

# Question

- **How do you quash the conscious AND unconscious bias of staff (especially senior, long serving or "old-school") in relation to protected characteristics?**
- **Train, reinforce, punitive measures?**

# The legal view

“Those who discriminate... do not in general advertise their prejudices: indeed, they may not even be aware of them.”

Lord Browne-Wilkinson in  
*Glasgow City Council v Zafar* [1998] IRLR 36 (HL)

“senior, long serving or old school type?”

# Examples of Unconscious bias (1)

- CEOs in the USA
- Presidents in the USA (some conscious bias)
- Closer to home

“Only 15 per cent of boardroom seats among Scotland’s listed trading companies are taken by women and there are **only nine** female executives working for these Scottish businesses”. Herald 21 November 2016

## Examples of Unconscious bias (2)

- Research – over 150 types
- **Affinity bias-** favour people like us
- **Halo effect-** all is good because I like you
- **Confirmation bias-** interpret data supportive of our preconceptions

# Starting point in Tackling bias

- What is your organisation trying to achieve?
- Mere regulatory compliance ?
- Individual/organisational change?
- “Managing bias is an essential part of building diverse and **high performing** organisations”

Sheryl Sanberg CEO Facebook

# Senior management support

- The ‘credibility of the messenger’ - key
- e.g. PLC bank – CEO input
- The “bigger picture” message not aimed at individuals but whole organisation and beyond- e.g suppliers
- De–personalise the approach- more buy in?

# Explain “why” diversity is required

- Compliance yes
- Plus it promotes greater innovation from more diverse thinking across a broader group
- Improves the quality of decision making

# Compliance training

- Mandatory equality training on the protected characteristics and refreshers
- Emphasise conscious intent not necessary to prove unlawful discrimination
- Appoint “Diversity Champions”
- Online Q&A reminders/tests –say annually
- Highlight the following ?

# Personal Liability - It could be you

# Unconscious bias training-Separate

- Explain “why” –organisational benefit
- Emphasise most people are unconsciously biased- not always discriminatory
- Aim is greater **self understanding** to help decision making and actions
- Non confrontational approach to assist **ongoing** discussion
- Initially at HR /senior management level

# Staff may take unconscious bias tests

- Implicit Association Tests (IATs)
- <https://implicit.harvard.edu/implicit/demo/>
- IAT measures the strengths of links you make between concepts, for e.g. race or sexuality and evaluation of stereotypes such as whether those concepts are good or bad
- Health warning- the IAT has attracted a degree of controversy re its findings
- Appears to be viewed as best to date

# Look beyond Protected Characteristics

- Reduces the “threat” aspect of training
- Asses how unconscious bias impacts the organisation in areas such as
  - Recruitment
  - Promotion
  - Work allocation
- Assessing witness credibility in disciplinary investigations and hearings

# Unconscious Bias Training

- E-learning courses
- Google-YouTube training
- <https://www.youtube.com/watch?v=nLjFTHTgEVU>
- Higher education sector training pack  
[pubs@ecu.ac.uk](mailto:pubs@ecu.ac.uk)

# Reinforce and support

- Robust clear policies
- Confidential helpline
- Managers must nip issues in the bud e.g. “banter creep” beyond the acceptable
- Appoint Diversity Champions
- e.g PWC requires all staff and partners to complete annual unconscious bias training

# Punitive Measures?

- Zero tolerance of direct discrimination (except age which can be justified)-
- Message re-inforced in Disciplinary/Equality policy and at Senior leadership level-  
Dismissal likely sanction in serious cases
- Remember sanction (e.g. dismissal) has to fall within the band of reasonable responses for fair dismissal

# Organisational bias -an issue? (1)

- Every organisation has its own culture
- Often defined by its “values” or “philosophy”
- But do the stated values reflect reality ?
- If not does anything need to be done ?
- “walk the talk” or lose credibility

## Organisational bias an issue ? (2)

- e.g **Francis v London Probation Trust**
- Race discrimination
- Afro Caribbean v white candidate- promotion
- No history of racial slurs/poor treatment
- ET held white panel took inconsistent approach in scoring –de facto glass ceiling
- Only white staff got informal sponsorship or encouragement-no evidence of deliberate intent-statistical evidence relevant

# Organisational strategies to limit bias (1)

- Create the right environment-rushed decisions- higher risk of bias
- CV blind approach-no name /schools/FE/HE
- Use diverse decision-making committees
- Monitor the language being used
- Conduct an Equality Impact Assessment
- Appraisal appeals by independent person with unconscious bias training ?

# Organisational strategies to limit bias (2)

- Promote broader networking especially by senior employees –beyond old boys network
- Equality data gathering and interpretation
- Promote shared parental leave /equal pay etc
- Undertake gender pay gap reporting even if not to be covered by legislation

# Conclusion on Quashing Staff Bias

- Leadership by example
- No quick fix
- Quashing staff bias/embedding a different culture is a continuous process
- Use a multi faceted approach
- Rollout clear policies
- use objective standard interview questioning
- Diversity and Unconscious Bias training

## Conclusion on Quashing Staff Bias (2)

- Not a blame game -don't target groups which could it itself infer bias
- Training cost constraints but bias most prevalent when individuals under pressure
- Utilise free online resources
- Calls made for Government to provide effective equality and unconscious bias training Toolkits –watch this space

# The best work on their weaknesses

# Questions

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