emily and Greg) to

see what effect, if any, the applicant’s race would have on his or her chances of receiving a callback interview. The results were sobering. Applicants with stereotypical white names were 50 percent more likely to receive an interview as compared to applications with stereotypical African-American names. Similar studies have established that negative race-based associations all too often cloud the decision-making process not just in employment, but also in medicine, politics, and law enforcement. These hiring managers, recruiters, and human resources professionals who favor white candidates are hardly white supremacists, yet they overwhelmingly favor white applicants due to the impact of their subconscious racial bias. These studies, along with socioeconomic realities, point to two important truths. First, implicit bias has “real world” negative implications and it is naive to believe current laws can fix this problem. And second, we desperately need to create opportunities to honestly discuss racial bias. Because Americans are generally weary of having these difficult discussions on their own, the only way to create a national dialogue is if we require employers to talk to their employees about race.

Current federal and state anti-discrimination laws do little to address unconscious biases. And while many employers have created strong equal employment opportunity policies and affirmative action plans in an effort to mitigate the impact of implicit bias, the law continues to treat racial discrimination in the workplace in a very reactive manner focusing almost exclusively on litigation (i.e. if an employer is found to have unlawfully discriminated against an employee, the employer gets sued, and the employer pays a monetary judgment). This approach is stale and outdated.

Since enacting AB 1825 in 2004, California has mandated that companies with 50 or more



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employees receive two hours of sexual harassment training every two years. This training includes information about what is and is not harassment, the legal implications of violating the law, and the important role supervisors play in creating a work environment free of harassment. Having trained hundreds of managers over the last decade, I have found that participants in “live trainings” benefit most from the organic conversations that take place between male supervisors who, often for the first time, internalize the perils of gender discrimination and harassment. By bringing the issue of sexual harassment in the workplace out in the open, we have educated our workforce on how to detect and prevent sexual harassment. It is time we require the same conversations about race.

Modeled after AB 1825, I propose that companies of a certain size be required to train all individuals involved in hiring decisions on the importance of understanding and

avoiding implicit bias. As part of this training, managers would learn about implicit bias, and how it can negatively impact decision-making. The training would also include proactive steps the employer could take to limit the effect of implicit bias. In order to be effective, this training would not be a course on political correctness or a two hour “white shaming” show, as critics of any discourse about race in America would no doubt argue. Rather, it would be a serious discussion, based on empirical evidence and best practices, about how to properly screen applicants without allowing implicit biases to creep into the process. And similar to what has happened with sexual harassment in the workplace, having a focused and honest discussion on implicit bias will inevitably be the catalyst for more serious and difficult discussions about race relations.

To be clear, requiring employers to train managers on subconscious bias will not eradicate racism, nor will it solve all our nation’s race relations problems. Yet requiring Americans to have a constructive and mature conversation about race in the workplace will not only advance our collective understanding of bias, but also will help to make sure we hire the best people for the job, regardless of the applicant’s race. Whether you want to “Make America Great Again” or you believe we are “Stronger Together,” or somewhere in between, leveling the playing field should be a shared goal.

**Adam R. Rosenthal** is a partner in the *Labor and Employment Practice Group* in the Sheppard, Mullin, Richter & Hampton LLP’s San Diego (Del Mar) office.



ADAM ROSENTHAL