

perez

the drama-free workplace

HOW YOU CAN PREVENT
UNCONSCIOUS BIAS, SEXUAL
HARASSMENT, ETHICS LAPSES,
AND INSPIRE A HEALTHY CULTURE
WILEY

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patti perez
VP OF WORKPLACE STRATEGY, EMTRAIN

WILEY

This book is smart, practical, funny, and revolutionary. Patti has combined decades of expertise, a fresh voice, and cutting-edge academic research to create an indispensable guide.

—Alexandra Bodnar,
Deputy General Counsel, Volt Information Sciences, Inc.

My work involves advising corporate leaders, including directors, on issues related to ethics, compliance, and corporate governance. In *The Drama-Free Workplace*, Patti Perez identifies root causes of lapses in these areas and offers real-life, actionable solutions that will help any company not only achieve compliance, but also achieve corporate health. This book should be on your reading list if your job involves any of these areas.

—Angelica Espinosa,
Vice President, Compliance and
Governance and Corporate Secretary, Sempra Energy

Patti's ability to weave academic research findings with practical experience and real-life examples is the perfect blend for anyone who wants to better understand why issues such as sexual harassment and bias still plague our workplaces. *The Drama-Free Workplace* is an authentic, no-holds-barred collection of Patti's 25+ years of experience providing real-world solutions to these important business challenges.

—Carla Boren,
General Counsel and Head of Human Resources, Otonomy, Inc.

This book could not have come at a better time. HR professionals have continually struggled with the critical question posed in this book: "Can we really eliminate drama at work?" The emergence of the #MeToo movement has elevated the need for real life practical solutions that can be adopted in the workplace. Patti offers many business-savvy solutions throughout the book that are grounded in legal knowledge and experience. Her ability to eliminate legalese, pose solutions in easy-to-understand English, and go beyond compliance will serve as a valuable reference guide for HR practitioners, and ultimately contribute to making the workplace healthier, more productive, and more profitable.

—Debora Burke,
Vice President, Human Resources, General Dynamics NASSCO

The Drama-Free Workplace is packed with keen insights about what causes workplace conflict. More important, it's filled with practical solutions for how to resolve drama, how to increase employee trust and engagement, and how to create and maintain a healthy and productive workplace culture. This is a must-read for any business leader who intuitively understands the link between the lack of drama and business success,

but needs tools to implement a plan to address it. The result will surely be an increase in your business value.

—Pete Leddy, PhD,
Board Member, Chief People Officer

Tension, anxiety, and conflict at work all fuel what is known today as “drama” in the workplace, causing loss of income, productivity, and profit to all involved parties. Finally, help is available.

Highly respected attorney and consultant Patti Perez has written an easy-to-read manual offering step-by-step instructions for addressing the issues, diagnosing the problem, and implementing a resolution.

Ms. Perez offers, in everyday language, a guide to climbing the workplace-culture pyramid to achieve goals for improving and enhancing a satisfying work environment. Her “Roadmap for Creating and Maintaining a Drama-Free Culture” offers simplified checklists for conducting investigations and creating workplace policy.

This real-world guidebook belongs on the shelves of enlightened supervisors, managers and business leaders everywhere.

—Donna M. Dell,
Former Labor Commissioner for the State of California

The Drama-Free Workplace is a much-needed solution to the people challenges that keep executives up at night. Whether you define drama as ethics lapses, harassment, unconscious bias, resistance to change, or lack of accountability, Patti Perez tackles these issues and more head on. Better yet, her roadmap solutions for creating and maintaining a drama-free culture are practical and relevant, no matter what industry, company size, or geography you find yourself in. Make this mandatory reading for your leadership team and in your MBA classes!

—Paul Falcone,
HR executive and bestselling author, *101 Tough
Conversations to Have with Employees* and *101 Sample Write-Ups
for Documenting Employee Performance Problems*

This is a first-of-its-kind book—it leverages Patti’s deep expertise and gives leaders and HR practitioners a robust toolkit to help them build their own authentic, drama-free workplace. When we’re faced with tough workplace situations, it’s great to have a toolkit of sound, proven methodologies to rely on to help us navigate the situations and emerge with a return to harmony in the workplace. This is a must-read for all HR practitioners ... I’ll be issuing this out to my team!

—Tonya Cross,
Senior Vice President, Human Capital, Lytx

The Drama-Free Workplace is a forward-thinking manual on how to foster the workplace of the future. Patti's thought leadership and years of in-depth workplace problem-solving experience are brilliantly woven together in a manner that provides readers with the practical tools to generate a healthy workplace culture. Leaders focused on moving beyond compliance and toward talent growth and workplace success should include Patti's book in their library.

—Mishell Parreno Taylor,
Shareholder, Littler Mendelson

The Drama-Free Workplace is sure to become a text that will be read by HR professionals, employment attorneys, executive coaches, and really anyone in the modern workplace who wants to do their part to reduce unnecessary conflict. As a lawyer who has seen the drama up close, both as in-house advisor and as outside counsel dealing with the aftermath, I welcome this type of direction for my clients. Too often, companies fail to prevent or address drama because their focus is not genuinely rooted in making the workplace better for all but is instead focused on avoiding lawsuits. Patti's methodical explanation of the root causes of drama, combined with her no-nonsense, practical solutions make *The Drama-Free Workplace* an easy read that users can go back to repeatedly for ideas and guidance.

—Nestor Barrero,
Senior Counsel, Costangy, Brooks, Smith & Prophete, LLP
Formerly Vice President—Employment Law, NBC/Universal

Patti Perez understands the American workplace. She is a seasoned employment lawyer, an investigator of countless workplace harassment claims, and is a woman who can easily slide into the shoes of the lowest-level non-manager or the CEO. In *The Drama-Free Workplace*, Patti taps into her deep understanding of the law and people, and uses plain language and real-life tales of workplace woe to deliver an analysis of where workplaces go wrong. She provides bold yet practical prescriptions for creating a workplace that is goal-focused, fun, productive, and, yes, *drama-free*. Spoiler alert: skittishly striving for mere legal compliance won't cut it; you need to define, create, and maintain an actual culture. I'll be sending copies of *The Drama-Free Workplace* to clients and friends.

—Mike Cramer,
Employment Law Shareholder, Ogletree Deakins, Chicago

For many companies, glossy brochures market a culture of inclusivity, fairness, and respect. However, for many of those same companies, all that fancy marketing masks a drama-filled, toxic culture that is anything but inclusive, fair, and respectful. But toxic workplaces can be fixed, and even better, they can be avoided altogether. Relying on the basic tenants of authenticity and trust, Patti Perez applies commonsense principals, solid research, and years of experience to demonstrate how drama in the workplace can effectively be managed out of existence.

Patti Perez rejects the hyper-legalized and reactionary policies that have been shown to stifle effective workplace communication and increase workplace drama. Instead, the book offers a fresh, holistic approach to creating a vibrant and respectful workplace culture. Patti Perez shows how companies can take a page from the workplace safety playbook and encourage employees to work together to identify, address, and resolve challenging issues related to sexual harassment, micro-aggressions, and implicit bias. Gone, says Patti Perez, are the lengthy policies that police employee conduct; and gone are the disingenuous zero-tolerance policies and selective enforcement. Instead, *The Drama-Free Workplace* offers an alternative approach to conflict prevention and resolution—one that reduces policing and increases engagement and trust.

If your organization is looking for a practical and effective tool to reduce workplace drama and foster a healthy culture, you would do your organization a great service by taking the journey with Patti Perez in her new book, *The Drama-Free Workplace*.

—Dawn T. Collins, Esq.,
Employment Lawyer, Co-founder and Partner, CollinsKim LLP

Patti Perez is a well-known industry expert on the topic of workplace drama—how to identify it, how to prevent it, and how to fix it. This book compiles her decades of experience and is a must-read for anyone who wants to address workplace strife in ways that are proven to be effective.

—Diego Arp,
In-house counsel

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patti perez

WILEY

*To my mami and papi,
my first and best teachers on living drama free*

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Foreword

Times have changed. The old way of managing (but not solving) employee conflict doesn't work anymore. Social media has increased transparency in every organization and our changing demographics make it more important than ever to be authentic and promote a healthy workplace culture.

The #MeToo movement is the culmination of employers taking the wrong approach to solving conflict, and it was during the unfolding of this movement that Patti joined our team at Emtrain.

This watershed moment created an instant bond between us—two California employment lawyers who understand that intentions drive results, and that the intent should always be to create a healthy culture, not mere legal compliance. Patti and I are both on a mission to educate people on workplace issues and ensure we solve problems in a more authentic, effective way. *The Drama-Free Workplace* is Patti's latest effort in this mission and her practical guidance and strategies are invaluable for any leader who wants a healthy, drama-free workplace.

As you'll read in *The Drama-Free Workplace*, that doesn't mean taking actions that might increase your risk for claims. It means widening your view and treating the workplace in a more integrated, holistic way, rather than narrowly focusing on the symptoms (claims) of an unhealthy workplace culture.

You'll learn about the root causes of workplace drama and, especially relevant for today's climate, you'll learn in detail what is most likely to give rise to sexual harassment at work. Given that we find ourselves in the middle of a cultural transformation about the definition of appropriate and inappropriate conduct at work, the topics covered in this book are a must-read for any business leader, emerging leader, or employee who wants to learn how to keep drama out of the workplace.

Janine Yancey, Founder and CEO
Emtrain

Acknowledgments

While my name appears as the author of this book, *The Drama-Free Workplace* would have never come to fruition had I relied solely on my own abilities. It took more than a village to write this book—it took a family of committed and giving people who were always willing to help.

First, my deepest thanks to my friend and colleague Paul Falcone, who recommended me to the Wiley family. His generosity is indescribable and I'll be forever grateful to him for trusting me enough to recommend me.

Next, my two main points of contact at Wiley have been incredible. Richard Narramore believed in the book concept from the beginning and had a vision for making this book come to life. My editor, Vicki Adang, has been my life raft. From her gentle first message (“That was good, but not quite right”) to the ones that followed (“Yes, you’ve got it!”), I couldn’t have done this without her guidance. Her abundant patience and kindness kept me going when I thought I’d never be able to quite articulate what I was thinking. And her encouraging words helped propel me more than she’ll ever know. Thanks, Vicki!

Writing a book while working full time is no easy feat, so I’d also like to thank my wonderful teammates at Emtrain, especially Janine Yancey, who serves as equal parts mentor and cheerleader. And to the rest of the Emtrain team, thank you for your understanding and unwavering support while I wrote this book!

I need to thank more friends than can be mentioned here, but I’ll start with the guy who has been my brother since freshman year in college. Ray Nieto not only read and edited several versions of the book, but he also helped me with ideas for how to get the word out about the content.

Thanks, Ray, for always being there for me! My other BFFs, especially Joyce Magsarili, were, as always, only a phone call away when I was panicked about a deadline or about whether my content would resonate. Joyce, for 30-plus years you've been my "ride or die" girlfriend, my third sister, and truly my best friend! And to the rest of my friends, those who helped me flesh out concepts, those who encouraged me in real life and in the virtual world, and those who promised to read and share the book—thank you, thank you, thank you.

While this book is dedicated to my parents, humble immigrants from El Salvador who gave up everything to give their kids a better life, it's really a tribute to my entire family. My parents, Maria and Francisco Chavarria, taught my sisters, brother, and me that love and family are what it's all about. They had the most drama-free marriage of any I've known, and raised us in a loving environment where each one of us learned to keep our lives as uncomplicated as possible. Thank you, Annie Chavarria, Margie Esquivel, and Edward Chavarria for being the best siblings anyone could ever ask for! And thanks to my brother-in-law Tomas for putting up with us for almost 40 years and for giving me the best niece and nephew I could ever imagine. Tommy and Karlita, I love you and thank God for making me your *tia*.

I was fortunate enough to have been born into a big, fat Salvadoran family, and became even luckier when I married into an equally crazy and loving Philly Italian family.

My husband, Tom Scutti, has been my rock throughout this process and I thank you, sweetheart, from the bottom of my heart. I know the "I'll get to that as soon as I finish my book" refrain got old, but you never showed that you were tired of hearing it. Your love and commitment to me and to our kids are inspiring. Thank you for supporting me through this process, and through every other crazy idea I've had. My life doesn't work without you in it.

And thanks, too, to the other Scuttis in my life—my two fabulous bonus kids. Nick, I love your beautiful heart and your dedication to your craft. Thanks to you and Katie for always listening to my crazy rants, about my book and other topics. Christina, your passion—for your family, your work, and your sports teams—is infectious. Thanks for being my test audience for many of my theories about how to live a drama-free life.

And finally, to my baby boy (who isn't a baby anymore, but . . .), Tony Perez, you are my love, my rock, my passion. God gave me the greatest

privilege when He gave me you to raise. Looking at you now, a young man starting his journey into adulthood, I see that the legacy of your *abuelito* Paco lives in you and I'm grateful for any part I've played in making you who you are today. Words aren't enough to describe the immense love and pride I feel, but I think you know.

To everyone who has heard me advocate for doing all you can to keep your life (including your work life) drama free, thanks. I'm so grateful for everyone's help along the way. This book couldn't have happened without each of you touching my life in some way.

About the Author

Born in El Salvador, Patti Perez began living as a compassionate sharpshooter early in life. Patti and her family moved to the United States when she was three, and throughout the next several decades, she lived in San Francisco; Los Angeles; Houston; Washington, DC; Mexico City; and San Diego. These experiences taught her to be flexible and open-minded—making diplomacy and communication key skills.

Patti has continued to hone these skills in her professional life. A graduate of UCLA and the UCLA School of Law, Patti began her career as an employment law litigator, but quickly learned that the life of a litigator was not her calling. Her post-litigation career included leading an international judicial education program in Mexico City, working as the head of HR at Skadden Arps in DC, and serving as a shareholder at Ogletree Deakins in San Diego. Patti also founded Puente Consulting and for 14 years she dedicated her career to helping prevent and address workplace drama, including conducting more than 1,000 workplace investigations, training thousands of professionals, and serving as an expert witness. During that time, two California governors appointed Patti to the Fair Employment and Housing Council, where she authored a number of regulations clarifying various aspects of the state's employment laws.

Patti currently serves as Vice President of Workplace Strategy for Emtrain, a culturetech company offering comprehensive online training programs, expert guidance, and insightful data analytics—all with the goal of creating healthy workplace cultures and eliminating workplace drama.

Patti and her husband, Tom, live in San Diego, where they spend their time enjoying the life of empty nesters but still miss their kids: Nick, Christina, and Tony.

Introduction

Companies are hungry to find ways to differentiate themselves, to become employers of choice, to present themselves as organizations that deserve to win the “war for talent.” Cue the calls for a dynamic workplace culture as the secret weapon to make all this come true.

Workplace culture has become a familiar term in corporate America. But despite all the talk about how much culture matters, few companies actually do the work required to build and maintain a healthy and productive environment at work. Research validates the fact that a healthy culture drives business results, but little attention is paid to how to actually improve your culture and keep it healthy.

First, let’s define the term. In short, workplace culture encompasses the beliefs, values, and behaviors that guide your company. There are many components that define and measure the health of a culture at work, including employee engagement, employee satisfaction, happiness at work, compensation, benefits, and other workplace perks. People confuse these individual elements with defining their culture. (“We have a great culture . . . our employee surveys indicate our workforce is engaged.”)

As outlined in Figure I.1, a healthy and productive workplace culture has various components. Like Maslow’s hierarchy of needs, you can’t get to the top rungs without first satisfying basic needs.

A company that provides the basics—fair pay and benefits, and a generally safe workplace—has a mediocre culture. People come to work for their paychecks. There is little innovation and profits are flat. (Note: Companies that don’t provide even these basics are cultures that are usually seen as toxic, and this toxicity eventually destroys the company’s ability to succeed.)

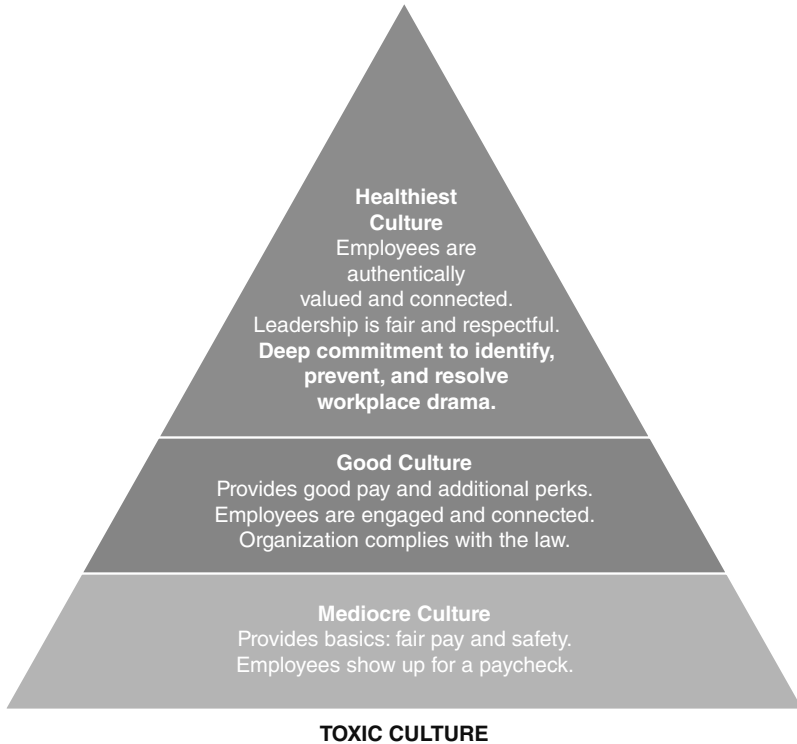


FIGURE I.1 The Healthy Workplace Culture Pyramid

A company that goes a step above and provides additional perks and takes steps to ensure an engaged and connected employee base has a good culture. Their employees understand the company's mission, they feel connected to it and to each other. In terms of employee relations, these companies focus on and follow the law.

Then there are the companies with fantastic workplace cultures. The secret to these companies' success is threefold:

1. They are intentional and relentless about planning and executing a strategy to put culture at the center of everything they do;
2. They have leaders who walk the walk and set the tone; and,
3. Because *culture* refers to the norms that govern how people approach problems and develop solutions, these companies also see preventing, managing, and addressing conflict (drama) as a vital part of their culture.

And the results are undeniable: a cohesive and collaborative workplace that leads to innovation and, as study after study shows, increased revenue and profit.

Think about a company that boasts about its engaged and satisfied employee base. Now think of how well this company fares if information comes to light about an executive who is allowed to remain on the job despite credible allegations of sexual harassment or some other ethical lapse. The weak foundation that holds up the fallacy of a great workplace culture collapses under the weight of the hypocrisy.

In today's post-#MeToo world, it is more important than ever to find groundbreaking solutions to address harassment, bias, and ethical lapses in the workplace. Without addressing these concerns—drama at work—a company's claim of an excellent workplace culture is incomplete.

While much has been written about topics such as employee engagement, climate surveys, and the introduction of Ping-Pong tables as tools to build a healthy culture, little attention has been paid to how critical conflict prevention and resolution are to a company's ability to provide employees with an environment in which to thrive. This book addresses that very topic and introduces an innovative and fresh approach to reducing or even eliminating workplace drama.

This book is for the leader, for the emerging leader, and for anyone who has to manage drama at work. A recurring theme throughout the book is that it will take each and every one of us to achieve the goal of a drama-free workplace.

The book is divided into three parts:

- **Part One: Diagnosis Drama: What You Can Do to Identify, Prevent, and Fix Workplace Drama.** This section gives the reader an overview of the root causes of drama and practical solutions to rid the workplace of it, followed by detailed chapters on the three most common types of drama at work: sexual harassment, bias/diversity, and ethics lapses.
- **Part Two: “Hiking” to the Top of the Healthy Workplace Culture Pyramid.** Using the metaphor of hiking, this section provides some essential and easy-to-implement formulas for making your workplace healthier. It also draws from analogous fields (safety, emotional intelligence, persuasive communication) to provide cutting-edge solutions on how to become drama free.

- Part Three: A DIY Roadmap for Creating and Maintaining a Drama-Free Culture. In this section, I'll share my very practical, step-by-step roadmaps on how to write and enforce policies, how to provide effective training, and how to investigate and resolve workplace drama.

And one last note: Don't forget that a healthy culture is a fun culture. There is a misconception that in order to be drama free you have to erase all things entertaining and amusing. But who wants to work in that type of environment? A culture that is healthy, inclusive, and respectful can and should also be fun.

You can read the book from beginning to end, or you can turn to the chapter that has information about your most pressing need. The goal is to introduce you to a fresh approach to prevent and address drama at work so that yours can be an organization that is proud of its culture.

I'll use case studies and real-life examples throughout the book. I've collected these stories from my work as an employment attorney and HR professional, as well as my experience as a workplace investigator—a specialist in the field of drama prevention and resolution. This work has given me a bird's-eye view of how drama unfolds. More important, it has given me insight into how the need to prevent and fix workplace drama is a key ingredient in the secret sauce of creating and maintaining a healthy workplace culture.

Whether your organization is already on its way to the top of the Healthy Workplace Culture Pyramid or you're starting from scratch, this book will provide you with a roadmap to identify, prevent, and resolve workplace drama. And whether you're a leader, an emerging leader, or an employee who wants to stay drama free, the tips in this book will help you be a part of the solution we're all striving for—a workplace free of useless drama.

PART

I

Diagnosis Drama:
What You Can Do
to Identify, Prevent,
and Fix Workplace
Drama

1

How to Blow Up an Organization (and Rise from the Ashes)

Chances are, you encounter drama in your workplace on a daily basis. My guess is that if you had a nickel for every time someone asked for advice because they'd been "harassed at work" or they have to deal with an employee who is "gaming the system," well, you'd have lots of nickels.

Some of the drama is subtle and nuanced, related more to perception than the actual facts of the story. Other times the stories you hear are blatant and in your face. These are the stories that make you cringe and ask yourself, "Did she really do that?"

The skills required to address these situations vary, but regardless of where the drama falls on the intensity spectrum, you need to do everything in your power to manage, if not eliminate, it. Will it really take blowing up your organization to identify, prevent, and fix workplace drama? *Yes* (but not literally!).

#WorkplaceDrama: Identifying Problematic Behavior

Workplace drama takes many forms, but all drama is rooted in conflict and heightened emotions. The drama might involve just a few people (at least initially). But like a progressive disease, the drama spreads if it isn't dealt with swiftly and effectively. And too often unchecked drama ends up infecting an entire department, division, or company. Identifying the problem is vital to ultimately figuring out how to prevent it and solve it.

So how does drama manifest itself at work? Here's a partial list:

- *"Harassment."* This word is in quotes for a reason; it's a word that is misunderstood and therefore misused. Too often, people use the term to describe behavior that is annoying or bothersome. While that is the dictionary definition of "harassment," the legal meaning is quite different. More than likely, you've had this conversation before. You've had to explain this distinction between the layman's definition and the legal definition, though hopefully you've made it clear that even behavior that is "less than" illegal is nonetheless problematic and needs to be addressed. Harassing conduct takes many forms and involves the entire gamut of personal characteristics, but the type of workplace harassment that is most often discussed remains sexual harassment. And of course, in the post-#MeToo world, it's taken on an additional urgency. In many instances, an employee complaining about "harassment" is actually referring to disrespectful, rude, or demeaning conduct, and, in more severe cases, workplace bullying. Having a respectful and civil workplace environment is vital to having a truly healthy workplace culture, but a problem can't be fixed if it is imprecisely stated. It requires a new plan and it is one of many ways that a company needs to blow up before it can rebuild.

Harassment: It's important to distinguish between exposure to annoying or bothersome behavior (the dictionary definition of harassment) and unlawful harassment, which involves a protected category and must meet other legal requirements, including unwelcomeness and either severity or pervasiveness. (See Chapter 3.)

- *Bias – conscious and unconscious.* You’ve seen bias, or at least allegations of it, every day, right? It may take the form of a boss who is playing favorites, inaccurately describing someone’s performance, or making judgmental comments. Undoubtedly, you’ve also had discussions about unconscious bias—whether it involves African-Americans who are arrested for waiting for a friend at a coffee shop or women who say they experience “mansplaining” at meetings. The reality of unconscious bias and the ways in which it affects our decision-making is well chronicled, even if the average employee still doesn’t understand it completely.

I’ll use the term “unconscious bias” throughout this book. *Unconscious biases* are social stereotypes about certain groups of people that individuals form outside their own conscious awareness. Sometimes the term “implicit bias” is used instead of unconscious bias, particularly by academics. *Implicit bias* refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. (For more, see Chapter 3.)

- *Perceptions of unfairness.* “I work just as hard as Sarah, but Joe always gives her a higher rating and a higher raise.” “I just wish I knew the rules of the game so I could succeed at this company.” “They tell us that there is a procedure to deal with this issue, but we all know rules are bent if you have the right title.” “I honestly have no idea why my boss dislikes me and treats me so disrespectfully.” Whether these examples ultimately uncover *actual* unfairness ends up being of little consequence. If employees have a reasonable perception that an individual or “the company” is treating them unfairly, you have workplace drama you need to deal with. (More on this in Chapter 5.)
- *Ethical lapses.* Many examples of ethical lapses involve a lack of thought and analysis. While there are certainly examples of employees embezzling money or committing other blatantly fraudulent acts, in many instances the ethical lapse is an employee receiving a gift from a vendor, a committee leader advocating for his friend’s company during an RFP process, or a manager going against policy and hiring someone without going through the pre-established procedure. Regardless of whether the conduct is purposeful or is due to laziness, ethical blunders, and how the company deals with them, are a common source of drama at work. (More in Chapter 4.)

There are, of course, many other examples of workplace strife, but these examples of drama at work are the ones we see most often.

Root Causes of Workplace Drama

Just as important as identifying and recognizing drama (preferably early, when it can still be easily addressed), is recognizing its root causes. Any one of these examples—not to mention a combination of them—has the potential to devastate your company.

1. *Inauthentic leadership*: A lack of authenticity creates or perpetuates a belief that management is hypocritical, that they only talk the talk but don't walk the walk. In this environment, employees lose enthusiasm for their jobs, passion for what the company represents, and, most dangerous, they lose trust.
2. *Problem-solving deficit*: A lack of authenticity leads to inconsistency, usually seen in the form of the failure to implement solutions in an even-handed way. Over time, this creates *actual* unfairness (and also creates a strong perception of a lack of workplace justice).
3. *Persistent confusion: Unfair or illegal?*: Repeated inconsistency in dealing with conflict (e.g., ignoring misconduct, conducting sham investigations into claims of misconduct, uneven distribution of consequences when misconduct is proven) not only leads to the erosion of trust, but it also increases the probability that employees will perceive any level of misconduct not only as unfair, but also as illegal. This increases the chance that they will make internal or external claims of legal violations. If made internally, the company must go down the compliance route and conduct a formal workplace investigation. Or the employee might choose to file a lawsuit. And in today's social media-filled world there is another choice. An employee's grievance could end up on a blog, an employer review website, a social media site, or as an exposé on the front page of a national newspaper. Yesterday's biggest workplace fear might have been an employment lawsuit. Today, brand value is more easily lost with one press of a button . . . a button that says "post."

Imprecise use of legal terms

Similar to the misunderstanding about the term “harassment,” employees (including managers) also use the terms “hostile work environment,” “discrimination,” and “retaliation” imprecisely. Each of these are legal terms of art; an employee must establish several specific elements to prove any of these legal violations. But these terms are often used in the workplace to point to behavior that is irritating, biased, or vindictive. Use of precise language—which then leads to an appropriate corporate reaction and resolution—is vital. But make no mistake, this is a two-way street. Just as it is important for employees to learn to precisely report their concerns, it is equally important that employers, especially managers and HR professionals, learn to establish an effective way to then address those complaints, regardless of whether the behavior is unlawful.

4. *Lack of transparency*: Long-standing fear of getting sued has, paradoxically, led to decisions that increase the chance an employer will be sued. (I discuss this in great detail in the “Fearlessness” section in Chapter 5 by walking you through the litigation-avoidance paradox.) A prime example is with the lack of transparency. Convinced that they are prohibited from sharing “confidential,” “private,” or “personal” information, companies create shrouds of secrecy. In some instances, it’s inaccurate or incomplete information about why someone was disciplined or fired. In others, it’s making large-scale corporate changes (reorganizations, selection of new leadership, etc.) behind an impenetrable wall, with no employee knowledge or input. No matter the specific secret, two lessons are clear: Employees know more than you think they know (so trying to pull the wool over their eyes is obvious to them) and you do more harm than good since employees know you’re lying (employees have a very well-honed BS meter). Old-fashioned though it may sound, it really does pay to be honest.
5. *Communication gaps*: Confusion between unfair and illegal behavior, an uneven playing field (or the reasonable perception of one), and secrecy do not mix well. To make matters worse, employers

only teach employees “legal language” (that is, employees only learn about “harassment” and “discrimination”). This gives employees one of two messages. The first is: Don’t come to me with a complaint unless it’s one of unlawful conduct. When this happens, employers don’t find out about problems until they reach crisis level. The second message is: When you do eventually report your concerns, do so by using charged legal terminology such as “hostile work environment” and “retaliation,” rather than reporting facts and consequences. This then causes the company leader to go into defense mode rather than problem-solving mode. This merry-go-round of posturing makes it clear that we need to establish a common and productive language at work . . . one that actually has the goal of fixing the workplace drama problem.

Precision in reporting

Which of these “reports”—both of which essentially say the same thing—is most likely to decrease the temperature and prevent further drama?

“I need to report sexual harassment. Charlie is such a jerk. He’s always calling us ‘chicks’ and ‘babes’ but never uses those types of nicknames for any of the guys. And, ugh, I hate that he talks about his dating life. It’s so gross.”

Or

“I’m having a hard time working with Charlie. I don’t think he respects women. He calls us ‘chicks’ and ‘babes’ but never uses those kinds of nicknames for the guys—they’re always referred to by their names or by ‘chief’ and ‘bro.’ And his constant talking about his dating life makes me think that he only sees women as potential romantic partners. I don’t know if he realizes that all of this makes me feel belittled and makes it harder for me to do my job. Can we work together to help him understand how his words and actions are affecting me?”

6. *Increased division:* This confusion drives an us-versus-them mentality that causes even further division and mistrust. With increased division comes an erosion of empathy and self-awareness. It becomes nearly impossible to see the issue from the other person's perspective and to be self-aware and humble enough to admit mistakes. Viewed through this lens of suspicion and selfishness, actions are more likely to be negatively interpreted which makes drama inevitable.
7. *Culture of complicity:* The us-versus-them culture becomes permissive and tolerates bad behavior. And tolerance inevitably leads to even more egregious behavior (since the bad actor is emboldened by the tolerance). After all, in this type of culture, trouble is always blamed on the person on the opposite side. What results is a failure to view situations objectively and we instead view them through the expedient lens of quick blame. We hide behind "business decisions." Sure, Charlie is hard to take, but he's so valuable to the company. Yes, Jessica has made some decisions that push the bounds of ethics, but it's only because external factors make it nearly impossible for her to do her job effectively. Once you start making these types of excuses, you've crossed a dangerous line and drama will be ever-present.

Precision in response

Using the Charlie example, which of these responses is more likely to decrease the temperature and prevent further drama?

"I don't really see this as a harassment issue and it sounds more like Charlie's management style. You haven't said anything about him being sexual or making a pass at you. Maybe this is just his way of motivating his team. I guess I'll talk to him about the nicknames, but you're just going to have to learn to get along with him. I mean, he is the boss."

Or

"Thanks for letting me know about this. I can see why Charlie's behavior makes you feel as if he doesn't fully value your contributions."

I'm happy to talk with him, but before I do, I'd like to hear more details from you, and then I'll also talk to Charlie to get his perspective. My goal here is to make sure everyone's voice is heard and to make sure that everyone feels valued and included."

8. *Blind spots pop up:* As each side begins to think the other is out to get them, we develop blind spots, and our ability to anticipate and respond to drama becomes weaker. Of course moving someone to a lower position on the organizational chart during a reorganization will lead to hurt feelings and claims of unfairness, but reorg strategists think, "Hey, they're lucky to have a job." Yes, it's true the company has lost one-third of its female leaders in the past six months, but that's just a coincidence and says nothing about the company's commitment to diversity—unless you ask the remaining female leaders. The ability to anticipate and plan for drama is a critical skill that is unfortunately missing at most companies. (See Chapter 6 for more on how to take action in situations that are known to result in drama.)
9. *Wrong solution:* Since we aren't identifying root causes to the drama, we implement ineffective solutions or we overcorrect. In either case, we make an already difficult problem even worse. The most typical answer to drama in today's workplace is to "review our policies and procedures." More rules. There is a growing perception of HR and leadership as cops, thus making the drama worse, not better. Just as bad as implementing the wrong (read: not well-thought-out) solution is overcorrection. This too is rooted in a failure to think critically and creatively about what might actually solve the problem. Your diversity metrics show low numbers of underrepresented employees at your company? Clearly the answer is to begin hiring anyone and everyone who checks the "diversity box" without regard to qualifications. While this might solve your short-term numbers problem, it inevitably breeds resentment, hurts your business and does nothing to ultimately help with "diversity numbers" since you're setting the candidates up to fail. Drama, drama, drama.

10. *Unwillingness to admit wrongdoing:* The thought of apologizing in corporate America is unfathomable to many. But if we want to move the needle on culture, it's a key ingredient. We all make mistakes. We fail to anticipate problems. We fail to take the time necessary to make wise decisions. We ignore problems, hoping they will go away. Making the mistake is human; failing to admit and make amends is fatal. A company made up of leaders (or employees) who fail to admit wrongdoing is an inauthentic company, thus perpetuating the cycle of mistrust.

Unchecked, these triggers create a negative work environment and cause tangible (and detrimental) effects. Widespread mistrust leads to low morale and low productivity, high (and unnecessary) turnover, increased claims of unfairness, difficulty in recruiting and retaining top talent, legal claims, and, of course, damage to corporate brand.

A key question then is, how did we get here?

Legal Compliance: Friend or Foe?

Employment laws prohibiting discrimination at work have been around since the 1960s. Over the years those laws have expanded to include a prohibition of harassment, including sexual harassment and retaliation, among other types.

A review of the intent of those laws makes one thing clear: They were enacted to provide an important, but not exclusive, avenue for redress. They were never meant to be the sole way to solve problems at work. In fact, they weren't even meant to be the primary go-to for the elimination of workplace drama. At their core, these laws seek to provide a level playing field, a set of standards to ensure consistency in decision making, an avenue to address egregious behavior. They were certainly not established to increase animosity at work and were not meant to question every business decision or establish a way to keep track of daily behavior.

But a deep misunderstanding of the law has negatively impacted the way both employees and company leaders make decisions, and this has had an equally negative impact on workplace culture.

- *Misguided corporate reaction:* In terms of company leaders, the answer has been to wear legal blinders at all times—to make business decisions through the narrow lens of risk management. By doing so,

leaders have lost sight of what actually creates a healthy, respectful, and inclusive work environment. Companies rely on “solid” legal advice: Approach conflict resolution with a fear-based, “I’ll get them before they get me” mentality. While there are many lawyers who provide sound advice—advice that complies with legal mandates and also focuses on business success—too many attorneys have convinced companies that being scared is the best way to avoid lawsuits. The irony? Over the years claims have gone up, not down. In fact, high-profile scandals have become an almost daily occurrence. Apparently, we’re doing it all wrong. (See more on this in Chapter 5, where I introduce you to the concept of the litigation-avoidance paradox.)

- *Misguided employee reaction:* Employees have been similarly brainwashed into believing that the only way to get justice is through the legal system. Gone are the days of wanting to participate in fixing what’s broken but salvageable. Don’t get me wrong, there are, unfortunately, many instances in which the legal system is the best and only way to resolve harassment issues (think Harvey Weinstein, both his behavior and the shameful failure by the corporation to protect his victims). But this isn’t always the case. More often than not, situations can be dealt with through precise reporting, an appropriate corporate reaction, and a mutual problem-solving approach. But it will take the re-establishment of trust, respect, and accountability to do so.

Two equally important phenomena, both based on a hyper-focus on the law, track the inevitability of the #MeToo movement:

1. *Focus on fear:* Fear-based and inauthentic decision-making leads to bad decisions. Blind spots created by that fear leads to a culture of complicity. In story after #MeToo story, targets of harassment speak of what is essentially double victimization. First, there is the sexual harassment itself. What’s worse, the victims say, is working with leadership that turns a blind eye to what’s right in front of them. What happens? Employees (both targets and bystanders) don’t trust the system so they don’t report problems when they can still be easily solved. Or worse, they report the problem and the company does

- nothing. The employee leaves or sues. The fear-based mentality is reinforced: “See, all they wanted was to sue us.” And so it continues.
2. *Taking your eye off the ball:* While the workplace was consumed with worries about the law, a brave new world emerged and no one noticed. This brave new world is largely fueled by social media. Employees are increasingly using social media as the channel to change the workplace power dynamic. They are reclaiming control of the employment relationship by using posts, blogs, and company review sites to vent their frustrations. And it’s been incredibly effective. Media personalities have been removed not because of lawsuits or the threat of a claim, but because of detailed newspaper stories – stories where every gory detail of bad behavior gone wild and details of a complicit corporate culture are exposed to the world. Fast-rising tech companies have been rocked, not because of legal claims, but because of a single blog post gone viral. Employees are using social media to effectuate change and a company that ignores this reality does so at its own peril. Understanding and embracing this brave new world is vital for a company to maintain a healthy internal and external brand.

If we are serious about working together to revolutionize the workplace, then it’s time to stop playing to not lose and begin playing to win. After all, doing the same thing over and over, expecting a different result, is what got us into this mess in the first place. This leads to one conclusion: The answer isn’t to continue to operate with compliance blinders but rather to focus on trust, mutual respect, transparent communication, and, above all, authenticity.

The #1 Culture Problem in Organizations: A Lack of Authenticity

Of all the underlying reasons that drama creeps into our workplaces and ruins corporate culture, a lack of authenticity is the most serious.

We know the drill: Have a policy for everything, make employees sign acknowledgments for all those policies, draft a statement about your company’s “commitment to diversity and inclusion” and post it on your

company website. Defend every claim of unfairness with your standard statement that your company is “committed to an environment free of harassment” and that you are an “equal opportunity employer.” I’m not necessarily saying any of these are bad, I’m saying they are rote responses that send a clear message: “We are an average company who implements average solutions.” And what’s worse is a company that says these things but means none of them.

I liken a company’s promise of a “harassment-free” workplace to a restaurant that promises diners “poison-free” meals. I suppose a restaurant wants to make sure that diners know they won’t get food poisoning when they visit, but isn’t a better marketing strategy to promise them an excellent dining experience?

Similarly, promising a harassment-free workplace tells employees: “We promise to do the minimum” or “We promise to do what the law requires.” A more effective approach is to promise a healthy and inclusive workplace culture. That necessarily means that the culture won’t tolerate harassment, and it also means that employees will be respected, developed, and provided with opportunities to thrive.

Here’s a common scenario:

Company: We have a zero-tolerance policy when it comes to sexual harassment.

Employee: My boss tells sexually suggestive jokes and makes sexually charged comments and at the last sales conference he invited me up to his hotel room. (Employee’s inner-dialogue: *This is hard to do, but I want this to stop, and I’m going to believe the company’s stated commitment to keep me safe.*)

Manager: Well, was he drunk? (Manager’s inner-dialogue: *I have so much work to do, this is the last thing I want to deal with. And besides, this employee is complaining about a guy who brings a lot of money to the company.*)

Employee: I don’t know? (Employee’s inner-dialogue: *Is this person serious? What happened to zero tolerance?*)

Manager: Were you drunk? (Inner-dialogue: *I mean, it's a fair question.*)

Employee: No. (Inner-dialogue: *Well, I guess I know where this is going . . .*)

Manager: Okay, we'll look into it, but I'm sure he was joking. (Inner-dialogue: *I better not find that any of this is true . . . I can't lose this guy.*)

Employee: Um, okay. Thanks, I guess. (Inner-dialogue: *I should have listened to my coworker who told me to keep my mouth shut.*)

How do you create and maintain a culture that says what it means and means what it says? Try this three-step process: Define it. Live it. Color it in.

Define it: You can't "live your values" until you've defined what those values are. This involves more than putting a mission statement on your website. What does your company really stand for? Why do employees and leaders join and stay with your company? If your company's focus is on increasing revenue (for example, a start-up that will perish without showing profit quickly), then don't pretend to be a company that wants to retain employees for a lifetime. If you are a company whose passion is making the world a better place, say so and structure your culture to attract employees who buy into that philosophy. More than ever, culture matters to employees, often even more than compensation.

Live it: So now that you've found your company's true north, how do you make it real? First and foremost, walk the walk. Be radically authentic. All work on defining your culture will go to waste if your employees sense that it is simply lip service. If you've defined integrity as a core company value, then act in all instances of ethical lapses. All of them. If you say you believe in and value diversity and inclusion, then be a champion for a comprehensively and creatively designed and deployed D&I plan.

Color it in: Simply defining and living your values isn't quite enough. Be meticulous about linking your company culture to your company's purpose and passion. And do so in detail. Will you draft and distribute an employee handbook (yawn) or an inspirational guide that gives employees genuine guidelines about what to expect, and also tells them what is expected of them? Will you talk about your values during interviews, at performance meetings, during coaching sessions and even when an employee is exiting your company? If not, why not? Once you've made your company purpose clear, it's time to yell that message from the rooftops every chance you get.

Practicing profound authenticity is the first step on the path to a drama-free workplace.

The Courage to Be Different (and Therefore Effective): Focus on the Good

We know the problem—drama that appears in the form of harassment, bias, a perception of unfairness, or ethical lapses. We know the root causes for the drama: a lack of authenticity and transparency; failure to properly identify, anticipate and prevent strife; a perpetuation of a destructive us-versus-them mentality; and failing to properly fix problems once they've been identified.

Now comes the hard, but fun, work. Blowing up all preconceived notions about how to decrease or even eliminate drama from your workplace. Yes, it's necessary to identify mistakes and root causes of drama. But the most effective way to eliminate bad behavior is to study and focus on good behavior. What does that look like and how can we model our conduct, our policies, our practices after those positive examples? Whether your goal is to manage risk or to create a healthy environment, the old way of doing things simply doesn't work in today's workplace. It's time to blow up those tired solutions.

And definitely don't forget that "the good" also includes fun. A workplace culture that is boring, robotic, or dry is not one that has reached the top of the Healthy Workplace Culture Pyramid.

3

Diversity, Inclusion, and Belonging . . . Not Just PC BS

The link between diverse organizations and financial performance has been studied extensively and the conclusion is clear: Diversity provides a competitive edge. This is especially true if the organization has a diverse leadership team.¹

Given this reality, it's no wonder that companies in the United States spend hundreds of millions of dollars on diversity initiatives. And that spend increases every year. That begs the question – are these initiatives working? Are companies getting a return on their multimillion-dollar investment?

Unfortunately, the answers are currently not so good. Despite the resources poured into initiatives to increase the number of women, minority, and other underrepresented groups, companies have seen little change at every level, and most notably almost no movement at the top leadership and board levels. As I'll discuss below, a key ingredient to a successful diversity

¹Vivian Hunt, Lareina Yee, Sara Prince, and Sundiatu Dixon-Fyle, "Delivering through Diversity," McKinsey & Company, 2018. <https://www.mckinsey.com/business-functions/organization/our-insights/delivering-through-diversity>

program is authenticity. What I've seen over the years is organization after organization *saying* they are committed to diversity, but really only giving lip service to an initiative. What these organizations don't realize is that being inauthentic not only means you'll see no results when it comes to diversity, you'll actually see negative repercussions for the insincere efforts.

But there is good news. There are companies who have successfully tackled issues of unconscious bias to improve hiring and retention of diverse talent. Hundreds of companies have designed and executed authentic and creative inclusion strategies that make all employees feel a deep sense of belonging, which leads to maximum engagement and loyalty. These companies remain steadfast in their commitment to diversity not only because it's the right thing to do, but also because it's the business-wise thing to do.

Unconscious Bias Explained

A foundational issue related to diversity and inclusion is the effect of unconscious bias on our decision-making at work. Although the study of unconscious bias isn't new, it's only recently become well known. But despite the increased awareness of the term, the influence it has on our decision-making is still not fully understood by most employees or company leaders.

Unconscious biases (also called implicit biases) are social stereotypes about certain groups of people that individuals form outside their own conscious awareness. In English, that means that all humans are wired to function on auto-pilot when necessary and as a result we sometimes have to make assumptions. Usually, these unconscious assumptions are harmless, but sometimes they can be damaging or even dangerous.

Despite our belief that our decisions are guided exclusively by logic and an objective interpretation of data, research proves otherwise. Our beliefs, and therefore our decision-making, are influenced by a number of factors including our upbringing, the news, social media posts, our past experiences, our personal or family values, and by what we see in popular culture (to name a few examples).

Based on these influences, we form judgments about certain people based on characteristics such as gender, race, ethnicity, religion, or sexual orientation.

We also base beliefs about people because of issues such as level of education, whether we have things in common with them, physical attractiveness, socio-economic status, where the person lives, and a host of other reasons.

This means we're making decisions at work that affect every aspect of employment – from interviewing to termination, and everything in between. In other words, we're making flawed decisions if they are based on unconscious influences that should have no bearing in the decision-making process.

Researchers have identified a number of categories of unconscious bias and have recognized that they have an impact on the workplace. Two of the most common types of unconscious bias are confirmation bias and affinity bias (sometimes called “like me” bias).

Affinity (or “Like Me”) Bias

Affinity bias is defined as a positive response to people who are similar to us. It makes sense in the context of establishing relationships, whether friendships or deciding with whom we want to work. We all gravitate toward being around people with whom we can form connections. The problem is that if we only hire, promote, train, mentor, or value those who are “like us,” we become organizations made up of clones rather than organizations made up of employees with innovative ideas, a cutting-edge approach to problem-solving, and with the gift of resourcefulness.

The blind orchestra auditions

Orchestra leaders, who considered themselves progressive and inclusive, noticed that professional orchestras were made up almost exclusively of men. In a well-known experiment, orchestras made an adjustment to the audition process: They had musicians audition from behind a screen, preventing the decision-makers from seeing the aspiring professional musicians. The results were immediate and dramatic – the number of women selected to play in orchestras increased. The researchers realized, however, that sometimes the

decision-makers could identify whether the musician was a man or woman based on the sound of their shoes (since many female candidates wore high heels). Based on this, they made an additional adjustment: The musicians now auditioned from behind a screen, but took their shoes off before walking over to the audition chair. The results were even more remarkable: This additional change increased the number of female musicians selected to an even greater degree.²

The dangers of affinity bias at work can be seen at any stage in the employee life cycle. One of the most significant is the hiring stage since the effects of biased decision-making during this critical phase contributes to the lack of diversity and inclusion, and also increases the probability of experiencing workplace drama.

Take the case of Fred. Fred needs to hire an accountant for the consulting company where he is a senior partner. He's rejected numerous candidates, many of them women and several men who are of a different ethnic background from Fred. He cites the same reason for rejecting each previous candidate – a lack of the specific work experience to help Fred in his specialized tax and accounting practice. Specifically, while Fred acknowledges that the rejected candidates have years of general accounting experience, they don't have experience helping global companies with complex tax issues. A few months into the hiring process, Fred interviews Jeremy, who not only lacks global tax experience, he's also only been in accounting for a few years. But Jeremy is friendly, eager, and enthusiastic and, Fred says, Jeremy reminds him of his younger self. Fred sends out an email advocating for Jeremy and says that while it's true Jeremy doesn't have experience, Jeremy promised he'd "give it 110%." Jeremy is hired.

The result? The workplace is now made up of one more person who both looks and thinks exactly like Fred. The organization lost the

²Claudia Goldin and Cecilia Rouse, "Orchestrating Impartiality: The Impact of 'Blind' Auditions on Female Musicians," Harvard Kennedy School, 2000. <http://gap.hks.harvard.edu/orchestrating-impartiality-impact-%E2%80%9Cblind%E2%80%9D-auditions-female-musicians> and *American Economic Review* 90, no. 4 (2000): 715–741. <https://pubs.aeaweb.org/doi/pdfplus/10.1257/aer.90.4.715>

opportunity to hire candidates who might have been equally eager and committed, but who didn't remind Fred of what he was like years ago. And just as bad, all of these decisions are made in full view of current employees who are told that the company is committed to diversity and inclusion. So even if Fred's decision-making was not meant to purposely exclude certain groups, the result is exactly that.

What's a better way? How can we identify affinity bias so that it has less of an impact on our decision-making?

One approach is to build increased structure into the interview and hiring process. Companies have used this increased structure as a safeguard to prevent bias from affecting decision-making. Those companies do the following:

Take a close look at the language used in job postings and job descriptions to eliminate words that might create subtle messages that attract one set of applicants and discourages another set from applying for the job.

Use low-tech or high-tech solutions to scrub resumes of information that does nothing to predict whether the candidate is qualified for the position. This includes information such as name (which could give away gender or ethnicity) or date of graduation (which might indicate age).

Create a structured interview process that includes:

- A preset list of relevant and insightful questions to ask each candidate so that every applicant gets an equal chance to talk about his/her experience, background, and ability to succeed in the position;
- A hiring committee made up of diverse interviewers; and
- A pre-set methodology to grade answers and give the candidate an overall rating.

Although creating a structure doesn't mean the process has no flexibility, taking steps like these reduces the likelihood that affinity bias (or other unconscious biases) will negatively affect decisions in hiring.

In fact, in the example with Fred, the company could have (and should have) taken one simple step to eliminate the drama. If the hiring process would have included a decision *before* the interviews began about what was required to succeed in the position, the decision-making would have been based on that pre-established criteria, rather than the ad-hoc criteria set as the process moved

along. If, for example, the decision-makers agreed that experience – general or specific – was an absolute job requirement, then Jeremy would not have even made it to the interview process and they would have eventually hired a candidate with the requisite experience. If, by contrast, a decision was made that experience was only preferred but not necessary, then the candidates who interviewed for the job before Jeremy would have gotten a fair shake and been more likely to be evaluated for criteria other than their lack of experience.

Confirmation Bias

Confirmation bias is the tendency to notice evidence that supports our beliefs, preconceptions, and hypotheses, and to miss, ignore, or dismiss evidence that contradicts them. Instead of trying to falsify a hypothesis, we tend to try to confirm it.

English psychologist Peter Wason first coined the term “confirmation bias” as a result of an experiment designed to examine how people test hypotheses. Numerous studies have been conducted since that verify Wason’s results and show that once our brain makes a judgment about something, we have a tendency to look for evidence that confirms that judgment, and we tend to dismiss or ignore evidence that refutes it.

Challenging preconceptions

In Wason’s experiment, he gave participants a series of three numbers, 2–4–6, and asked them to try to identify the rule that described the sequence by offering other three-digit sequences. In response, almost all participants developed the hypothesis, based on the example given, that the rule was “three even numbers in increasing order of sequence” and therefore offered sequences such as 4–8–10, 6–8–12, and 20–22–24. The experiment leaders would respond to the participants with “yes” or “right” when a correct three-number pattern was stated, or “wrong” when a sequence was given that didn’t follow the rule.

Since participants had already formed a belief that the rule was “three even numbers in increasing order of sequence” they continued to only offer sequences based on that rule and they continued to

receive confirmation that strengthened their belief. If the participants had challenged their preconceived notion by offering a sequence that broke their rule, they might have discovered that the actual rule was quite simple: “three numbers in increasing order of sequence.”³

As with affinity bias, the negative effects of confirmation bias in decision-making can be seen throughout the employee life cycle. One stage that receives too little attention but is critical for organizations that want to stay drama-free is confirmation bias when receiving, investigating, and resolving complaints of misconduct.

Here’s how I witnessed it firsthand when doing work for a large employer:

Angelina complained that Brad had been harassing her for years. She complained to Jennifer, the head of HR and said she hadn’t brought up her concerns before because she and Brad were coworkers, but now that Brad had been promoted to supervise her, she was concerned that the harassment could affect her success at work.

Jennifer dismissed Angelina’s complaint, noting that she’d seen Angelina having lunch with Brad a number of times. During those interactions, she said, Angelina was clearly comfortable. Despite her assumption, Jennifer reluctantly agreed to conduct an investigation. Jennifer was convinced Angelina’s “complaint” was most likely a way to excuse her declining performance.

Jennifer focused on interviewing witnesses who would provide information on what she thought were the two key issues: (1) that Angelina was a poor performer (she learned in an investigation training course to look for a motive to lie when determining credibility) and (2) that many coworkers knew that Angelina and Brad have a friendly and at times even playful working relationship. Jennifer didn’t speak with the witnesses Angelina identified –

³Fenna Poletiek, “Wason’s Rule Discovery Task,” in *Essays in Cognitive Psychology: Hypothesis-Testing Behaviour*, East Sussex: Psychology Press, 2001. https://books.google.com/books?id=xgvHzNCFhh8C&pg=PA49&lpg=PA49&dq=Wason+Rule+Discovery+Test&source=bl&ots=RGoaR0VBH-&sig=uDFnUb9_fYDzT6ZcyXJYn4uKZek&hl=en&sa=X&ved=0ahUKEwjhq_Xy_9HVAhVK2oMKHV9wAbU4FBD0AQgtMAE#v=onepage&q=Wason%20Rule%20Discovery%20Test&f=false

colleagues she said she had spoken with over the years to recount her uncomfortable interactions with Brad. Jennifer decided that these witnesses would “take Angelina’s side” and were therefore untrustworthy witnesses.

In short, Jennifer made a decision the minute Angelina finished expressing her concerns – her conclusion was that Angelina was not exposed to inappropriate conduct and that she was most likely bringing up her concerns as a way to excuse poor performance. As a result of the judgment she made in the blink of an eye, she conducted an investigation to confirm that belief, focusing only on evidence that verified her belief, and ignoring information that may have contradicted her conclusion. This hardly qualified as an “unbiased” or “independent” workplace investigation.

The findings of her “independent” investigation was, not surprisingly, that Brad did nothing wrong. Because Jennifer made her entire investigation fit the narrative she’d developed at the outset, the company would never know whether her conclusions were an accurate depiction of what happened. The company therefore missed an opportunity to resolve the issues presented by Angelina. Even worse, it created an increased level of drama, since now Angelina viewed her company’s HR department as an enemy of employees.

And unfortunately, as was true with the example of Fred at the accounting firm, other employees were keeping a close eye on how the organization approached Angelina’s concerns. The chances of increasing gender diversity at a company that approaches allegations of sexual harassment in this manner are slim. So in addition to failing to resolve the specific issues related to Brad and Angelina, the company ended up sending a message that has the likelihood of making a significant percentage of employees feel as if they don’t belong, and exponentially increases the chance of more workplace drama.

So what are some practical ways to eliminate, or at least decrease, confirmation bias when we receive, investigate and resolve conflict?

At the outset: Professionals in charge of receiving employee complaints must be meticulous about taking complaints seriously and refraining from making judgments about their validity before conducting a fair, thorough, unbiased, and good-faith investigation.

During the investigation: Investigators need to look at evidence that supports and contradicts the allegations and must reach conclusions that are not only reasonable and fair, but that also correspond with what the evidence says. Credibility determinations should be based

on an analysis of all the evidence and findings should include a deep analysis, not just conclusory statements. One easy and effective way for investigators to test their analysis and conclusion is to play devil's advocate: When veering toward a decision, think about what advocates of the other side might say to make sure you haven't missed any important points.

After the investigation: Remedial measures should be equal to the misconduct found and should be structured to avoid a recurrence.

(Read more about how to conduct fair and thorough investigations and how to implement effective remedial measures in Chapter 11.)

D, I, & B . . . What's the Difference (and Why Does it Matter)?

Diversity programs have been around for decades. Initially, the focus was almost exclusively on numbers – in particular, getting “women and minorities” in the door. Although companies saw modest success with widening the recruiting net and including additional structure in the hiring, evaluation, and promotion process, the number of diverse candidates at all levels, and particularly in leadership, remained largely stagnant. It was clear that focusing only on numbers – getting people “in the door” – wasn't going to move the needle. One reason was a high level of attrition among diverse employees. Many candidates leaving companies explained that they found the work environment unfamiliar or even unwelcoming.

This chapter focuses primarily on diversity initiatives related to increased representation of woman and ethnic minorities. This isn't because other “categories” of diversity aren't important, but because most of the research and real-life examples involve these categories. Over time, more attention will be paid to other groups, but it's safe to assume that many if not all of the principles outlined here related to gender and ethnic diversity apply to other types of diverse characteristics. For example, there is every reason to believe that companies who value and highlight diversity based on factors such as disability, membership in the LGBTQ community, generational diversity, diversity in religion, veteran status, and other factors, would also lead to better business results.

The result? Companies began focusing not only on diversity (numbers) but also on inclusion. Organizations realized that while they might have had modest success getting candidates in the door, those same candidates left, often citing feelings of exclusion and discomfort as a reason for leaving.

This created a cycle: the already difficult task of recruiting diverse talent became more difficult since diverse candidates began asking about the company's demographics, and the failure to bring in new diverse hires only made the current employees feel less included, which increased the chances they'd leave the company, therefore making it harder to recruit new diverse employees. And so on and so on.

Companies kicked their efforts up a notch and in addition to having recruiting mechanisms to increase diversity, they began adding programs aimed at promoting, engaging, and retaining diverse talent. This included mentoring programs, affinity groups (groups to represent needs of and be a voice for diverse employees), diversity councils, and various other programs geared toward bringing diverse employees into the company fold.

More recently, companies have adopted the term "belonging" instead of "inclusion" or "fit." Belonging is the feeling of psychological safety that employees feel when they can be their authentic selves at work, without fear that they'll be judged. The theory is that by focusing on belonging, rather than making people "fit" a preconceived notion, there will be a greater sense of true unity and collaboration and that will not only translate into more success in a company's quest to achieve diversity, but will also translate into greater business success.

"Old School" Plans No Longer Work

There were a few other issues that came up along the road from "diversity" to "diversity, inclusion, and belonging." In fact, less progressive companies are still somewhere on that path and might still be looking at diversity through the old-fashioned (and unsuccessful) lens of the 1970s and 1980s diversity plans.

When "diversity" was first introduced as an important workplace goal, it was often mixed in with compliance and legal issue. Many believed that achieving "diversity" was only a matter of complying with the law: enforcing antidiscrimination and antiharassment laws and implementing a legally

compliant equal employment opportunity (EEO) policy. For those companies with federal contracts, they also complied with legal requirements related to affirmative action plans. Affirmative action plans require that federal contractors track their employee demographics, specifically focusing on issues of gender, race/ethnicity, and veteran status. The plans also require that companies set goals to increase employee percentages in those categories if they are lower than they should be.

Unfortunately, companies conflated these legal mandates with diversity programs. We therefore saw (and still see) companies who say their “diversity plan” is to prohibit illegal discrimination and harassment and to publish and enforce an EEO policy. While it’s great that these companies are complying with minimum legal mandates, this is no diversity plan.

Why It Matters Now More Than Ever: Demographic Trends

For those of you who are on the fence about whether to start a diversity initiative (or strengthen an already-existing one), you should pay attention to two demographic trends that might influence your decision.

First, the United States is more racially and ethnically diverse and will be even more so in the coming years. In fact, by 2055, the United States will not have a racial or ethnic group that makes up a majority of the population.⁴

Additionally, millennials – those born between 1981 and 1996 – will surpass baby boomers as the country’s largest adult generation.⁵

The combination of these two trends means that the millennial generation is the most racially diverse adult generation in US history, with 43% indicating they are “non-white.”⁶

Why are these trends important?

One recent survey provides an answer. It shows that millennials not only expect companies to be committed to diversity and inclusion for

⁴D’Vera Cohn and Andrea Caumont, “10 Demographic Trends That Are Shaping the U.S. and the World,” Pew Research Center, 2016. <http://www.pewresearch.org/fact-tank/2016/03/31/10-demographic-trends-that-are-shaping-the-u-s-and-the-world/>

⁵Ibid.

⁶Ibid.

business reasons, they see it as a moral imperative and have unique ideas about how to measure success – subjectively by measuring engagement and connection, rather than just through numbers. In fact, data from the survey indicates that more than half would take a pay cut to work for a company who shares their values and nearly half (47%) actively look to see if their prospective employer has a diversity and inclusion program before making a final decision about whether to join a company.⁷

This is not to say that companies should ignore the obvious and proven financial benefits that come from having a diverse workforce, including the competitive advantage of talent acquisition and retention, but it does mean that a modern initiative will incorporate subjective factors related to innovation, relationships, and a sense of belonging into their initiatives.

Best Practices and Emerging Trends for Creating, Executing, and Selling Your Initiative

So how do the concepts of diversity, inclusion, belonging, and unconscious bias work at work? What can companies do to successfully design and execute a diversity initiative?

Leading companies make inclusion part of their DNA – not just with employees, but with customers, suppliers, investors, and other stakeholders. Here are some specific ways they use their commitment to these issues as a key to stave off workplace drama.

Authenticity

I've talked about the importance of authenticity already, but it's worth repeating, especially in the context of diversity and inclusion. Too many companies *say* they're committed to an inclusive culture that welcomes diverse employees. They write about it at length on their website, their

⁷Anna Johansson, "The One Philosophical Difference That Sets Millennials Apart in Workplace Diversity," *Forbes*, November 13, 2017. <https://www.forbes.com/sites/annajohansson/2017/11/13/the-one-philosophical-difference-that-sets-millennials-apart-in-workplace-diversity/#5e94285070c7>

recruiting and hiring managers know the “we love diversity” script by heart, and the company shows off about the various diversity awards they’ve won over the years. There’s only one problem – they don’t really mean it.

When you dig a bit deeper with these companies, you realize they have a hard time recruiting and even more so retaining women, ethnically and racially diverse professionals, disabled individuals, members of the LGBTQ community, and those who are allies to members of those communities. But why? After all, these companies have affinity groups for all those employees, they have a diversity council and they have leaders who say they are fully committed. Yes, but . . .

The truth is that when push comes to shove, their decisions highly favor the status quo. There is rampant bias – women getting “low-balled” during salary negotiations, diverse employees asked to serve on diversity councils with no rewards for that work at compensation time, high-powered leaders allowed to get away with misconduct.

Here’s the truth about authenticity when it comes to diversity: A company is much better off being honest and saying it doesn’t choose to emphasize diversity, instead of deceptively saying it is committed to it.

This point bears repeating: If your company isn’t fully and genuinely committed to diversity (or is lukewarm in its commitment), better to be quiet about diversity than to promote it as a core value.

I guarantee that faking it will come back to haunt you. Saying you’re committed to diversity to be “PC,” to improve your chances of getting investors to pay attention, to make it on a list of “best places to work” or simply to “look good” isn’t enough, and employees will smell the bogus pledge from miles away.

Seeing through inauthenticity

Here’s an example of a typical way in which a company with an inauthentic mission about diversity fares.

A diverse employee joins the company believing the hype that the organization is a champion of diversity. Soon, that diverse employee discovers she is paid less than her male counterparts, she sees male leaders are allowed to get away with misconduct, she sees hiring and promotion policies being skirted for the boss’s cronies, and she meets other employees who are equally dissatisfied with issues of fairness and equity.

This employee receives emails and attends events where the company brags about diversity awards and publishes its diversity newsletter touting the impact the company's diverse employees have in the industry.

Rather than having a positive effect, the company's disingenuous boasting about its commitment to diversity causes anger and backlash. "I mean, it's bad enough that the company isn't really committed to diversity," the employee thinks, "but what's worse is that the company leaders think I'm naive enough to believe they are, just because they publish glossy marketing material about it and brag about their sub-standard diversity numbers being only slightly better than the pathetic industry average."

All of the money, time, and effort this company has wasted on publicizing its commitment to hiring, promoting, and retaining top diverse talent is wasted and would be better spent on a corporate effort toward which the company has a true dedication.

Authenticity is a key ingredient to get your company to the top of the Healthy Workplace Color Pyramid, but it's especially critical as it relates to a company's commitment to diversity and inclusion.

Trickle-Down Effect

Yes, a true commitment to diversity starts at the top, but that authentic commitment needs to flow down to other managers and supervisors.

As stated in McKinsey's leading report on inclusion and diversity: "Companies increasingly recognize that commitment to inclusion and diversity starts at the top, with many companies publicly committing to an I&D agenda. Leading companies go further, cascading this commitment throughout their organizations, particularly to middle management. They promote ownership by their core businesses, encourage role modeling, hold their executives and managers to account, and ensure efforts are sufficiently resourced and supported centrally."⁸

⁸Vivian Hunt, Lareina Yee, Sara Prince, and Sundiatu Dixon-Fyle, "Delivering through Diversity," McKinsey & Company, 2018. <https://www.mckinsey.com/business-functions/organization/our-insights/delivering-through-diversity>

This means leading companies don't focus on old-fashioned metrics like setting numeric goals to evaluate manager performance (quota-setting); they develop fresh ways to teach managers how to create a sense of belonging. Leading companies teach managers innovative ways to discuss sensitive topics to help employees better understand each other, connect, and build empathy. Leading companies give managers clear information and guidance so they fully understand and are on board with the company's inclusion goals, and can clearly communicate those goals to their own employees. And leading companies involve managers in decision-making about the initiative, so they feel a true sense ownership in the process.

Creative Communication and Branding

Words matter. While the terms “diversity” and “inclusion” should conjure up positive images, they have become politically charged words, often eliciting extreme reactions.

I'm not suggesting we ditch these words altogether, but I do suggest taking a careful look at your workplace to gauge whether or not such terminology will doom your efforts from the start. Try working with your company's marketing and branding experts to come up with a unique brand for your diversity efforts, including any training.

While there is no magic word or phrase, I've had success with slogans such as “We Are One,” “Stronger Together,” and “One Team.” This and similar messaging that precisely defines the ultimate goal of your efforts – bringing together the entire mosaic of your talent – leads to a win-win for employees and companies alike.

Staying Current

Stay abreast of important terminology and what impact it has on your diversity and inclusion initiative. Your employees are probably hearing or reading about many of these cutting-edge terms on TV, podcasts, or on social media posts. A professional committed to inclusion must therefore keep up.

Belonging

Belonging isn't synonymous with “fitting in.” Brene Brown, a professor at the University of Houston who studies vulnerability and belonging, explains

the difference as: Fitting in and belonging are separate things. Fitting in involves people changing themselves in order to be accepted. Belonging allows people to be accepted as they are.⁹

Covering

New York University Professor Kenji Yoshino is a leading researcher on the topic of covering. Yoshino conducted research with his colleague Christie Smith based on a hypothesis that the pressure to “cover” sometimes prevents employees from bringing their authentic selves to work. He says, “under-represented groups pay a ‘tax,’ which we call ‘covering,’ in which they are asked to downplay their identity in order to fit into the mainstream.” He asked study respondents whether they covered along four axes: appearance, affiliation, advocacy, and association.

In addition to collecting aggregate data, his survey also asked respondents to share stories. Two he notes are, “when I wore my natural hair it always seemed to be the subject of conversation as if that single feature defined who I am as a person” and “even though I am of Chinese descent, I would never correct people if they make jokes or comments about Asian stereotypes.”

Yoshino’s research also found that straight white men often cover. He gives the example of Franklin D. Roosevelt, because the president was careful to hide his disability by sitting behind a desk for meetings and only being photographed or filmed from the waist up so people did not see him in a wheelchair.¹⁰

In fact, Christie has performed research that suggests that up to 45% of straight white men cover, for example, to downplay a mental health issue they might be experiencing.¹¹

⁹Brené. Brown, “Finding Our Way to True Belonging,” Ideas.ted.com, September 11, 2017. <https://ideas.ted.com/finding-our-way-to-true-belonging/>

¹⁰“Kenji Yoshino Explores the Costs of Conformity at Work,” *NYU Law*, April 30, 2014. <http://www.law.nyu.edu/news/kenji-yoshino-explores-the-cost-of-conformity-at-work>

¹¹Dorie Clark and Christie Smith, “Help Your Employees Be Themselves at Work,” *Harvard Business Review*, November 3, 2014. <https://hbr.org/2014/11/help-your-employees-be-themselves-at-work>

The significance of this research is that it highlights the importance of creating a mechanism to make sure all employees at your organization feel safe and comfortable being authentic, without fear that showing who they are (within the bounds of professionalism and appropriateness) will not cause exclusion.

Cultural Competency

With an increasingly diverse workforce that works with global colleagues and clients, it's essential that everyone at work become well-versed in customs, communication styles, and worldviews that are not recognized as stereotypically "American." While this doesn't mean we have to turn ourselves into pretzels or that we have to always be ultra-vigilant about political correctness, it does mean that if you're committed to being respectful and inclusive, and if you want to make everyone at work feel like they truly belong, then you will seek to not only become familiar with how others communicate, but will also be open to sharing information about your own preferences. This type of curiosity and mutual respect are hallmarks to a successful inclusion and diversity program.

Culture Fit

This term *culture fit* has received a bad rap, but for good reason. For too long, the term was used to weed out those who were considered "not like us" and that usually meant not of our race, ethnicity, religion, sexual orientation, or gender. The term itself has value, however. The key is to use the phrase precisely and to define it whenever it's used. It most often comes up during the hiring process when a hiring manager is choosing between candidates and wonders whether they will "fit" in their workplace culture.

If this term is used to exclude candidates based on a protected category, it's not only bad business, it's illegal. If, however, the term is being used to define the *work culture* – that is, the values, mission, and behaviors that make your company *your company* – then it's appropriate to use the phrase. But make sure everyone is on the same page. At an interview, tell the candidate, "At our company, we take our jobs seriously, but we don't take ourselves seriously. That means we are all committed to meeting our objective of working together and working hard to achieve our company goal to go public next year. We work long hours and everyone needs to wear five different hats in

order to get the job done. But we're very casual . . . professional and respectful, but casual and fun. We're really like a family here. We've found that people who are on board with this type of corporate culture succeed here. Does that sound like the type of culture that you'd thrive in?"

One final word on culture fit: Hiring for fit shouldn't mean that you hire only those who will blindly follow what is currently being done. Hiring those who are a "culture add" is often an effective way to keep your ideas and actions innovative.

Equity

Leading companies focus on equality, sure, but they also focus on equity. The distinction is important – whether achieving equity in hiring, promotion, or pay, savvy inclusion professionals know the difference. In short, equality means treating everyone the same, assuming the same resources will lead to equal success. Equity means giving employees what they actually need in order to succeed. This means learning your employees' language of workplace motivation, being open to providing a different way of succeeding without judgment that it is different from "your way," and having honest conversations with employees about what tools they need to succeed. It might also mean changing systems to address possible systemic barriers to equity.

Insider/Outsider

There is no magic definition for these words. An "insider" is someone who feels like they belong while an "outsider" feels like she's on the outside looking in. The importance of these terms isn't in their definition but in their application. If the goal of a sophisticated inclusion program is to make people feel authentic and as if they belong, then it's equally vital to recognize that there are a number of reasons why an employee might feel like an outsider. The trick is to develop mechanisms that recognize that some might feel excluded and then design plans to increase inclusion.

Intersectionality

Although still not widely recognized by the general public, *intersectionality* is a key term for anyone who wants to fully understand inclusion. The term

was coined by legal scholar and law professor Kimberlé Crenshaw. She first used it in a 1989 essay that discussed how antidiscrimination law, feminist theory, and political movements aimed to eliminate racism all fail to address the experiences of black women because they only focus on a single factor – race *or* gender. Crenshaw says that because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account can't fully explain the subordination black women are exposed to.¹²

Her research has been expanded to include other women of color as well as any other individual or employee who has intersecting characteristics. In fact, in the 2017 joint McKinsey/Lean In research study on women in the workplace, they found: “The intersection of race and gender shapes women’s experiences in meaningful ways. Women of color face more obstacles and a steeper path to leadership, from receiving less support from managers to getting promoted more slowly. This affects how they view the workplace and their opportunities for advancement. Overall, two patterns are clear: compared to white women, things are worse for women of color, and they are particularly difficult for Black women.”¹³

Microaggressions

“Microaggressions are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership.”¹⁴

¹² Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” University of Chicago Legal Forum, 1989. <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1052&context=uclf>

¹³ “Getting to Gender Equality Starts with Realizing How Far We Have to Go,” McKinsey & Company, 2017. <https://womenintheworkplace.com/>

¹⁴ Derald Sue, “Microaggressions: More Than Just Race.” *Psychology Today*, November 17, 2010. <https://www.psychologytoday.com/us/blog/microaggressions-in-everyday-life/201011/microaggressions-more-just-race>

Although some might dismiss these microaggressions as meaningless because they tend to be minor slights, in the aggregate they not only cause psychological harm to the recipient, they decrease the sense of belonging and therefore can sabotage your diversity and inclusion efforts.

Privilege

According to author and professor Michael Kimmel, “privilege comes in a myriad of forms, including race, gender, wealth, physical fitness, safety, and educational attainment and indeed height. However, the people who have those things are usually unaware of their power and influence.” He recommends that companies recognize and talk about the privilege and power that comes from having certain characteristics and use those to more evenly distribute power in workplace decision-making. Specifically, as it relates to gender relations at work, he recommends:

Making gender visible and showing men why having these conversations and solving problems is just as important for men as it is for women.

Tackling resistance to the idea of privilege in ways that increase understanding.

Making a business case for gender equality at work.

Making it personal by sharing stories about life at work and at home.¹⁵

...

Not every workplace will be ready to discuss some of these cutting-edge concepts in relation to their inclusion work, but for those of you who are ready to design and deploy a more advance, relevant and elegant plan, understanding these terms, and helping your workforce understand them, is crucial.

Measure, Analyze, Adjust

A strategic plan related to diversity and inclusion goals must also include a way to measure a company’s progress. First, determine your baseline –

¹⁵Fiona Smith, “ ‘Privilege Is Invisible to Those Who Have It’: Engaging Men in Workplace Equality,” *The Guardian*, June 7, 2016. <https://www.theguardian.com/sustainable-business/2016/jun/08/workplace-gender-equality-invisible-privilege>

where are you now? These measurements might include demographic data related to your employee population and should also measure employee's sense of belonging, employee engagement, and statistics that track the employee life cycle to identify barriers. These barriers might be evidenced in promotion rates, disparate salaries, candidate statistics, and employment yield rates (how many diverse candidates are offered jobs; how many accept the position offered). Also look at data related to attrition rates and data related to complaints, investigation and resolution of misconduct claims.

Once you've measured the information, analyze the data for possible blind spots or areas where additional intervention is necessary. And don't forget about the value of comments and stories. Combine those with the quantitative data to create a snapshot of where you are now, and create a plan to where you want to go (and how to get there).

Link to Your Business

Remain meticulous about linking efforts to drivers of business growth. Make the business case for diversity, but do so in a way that is customized for your organization.

Design Creative Training Programs

As I'll discuss in greater detail in Chapter 10, the key to workplace training is to focus on building skills, increasing understanding and empathy, and positively impacting behavior (as opposed to using fear-based, compliance-focused training, which companies have used for decades and which have done nothing to improve workplace culture).

One method I use in my "We Are One" sessions is to create meaningful connections. In an effort to promote genuine bonding and camaraderie, use training activities that highlight what employees have in common rather than focusing exclusively on differences.

Researchers from various universities banded together recently to explore this further. Specifically, they wanted to see if some creative diversity training techniques might be successful in creating greater understanding and connections.

First, the researchers used “perspective-taking” training, which “is essentially the process of mentally walking in someone else’s shoes.” They also used an activity involving goal setting – “asking training participants to set specific, measurable, and challenging (yet attainable) goals related to diversity in the workplace.”

While the researchers recognize that their experiment involved a small-scale sample of undergraduate students, their findings are nonetheless instructive. They found that both these exercises (perspective-taking and goal setting) positively affected behavior. The participants displayed more support and engaged in less mistreatment toward marginalized minorities.

The researchers recognize that these activities might be better (or worse) suited depending on the employee. For example, the perspective-taking exercise might be especially effective for employees who lack empathy, and might not have the same effect on those who already have strong empathy skills (likely because empathetic employees essentially already do perspective-taking exercises on their own, even if they’re unaware they’re doing so).¹⁶

The value of this experiment is to both highlight the need for creativity in training and to shift the focus away from attitudinal outcomes (the bias felt toward a group) or cognitive outcomes (how well-informed a person is about stereotypes and biases), and instead focus on positively affecting understanding, empathy, and behavior.

Relinquish Control

A pioneer in the study of workplace diversity efforts, Harvard Professor Frank Dobbins correctly advocates for companies to give managers more control in the process of developing and executing an inclusion and diversity strategy. Professor Dobbins notes that tools used by companies that are not authentically committed to diversity instead use tools that are “designed to preempt lawsuits by policing managers.” They are not meant to actually move the needle but instead are seen as an effective way to manage legal risk. But, Professor Dobbins notes, people often rebel against rules that are

¹⁶Alex Lindsey, Eden King, Ashley Membere, and Ho Kwan Cheung, “Two Types of Diversity Training That Really Work,” *Harvard Business Review*, July 28, 2017. <https://hbr.org/2017/07/two-types-of-diversity-training-that-really-work?autocomplete=true>

meant to repress autonomy, and therefore these measures often do more harm than good (“try to coerce me to do X,Y, or Z, and I’ll do the opposite just to prove I’m my own person.”).

Instead of trying to control managers, Professor Dobbins suggests we engage them in solving problems, increase their on-the-job contact with diverse employees, and promote social accountability (the desire to look fair-minded).¹⁷

Many companies have realized that paying attention to acquiring and retaining diverse talent, creating an environment of inclusion, and establishing ways to make all employees feel like they belong are key ways to prevent drama at work. The key is to study what leading companies are doing right and customize a plan in your organization to replicate those winning results.

¹⁷ Frank Dobbin and Alexandra Kalev, “Why Diversity Programs Fail,” *Harvard Business Review*, July–August 2016. <https://hbr.org/2016/07/why-diversity-programs-fail#comment-section>



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