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Strategy, Access, & Leadership in San Antonio



How Implicit Bias Affects LGBTQ Employees: From Inclusion to Gender Transition





Introduction

Hi, I'm Mindy!

Trial Lawyer to Mom to
Bias Educator/Workplace Investigator

Introduction

Mahnaz Afkhami

**Iranian-American Human rights activist; b.
1941**

“We have the ability to achieve, if we master the necessary goodwill, a common global society blessed with a shared culture of peace that is nourished by the ethnic, national and local diversities that enrich our lives.”



What is Implicit Bias

Implicit bias refers to unconscious attitudes and stereotypes that we all hold about certain characteristics like race, ethnicity, gender, age, appearance, sexual orientation, and disability, amongst others.



Implicit Bias

These biases can either evoke positive or negative feelings about a person or group of people. And because these biases lie in our deep subconscious, most people are unable to easily understand and confront them.



Attitudes

These attitudes form over the course of our life and are influenced by early life experiences and societal or community attitudes we were subjected to.





Our Make-up



**Visible
Diversity
Traits**



**Invisible
Diversity
Traits**



Skin color Gender

Physical Abilities Behaviors Physical Traits Body Size/Type

**Religion Socio-economic Status Sexual Orientation Beliefs
Military Experience Level in Organization Ethnicity Culture
Communication Style Parental Status Values Habits
Education Thinking Styles Native born/non native
Personality Work Background Marital Status
Family Size Life Experiences Geography**



KNOWLEDGE

Understanding Your Implicit Bias Allows You to Understand Yourself



Biased? Not me.

Yes, EVERYONE has a set of unconscious, lifelong biases that affect how we interact with work and other humans. From who we chose to be friends with, marry, hire, promote, we are influenced by these unconscious attitudes in our decision making process.



Biased? Not me.

Implicit bias lies within all of us. It is very common and even those who strive to have commitments to openness and a nonjudgmental mindset, often harbor as many as anyone else.

And that's okay!

When do our biases affect us?

In all our interactions, unconscious beliefs inform our actions.

- Should I be friends with this person?
- Sit by them on the bus?
- Hire?
- Promote?
- Trust with my marketing?



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Science

Our brains are wired for survival

- Should I eat this?
- Will that kill me?

Split Second Decisions



Effects of our biases

1. Baby Name
2. Cowboys and Indians
3. Comfort Zone





Quote

A lot of different flowers make a bouquet.”

— *Muslim Origin*

Education

→ BLIND SPOT (BIAS)

→ EDUCATION = DESIRE TO GROW AS A HUMAN

→ RECOGNITION

→ REDIRECT BIAS/ACT MINDFULLY



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Harvard Implicit Associations Test

Implicit Association Test

Not A Report Card

A Starting Off Point



Learn Your Bias

Some Examples:

Children's Museum Volunteer

PJ- Overweight Interviewee

My Own Bias





Taking a look within

Understanding Diversity Begins with Understanding Yourself

Take a moment to yourself and answer these:

1. In my family, children are expected to _____
2. I often feel uncomfortable around people who are _____
3. I am proud to be _____
4. When I hear people speaking another language I think they are ____

Taking a look within

Take a moment to yourself and answer these:

1. Think about your childhood. Who were your friends and neighbors? Were you same religion, race as them?
2. I often feel uncomfortable around people who are
3. Do you have a type when choosing a mate?
4. When have you been the different one? For people of color, when have you been the same?



Quote

“We find comfort among those who agree with us - growth among those who don't.”

— *Frank Clark*





Growth: Internal

1. Know yourself
2. Go slow be aware
3. Rewrite the script

Be An Inclusion Ally

Definition:

An advocate for inclusion and equity and providing support for people and groups different from yours



Key Inclusion Ally Behaviors

1. Get to know people different from you.
2. Create a sense of “safety” for your friends and colleagues.
3. Speak up when people are being excluded.
4. Use your privilege in a positive way: be an ally for a group from which you are different.
5. Ask who else needs to be in the room for better outcomes.
6. Become skilled at having difficult conversations and resolving conflict.
7. Monitor your own assumptions and blind spots.
8. Listen as an ally – first listen and then engage.
9. Encourage the contribution of all.

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Legal Landscape

The law is changing rapidly in this area and employers must be aware of these developments. Having an understanding of bias and how it translates into practices at work is key to avoiding expensive and stressful lawsuits.



Legal Landscape

1. **Executive Order 13672- Banned discrimination on the basis of gender identity or sexual orientation by federal agencies or contractors.**
2. **EEOC Guidance- directive to investigate discrimination and harassment claims of LBGQT individuals under Title VII**
3. **March 2016- EEOC brought its first two lawsuits against private employers alleging sexual orientation discrimination**
4. **Hively v. Ivey Tech (7th Cir. Apri.4, 2017)**
 - **Landmark decision- extended Title VII protections to include discrimination based on sexual orientation**

Legal Landscape

What Happens Now?

- For now EO 13672 is still in place
- Trump has signaled he will rescind the “Transgender Bathroom Order”
- EEOC Leadership changes
- NLRB Leadership Changes
- Supreme Court Changes



Implicit Bias in the Workplace

Everyone has:

- 1. Sex Assigned at Birth**
- 2. Gender Identity**
- 3. Gender Expression**
- 4. Sexual Orientation**



Implicit Bias in the Workplace

First let's think about the double bind many LGBTQ people face, generally: example
Lesbian

→ both gay and a woman

Then add in Race, Ethnicity, Gender Normative Behavior, Weight, Social Status, etc..

Binary in relation to straight counterparts



How Does Implicit Bias Play a Role

Inclusion

Gender Norms

Institutional/ Structural Discrimination



Best Practices

Handling HR Complaints
LGBTQ resource Group

Handling a Transitioning Employee



Best Practices: HR Complaints

Handling HR Complaints

LGBTQ Resource Group

Identify Sponsor in Management

Have a strong policy and publicize well



Best Practices: Gender Transitions

“A business that includes “gender identity” in its non-discrimination policy should be prepared to manage a gender transition.”
Human Rights Campaign

They are a great resource.

Also check out www.transgenderlawcenter.org



Best Practices: Gender Transition

Guidelines should address:

- Who in the business is charged with helping a transitioning employee manage their workplace transition;
- what a transitioning employee can expect from management;
- what management's expectations are for staff, transitioning employees, and any existing LGBTQ
- employee group in facilitating a successful workplace transition;
- what the general procedure is for implementing transition-related workplace changes, such as adjusting personnel and administrative records, as well as a communication plan for coworkers and clients.
- answers to frequently asked questions about dress codes and restroom use.



Strategies Moving Forward

So we have some Best Practices. Great!
But then Implicit Bias creeps back in...

Implicit Bias can interfere with the best laid plans.

Biases must be acknowledged, understood, and addressed.

Implicit Bias training is critical



Strategies Moving Forward

Strategies Going Forward

- 1. Know thyself**
- 2. Self Discipline**
- 3. Kindness Counts!**
- 4. Listen with an open mind**



Strategies Moving Forward

Call to Action

1. Discipline in overcoming your Bias when it pops up (learning to pause)
2. Commitment to bias awareness and your attitudes reflective of that commitment in your workspace/ personal life
3. Opening your mind to new experiences other than your own for real growth



Strategies Moving Forward

Call to Action For Employers

Those in HR and management must have training and understanding of Implicit Bias.

Employees need a place to discuss sensitive issues

By understanding your own bias, you can be an ambassador of change for those around you.





Thanks for Coming!

Mindy J. Gulati

Fundamental Advisory| Gulati Firm

mindy@fundamentaladvisory.com

www.fundamentaladvisory.com

www.gulatifirm.com