

A New Plan of Reorganization

Gender and racial bias in the restructuring industry

November 2024

Joan C. Williams, JD, Asma Ghani, PhD, Rachel M. Korn, PhD, Alina Kilcullen, BA

This research was supported by the American College of Bankruptcy in partnership with the Focus on Gender Committee.

About Equality Action Center

Equality Action Center at UC Law SF seeks to advance racial, gender, and class equality in the workplace and in politics. Our initiatives address inequality at a structural level with concrete, evidence-based interventions. We lead programs that cultivate leadership and level the playing field for everyone. Our focus is pragmatic: our rigorous research is linked with practical steps to produce social or organizational change within a two- to five-year time frame. To learn more about Equality Action Center's impact, visit equalityactioncenter.org

Equality Action Center, 2024. This work is licensed under a Creative Commons Attribution 4.0 International. Redistribution and adaptation is encouraged.

Foreword

The mere existence of this comprehensive study on gender bias within the corporate restructuring industry represents a seismic moment for many women who are restructuring professionals. It is our sincere hope that the restructuring firms that have participated in this project will utilize the robust resources provided as an offshoot of this survey to significantly decrease bias in our field and make our industry fairer for all who work in it.

By way of introduction, we'd like to mention how this study came about. This gender project has been taking shape among women in restructuring for over 40 years. While it was acknowledged industry-wide that relatively few women have entered and risen in prominence over the past 25 years, it was the pause created by the Covid 19 pandemic that gave us the opportunity to connect with one another in a more thoughtful way and reflect on our home and work life and our relationship to our industry. These reflections and the resultant discussions provided a call to action to the group of senior and junior women who conceived of and executed this project.

We convened a power-packed committee of women with conviction and sponsorship support, and we partnered with their firms and the American College of Bankruptcy, working closely with its DEI and Education subcommittees, to form a plan. Our mission was to educate our industry on bias awareness and ingrained behaviors of systematic bias, and to provide practical tools to our firms to combat bias. By underwriting this study, we've turned the lens inward and obtained data that has been analyzed by a team of recognized experts and esteemed academics. This data and analysis have allowed us to examine our bias and provided us with tools that represent meaningful interrupters for lasting positive change.

This study is a guide for the next generation of leaders in restructuring. It supports a moral imperative to make our workplaces fairer. We sincerely hope that each of the courageous firms that participated in this study will use these tools. We honestly can't think of a more meaningful accomplishment than helping our profession to become stronger, more equitable and better positioned for the future.

Acknowledgements

The Focus on Gender Committee would like to express gratitude to all women, past and present, in the corporate restructuring industry. They are attorneys, financial advisors, investment bankers, commercial bankers, appraisers, auctioneers, claims and noticing agents, trustees, ombudsman, mediators, chief restructuring officers, interim chief financial officers, crisis communications experts, independent directors, federal judges, and federal circuit judges. The sheer combined will of these women, represented and embodied by our committee, has made this ground-breaking study possible.

Specifically, we'd like to thank the members of the Focus on Gender Committee whose dedication to equality made this study possible: Brenda Adrian, Rachel Albanese, Ana Alfonso, Nelly Almeida, Katie Coleman, Corinne Ball, Ronit J. Berkovich, Pamela Corrie, Maria DiConza, Shana Elberg, Kristin Going, Susan Golden, Nicole Greenblatt, Surbhi Gupta, Laura Davis Jones, Lori Lapin Jones, Christine Kim, Jennifer Kimble MacGreevey, Mary Korycki, Jeanine Krattiger, M. Natasha Labovitz, Angela Libby, Jessica Liou, Elizabeth McColm, Debra McElligott Sinclair, Deirdre O'Connor, Christine Okike, Deborah Reiger-Paganis, Kasey Rosado, Laureen Ryan, Cristine Pirro-Schwarzman, Mackenzie Shea, Jamila Willis, Anu Yerramalli, Blanche Zelmanovich.

We are also grateful for the support of The American College of Bankruptcy and their DEI and Education committees who provided support and guidance throughout the process of underwriting and execution of this ground-breaking study in corporate restructuring.

Equality Action Center would also like to thank the following individuals for generously donating their time to this important work: Raafiya Ali Khan, Chelsey Crowley, Jamie Dolkas, Henrique Ferreira-Menezes, and Ryan Malek-Maple.

Contents

Acknowledgements..... 3

Executive summary 5

Background10

 The current study.....11

Results14

 Impacts of bias15

 Prove-it-again bias.....16

 Tightrope bias.....21

 Maternal Wall bias26

 Tug of War bias31

 Racial stereotyping34

 Other informal workplace interactions41

 Workplace processes and policies45

 Outcomes69

 Sexual harassment71

 The boys’ club.....77

 Additional types of bias.....79

 Firm type86

Conclusion 103

Methodology 104

Endnotes 107

Bias Interrupters109

 Interrupting Bias in Hiring and Recruitment111

 Interrupting Bias in Access to Opportunities.....122

 Interrupting Bias in Performance Evaluations.....129

 Interrupting Bias in Meetings.....136

 Designing Fair and Effective Family Leave141

 Designing Fair and Effective Workplace Flexibility.....145

 Interrupting Bias in Partner Compensation148

 Tools for Retention152

Endnotes153

Executive summary

This report provides a comprehensive picture of how gender and racial bias play out in the restructuring field. In June 2024, Equality Action Center at the University of California Law, San Francisco and the American College of Bankruptcy launched a survey seeking to understand how bias impacts the experiences of professionals in the restructuring industry:

764 respondents completed the survey

We found substantial levels of bias in restructuring based on race, gender, age, disability, as well as LGBTQ+ status. To examine how bias impacts different groups, we compare the experiences of men and women across different racial/ethnic groups. We examine the experiences of: Black and Latino/a men and women, Asian men and woman, and White men and women. We find that the experiences of Black, Latino, multiracial and other historically excluded minorities¹ often differ not only from White respondents but from professionals of Asian descent as well.

¹ Our sample size of Black, Latino, multiracial, and other historically excluded minorities was too small to disaggregate groups without compromising our ability to draw conclusions. Because roughly two-thirds of this group was either Black or Latino, for readability we refer to this group as Black and Latino men or Black and Latina women.

5 A New Plan of Reorganization: Gender and racial bias in the restructuring industry
Equality Action Center | University of California Law San Francisco

We found substantial levels of bias in restructuring based on:

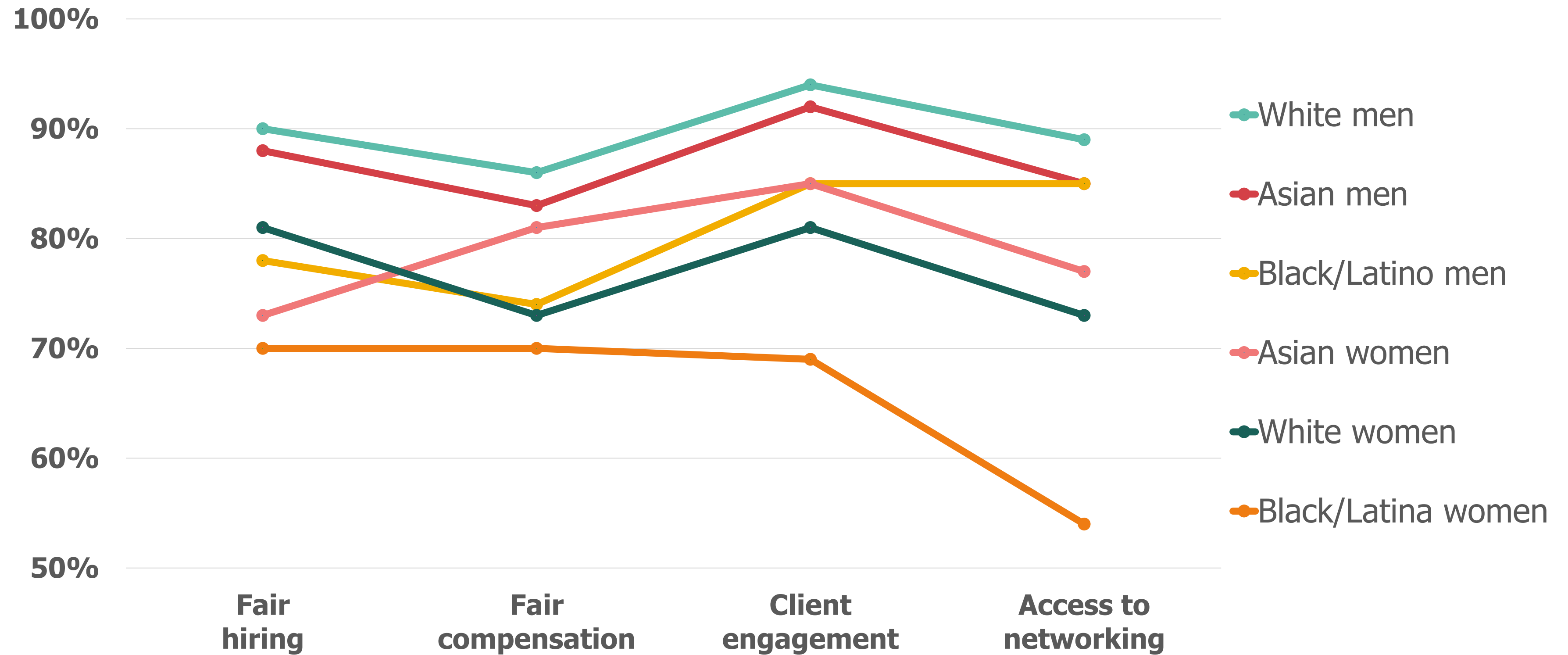
Race & Gender

Age

Disability

LGBTQ+ status

White men report the best experiences; other groups report less fairness



Women and people of color report bias in the restructuring field

- **White men see a meritocracy; all other groups report less fairness and more bias.** 93% of White men say they have fair access to business development opportunities, 91% are satisfied with their careers, 90% say they are given fair recognition for their work, 90% say that people like them have a fair chance of getting hired, and 88% say they're expected to play a leadership role. Other groups report more bias and less fairness.
- **Black and Latina women report the most negative workplace experiences.** They consistently (but not invariably) report the most bias and the least fairness of any group.
- **Bias fuels turnover.** Bias accounted for 63% of the variation in reports of being excluded at work, and 31% of the variation in intent to stay.
- **Over half of women report sexism.** Nearly 60% of White, Black, and Latina women, and over 40% of Asian women, report experiencing sexism at their current firms.
- **Over a quarter of people of color report racism at their current firm.** Nearly a third of Black and Latina women, and over a quarter of men of color and Asian women, report racism at their current firms.
- **Women and people of color report Prove-it-again bias.** Black and Latina women are over three and a half times more likely than White men to report having to prove themselves over and over again in the workplace, followed by White women, Asian women, Black and Latino men, and Asian men.
- **Prove-it-again bias is strongest against older women.** Women of color over 50 report having to work twice as hard for recognition at a level nearly 60 percentage points higher than older White men, with older White women not far behind, almost 46 points higher than older White men.
- **Prove-it-again bias impacts LGBTQ+ individuals and people with disabilities.** Nearly half of LGBTQ+ respondents report Prove-it-again bias in the workplace, compared to about a quarter of straight respondents. Individuals with disabilities also report Prove-it-again bias at higher rates than those without disabilities.
- **Women report more Tightrope bias.** White women, closely followed by Black and Latina women, are the most likely to report being interrupted in meetings, at a rate 40-45 points higher than White men. Asian and White women are more likely to report pressure to be "worker bees", at a rate 17 points higher than White men.
- **Women report more Maternal Wall bias.** White mothers are 47 points more likely than White fathers to report that having children changed their colleagues' assessment of their commitment and competence. Around half of White women and Black and Latina women report that taking family leave would be detrimental to their careers, compared to 30% of White men.

- **Women and people of color report that bias against their group creates conflict and competition within it.** Around half of Black and Latina women, and 27% of Asian women, report fears that poor performance by a member of their group would reflect poorly on them, compared to only 4% of White men.
- **Sexual harassment is common—and makes men as well as women uncomfortable.** One in five White and Black and Latina women report unwanted physical contact in the workplace. Nearly half of Black and Latina women and over 40% of White women report sexual stories or jokes that made them uncomfortable. Over a quarter (27%) of men of color and nearly 20% of White men report they have been uncomfortable, too.
- **Bias based on racial stereotypes differs by group:**
 - Asian men and women are 20 points less likely than White men to report being expected to play a leadership role at their firms.
 - Half of Asian women also report being valued for their technical skills, but not managerial ones, at a rate 21 percentage points higher than White men.
 - Black and Latino/a men and women are 15-16 points more likely than White men to report disrespect and humiliation in their workplaces.
 - Black and Latina women are 30 points more likely than White men to report having to work harder than others to be seen as team players.

Pervasive bias in workplace systems

- **Women of all races report disproportionate loads of undervalued “office housework.”** Nearly 7 in 10 Black and Latina women, and nearly 6 in 10 Asian and White women, report taking on more behind-the-scenes work than colleagues in comparable roles and seniority. White men are only half as likely as women to report doing more undervalued office housework than their colleagues.
- **Women and people of color were less likely to report fair recognition for their work, and less access to career-enhancing work.** Around 90% of all groups felt their work makes a meaningful contribution, but only 67% of Black and Latina women report receiving fair recognition (compared with over 90% of White men). Black and Latina women were 18 points less likely, Asian women 13 points less likely, and White women 10 points less likely, than White men to report fair access to career-enhancing work.
- **White women report being excluded from origination credit.** Almost 30% of White women report being excluded from origination credit, compared to 17% of White men.
- **A (White male) boys’ club makes it harder for other groups to advance.** Nearly two-thirds of women of color, and over half of Asian men and White women, report having a hard time getting ahead because their firms had a (White male) boys’ club culture.

- **Women and people of color reported higher levels of bias than White men regarding equal opportunities in workplace systems.**

Bias was reported in hiring, networking opportunities, sponsorship opportunities, compensation, and promotions. In other words, gender and racial bias were reported in all basic workplace processes.

Individuals in financial advisory firms report less bias than those in law and other firms

Though White men's workplace experiences did not differ depending on where they worked, women and people of color report lower incidence of many kinds of bias in financial advisory firms than in other types of organizations. As compared with financial advisory firms, we find that in law firms, investment banks and other types of organizations²:

- Women of color report more racism, sexual harassment, in-group favoritism, and bias in performance evaluations, advancement, and networking.
- Men of color report more racism, Prove-it-again bias, and conflict within their own groups.
- White women report more sexism, sexual harassment, Prove-it-again bias, and bias in office housework, performance evaluations, advancement, and networking.
- "Masculinity contest culture" was more prevalent. (See p. 79 for a definition.)

Although bias is commonplace, it can be interrupted

Firms that rely on informal processes to conduct hiring, performance evaluations, and meetings may be introducing bias in their workplace systems, but this is not inevitable: firms with a structured process are more likely to be evaluating individuals on job-relevant criteria. We've distilled years of research in our Bias Interrupters Toolkits for the Restructuring Industry, available at the end of this report. These Toolkits provide easy-to-implement, measurable tweaks to existing workplace systems to interrupt racial and gender bias. Our Bias Interrupters have been proven to level the playing field for everyone: individuals with disabilities, LGBTQ+ individuals, class migrants, and introverted men, in addition to women and people of color.

² For readability, we refer to law firms, investment banks, and other types of organizations other than financial advisory firms as "law firms" because 70% of survey respondents who worked in such organizations were at law firms.

Background

The restructuring industry, including lawyers, financial advisors, and investment bankers, has historically been male-dominated. Even today, it is common for a woman in restructuring to be the only woman in a room full of men.¹ This lack of representation means that women are often expected to conform to the way men have always behaved and may face bias and pushback for acting authentically in the workplace.

In the United States, the legal profession remains one of the least diverse occupations.² As of 2020, women made up 27% of all lawyers in private firms, and people of color made up 18%.³

While these numbers indicate an increase in diversity in firms over the previous 5 years, the statistics drop significantly when assessed at the partner level. Women accounted for 25% of partners, and people of color made up 10%.⁴ Even more shocking, almost 50% of firms do not have a single woman of color partner,⁵ and Black and Latina women account for less than 1% of all partners.⁶ Even with recent increases in representation, women still face unique challenges in the restructuring industry, including balancing time to care for their families with the needs of a demanding career. These challenges are exacerbated by barriers such as a lack of flexibility in schedules, which means that some women

have resorted to non-traditional career paths in order to maintain their careers while raising a family.⁷

The importance of a level playing field for all employees within the restructuring industry extends beyond the impact on individuals and firms; it also has critical implications for those represented by restructuring firms. Previous research on personal bankruptcy cases finds that Black filers are more likely to have their cases dismissed than White filers.⁸ One potential cause for case dismissal is in-group favoritism: individuals tend to associate with those similar to themselves, which means that if professionals in the restructuring industry are White they are more likely to dismiss the cases of Black filers.⁹ The research supports this hypothesis: Black filers are more likely to have their cases dismissed when assigned to a White bankruptcy trustee.¹⁰ Reducing bias in the restructuring industry would improve the experiences of those working in restructuring as well as outcomes for women and people of color being represented in bankruptcy cases.

The current study builds on this important work to highlight the impacts of bias on women and people of color in the restructuring industry and lays out a path forward for firms to level the playing field for their employees.

The current study

In June 2024, Equality Action Center at the University of California Law, San Francisco, commissioned by the American College of Bankruptcy, designed and launched a survey to investigate how bias plays out in the field of restructuring. The survey was sent to lawyers at over 80 financial advisory firms, law firms, investment banks, and other types of organizations, and respondents answered questions about their experiences at their firms. Over 900 respondents answered a portion of the survey; this report highlights data from the 764 individuals who provided demographic information as well as information about their workplace experiences. Further information on the survey participants can be found in the methodology section on page 105.

The survey documents how bias plays out in everyday workplace interactions. Bias in the workplace occurs when systems or individuals unfairly favor some groups over others. Equality Action Center's research, spanning a lot of industries and individuals, consistently documents five basic patterns of bias:

Prove-it-again bias: Groups that are stereotyped as less competent need to provide more evidence of competence to be seen as equally competent, as when a woman needs stronger qualifications than a man applying for the same position.

Tightrope bias: Assertiveness are less accepted from some groups than others, as when a Black man exhibiting authoritative behavior is seen as intimidating, while a White man doing the same thing is seen authoritative.

Maternal Wall bias: When women have children, it can change colleagues' perception of their commitment and competence. Managers may also withhold career-enhancing work on the grounds "this isn't a good time for her."

Tug of War bias: Bias against a group can fuel conflict within the group, as when it's seen as favoritism (not merit) when a Latina advocates for another Latina.

Racial bias that differs by group: Stereotypes differ by group, as when Asians are seen as high in technical skills but lacking in leadership potential.

In addition, the survey asked respondents about their perceptions of fairness of workplace processes like access to opportunities and hiring, as well as outcomes and other questions about firm culture.

Our survey results paint a picture of the everyday experiences of bias faced by women and people of color. We found distinct patterns of bias in the restructuring industry based on race, gender, age, disability, and LGBTQ+ status. To investigate the effects of bias on different groups, we compare the experiences of men and women across different racial/ethnic groups. We examine the experiences of: Black and Latino/a men and women, Asian men and woman, and White men and women. We find that the experiences of Black, Latino, multiracial and other historically excluded groups³ often differs not only from White respondents but also from professionals of Asian descent.



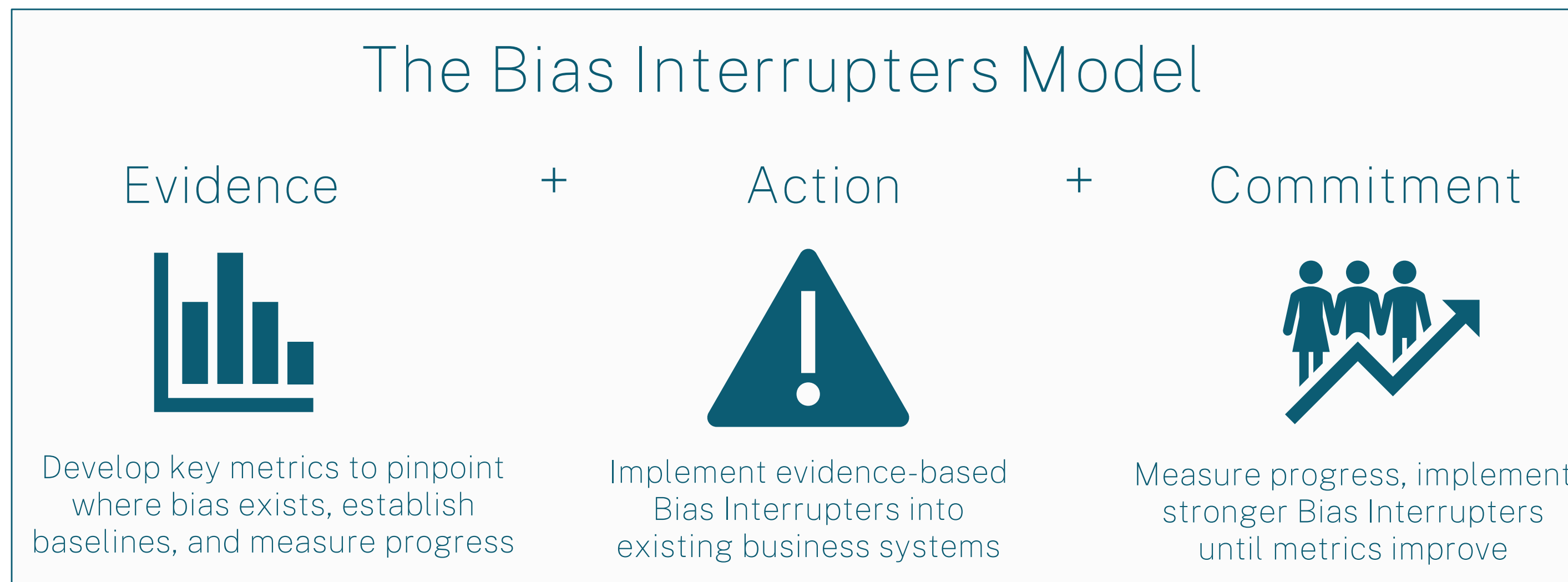
³ Our sample size of Black, Latino, multiracial, and other historically excluded minorities was too small to disaggregate groups without compromising our ability to draw conclusions. Because roughly two-thirds of this group was either Black or Latino, for readability we refer to this group as Black and Latino men or Black and Latina women.

These survey results highlight the importance of understanding how bias affects historically excluded groups in the workplace, and of making impactful systemic changes.

The EAC model is straightforward: to *address systemic bias, you need to change systems*. To successfully interrupt bias in the workplace, organizations should follow these three steps:

- 1. Evidence.** Develop metrics to pinpoint exactly where bias is playing out, and establish baselines so you can measure progress.
- 2. Action.** Implement evidence-based Bias Interrupters into existing business systems.
- 3. Commitment.** Measure progress, implement stronger Bias Interrupters until metrics improve.

At the end of the report, you will find our Bias Interrupters for the Restructuring industry: a curated menu of tools that firms can use to level the playing field for all groups.



The background features a series of overlapping, wavy bands in dark blue and light blue. Faint, semi-transparent financial charts, including a candlestick chart and a bar chart, are visible in the background.

RESULTS

Impacts of bias

Bias had a strong impact on how individuals felt about both the fairness of their workplace systems and outcomes like intent to stay. We conducted multiple regression analyses using composite scores for each of the bias patterns and workplace processes, and found that bias has a measurable impact on the experiences of individuals in the restructuring field:

Exclusion: Bias had a particularly strong impact on exclusion: collectively, the patterns of bias accounted for 63% of the variation in reports of feeling excluded at work.

Access to opportunities: Bias accounted for 50% of the variation in whether or not individuals felt their access to opportunities was fair.

Office housework. The patterns of bias accounted for 49% of the variation in whether individuals report being saddled with greater office housework burdens than their peers.

Career satisfaction: Bias accounted for 35% of the variation in career satisfaction.

Belonging. Bias accounted for 34% of the variation in individuals' sense of belonging at their organizations.

Engagement. The patterns of bias accounted for 33% of the variation in feeling engaged at work.

Intent to stay: Bias accounted for 31% of the variation in individuals' reports of whether they are likely to stay long-term at their current firms.

Prior research shows that even small amounts of bias can add up to be career-defining. A computer simulation study built a model with 5% bias against women at each level and found that a company that starts out with 50/50 men and women will only be 2% women at the C-suite: the effects of bias compound at each level to have devastating impacts.¹¹

Prove-it-again bias

Assumptions of incompetence affect every group much more than White men

Stereotypes about who is competent **and** who isn't make the workplace more difficult for everyone who doesn't fit the expected image of a brilliant lawyer.¹²

We found that Black and Latina women report the strongest negative competence assumptions, followed closely by White and Asian women, Black and Latino men, and Asian men. Black and Latina women are on average over three and a half times as likely to report prove-it-again bias compared to White men. Throughout we will be drawing quotes from the survey. Here are some:

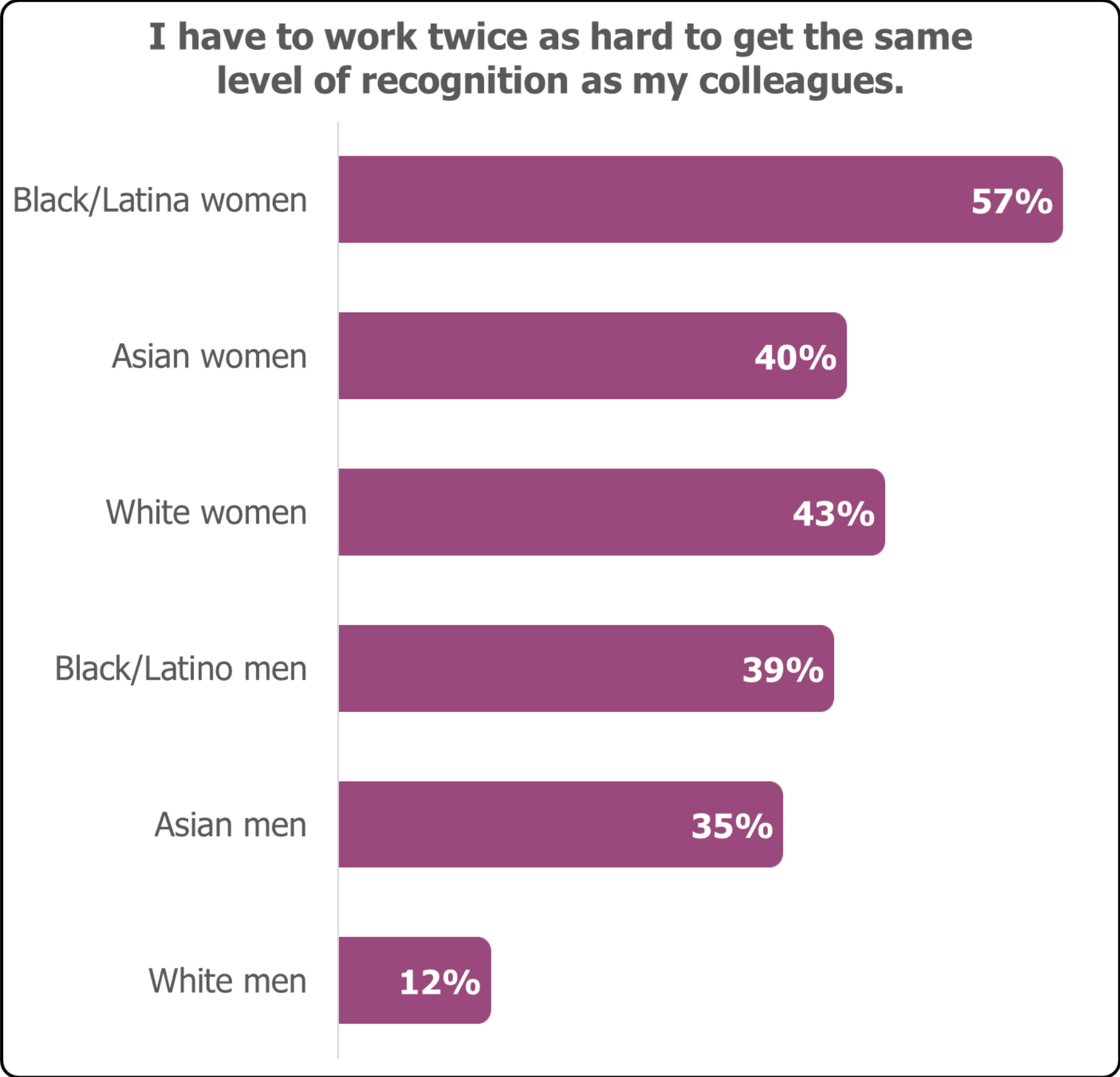
I have been asked in the past to do significant work beyond my level which I achieved with ease but seemed to have gotten passed over for promotions which were given to others that did not have the same level of technical skill. -White woman

...laughing at my technical skills and saying they're rudimentary when I know for a fact they are of the same quality or even better than the work product they made, [or] not acknowledging the merits or quality that went into the deliverables I make and demeaning the quality or dismissing it defensively.
- South Asian woman

Black and Latina women report having to work twice as hard to get half as far

When most people think of a brilliant lawyer, what springs to mind is a White man.¹³ That explains why 57% of Black and Latina women—but only 12% of White men—report having to work twice as hard to get the same level of respect and recognition their colleagues. All men of color and White and Asian women fell in the middle – their experiences closer to Black and Latina women than White men.

“
I rarely got any positive feedback from what I did positively, only passive aggressive negative impacts when I made missteps.
-Black woman
”

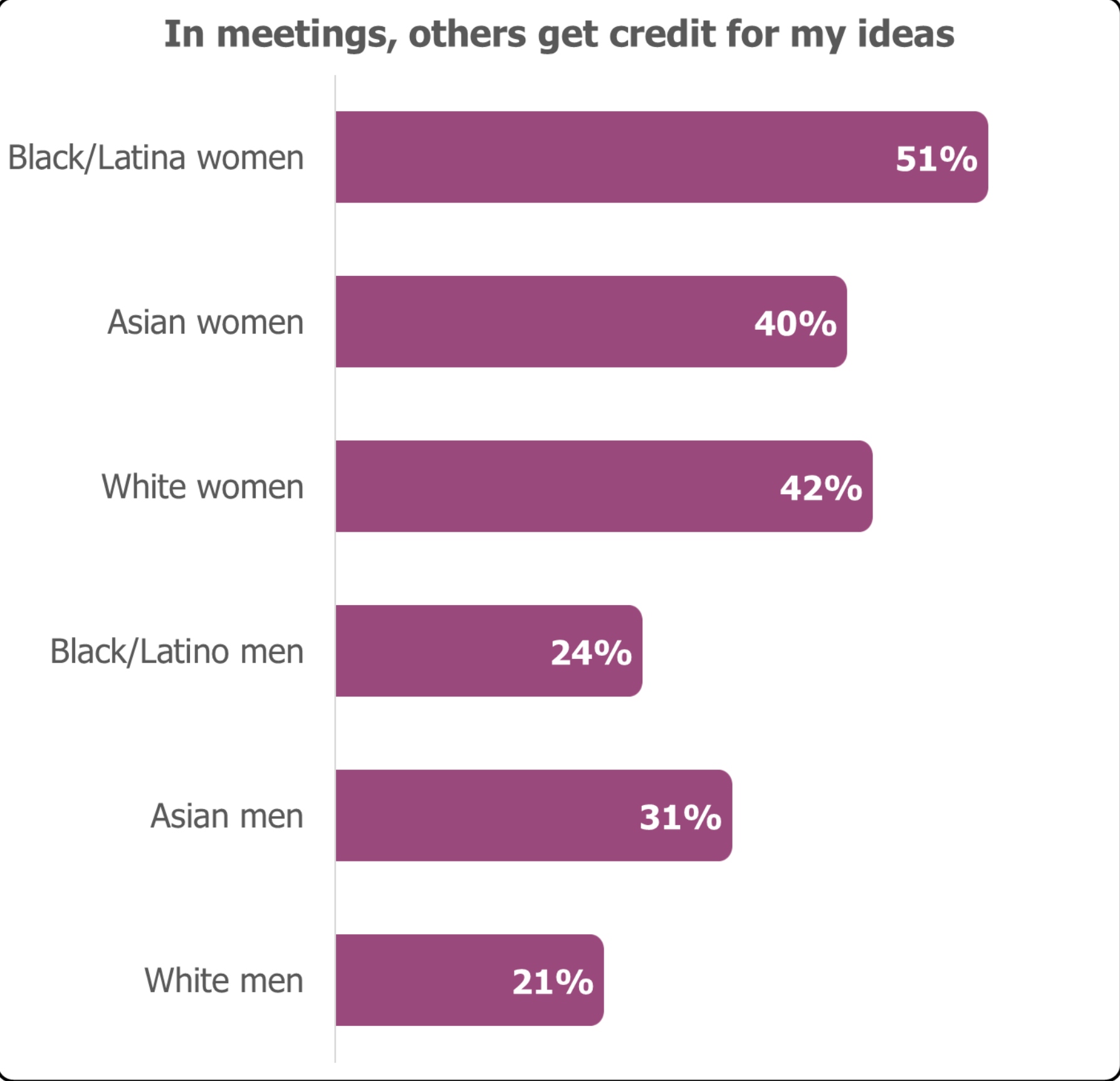


Women of all races report “the stolen idea”

You’re in a meeting and you share a good idea – nobody picks up on it. A few minutes later, someone else repeats that same idea, and everyone praises them. Sound familiar?

Women of all races were more likely than men to report others taking credit for their ideas. This pattern was strongest for Black and Latina women: over half report this pattern. About 40% of Asian and White women also report it.

“
...taking my ideas and using them for their own and then presenting the work product to senior members as work product that they created without requesting if they can use it. -South Asian woman
”



In restructuring, the stolen idea extends to taking credit for deals.

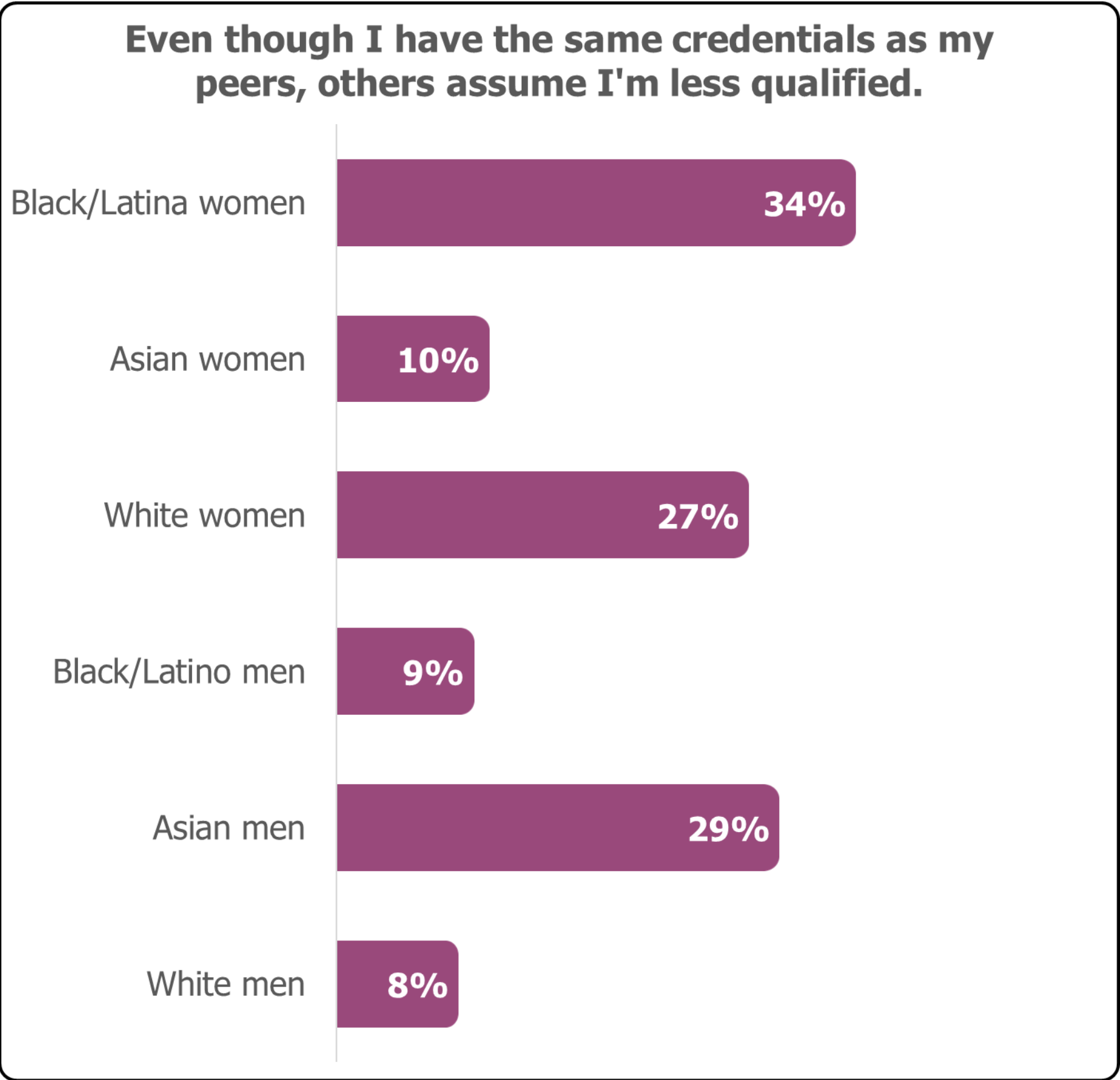
“

I have also seen where women, including myself are a threat to the men at our firms, whereby the men try to take credit for our deals and belittle us because they are threatened as our numbers are better. -White woman

”

Women of color’s credentials are questioned

No matter how qualified they are, women of color tend to have their credentials questioned or overlooked.¹⁴ Over one third of Black and Latina women report being seen as less qualified than their peers with the same credentials—only 8% of White men did.



Tightrope bias

Prescriptive stereotypes mean that White men who behave assertively in the workplace tend to be seen as competent leaders. The same behavior may well be seen as a personality problem in other groups, who find themselves walking a narrow tightrope to maintain likability while still being viewed as competent.¹⁵

A much broader range of behavior is accepted from White men than from other groups, creating tricky political situations.

I have been told I am too assertive, but if I don't speak up, I am too meek. I was told by a male colleague at a competitor firm when I took a new job once to put my head down, just do the work, avoid confrontation and not complain. – White woman

My male colleagues use the F-word in meetings & my boss did it once in front of a female client. I don't know whether or how to bring this up... I don't want to be that 'delicate, overly sensitive' woman who complained. – White woman

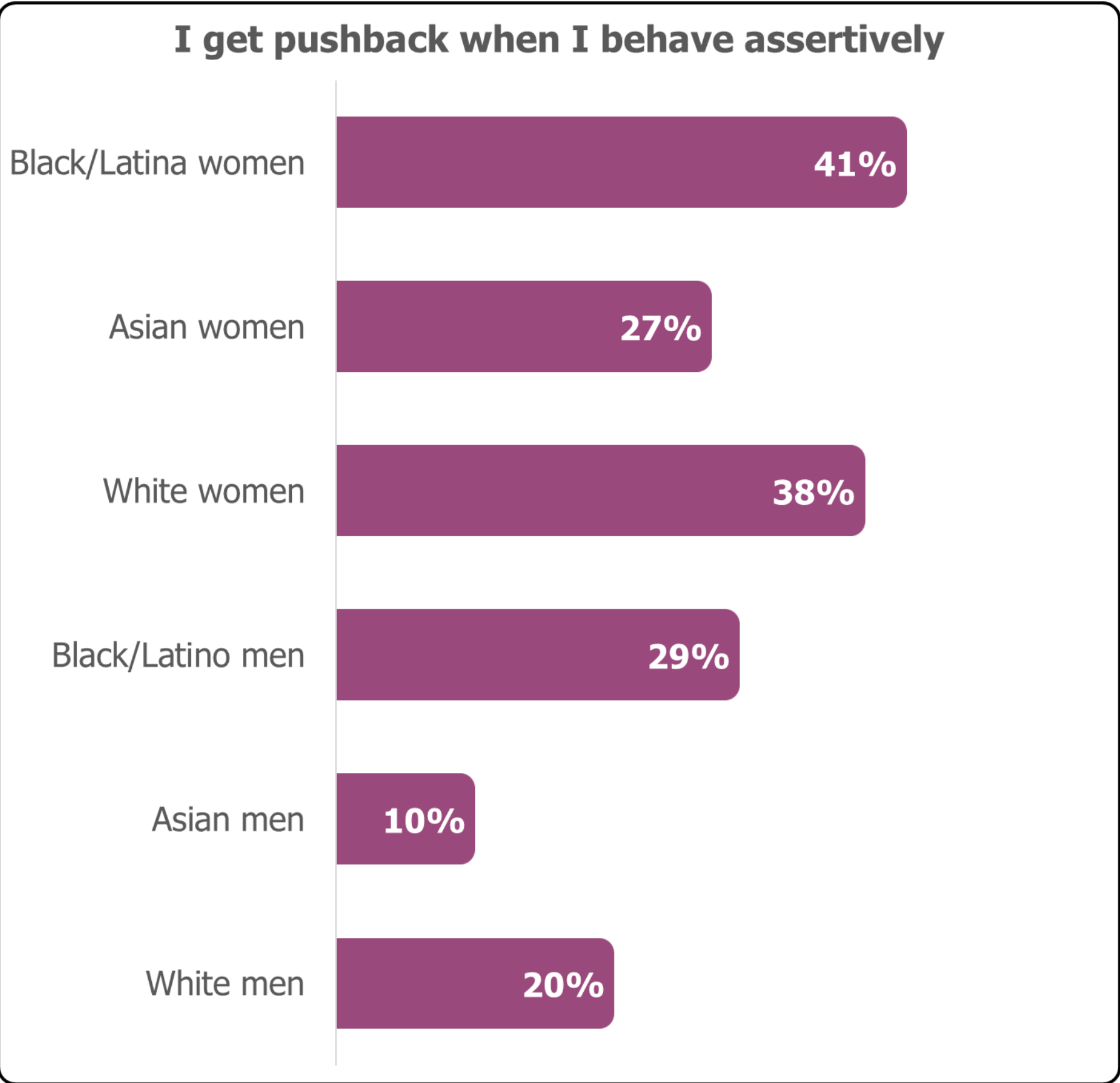
Black/Latina and White women were the most likely to report Tightrope bias, doing so at an average rate *twice* as high as White men.

Pushback for assertive behavior

Pushback for assertive behavior is common: around 40% of Black/Latina and White women report pushback for assertive behavior as compared with 20% of White men.

“
[I was] told I'm defensive for explaining the reasoning behind my thought process and actions.
– White woman

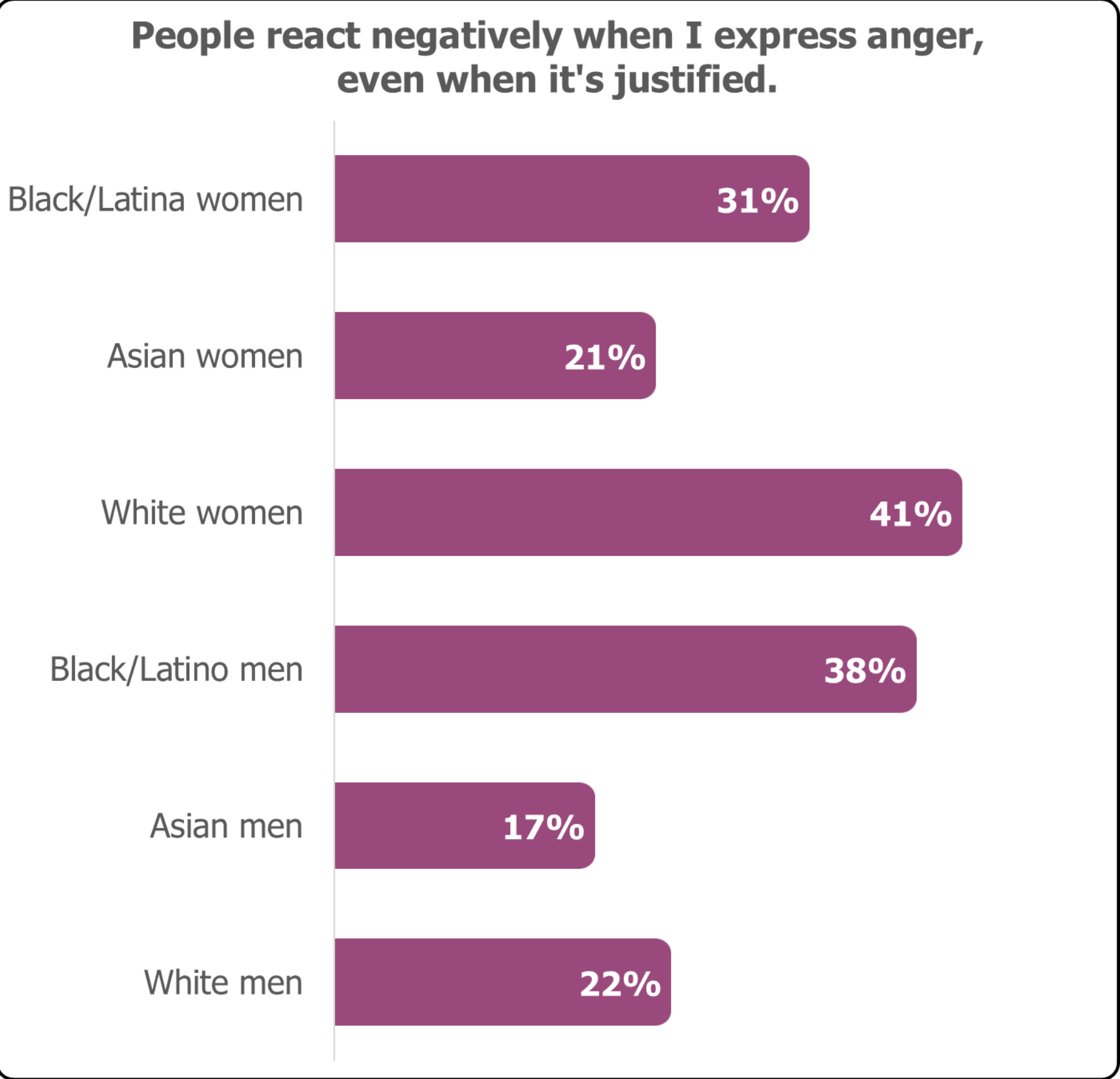
If an FA is working for a female lawyer the 'guys' love that she is a ball buster and can get shit done. But for a woman to be like that on their own team, that is a different story. – White woman
”



Too emotional?

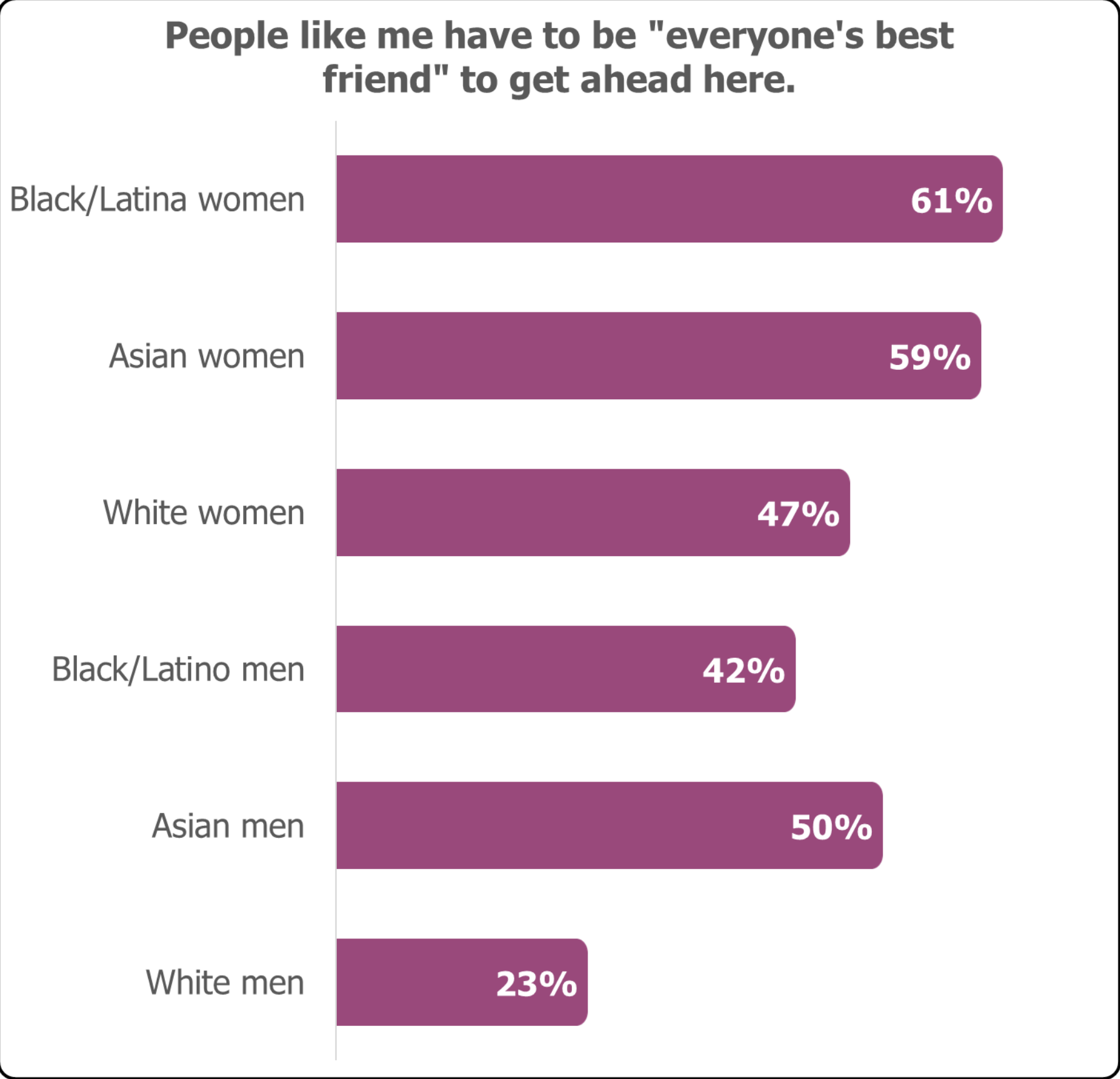
41% of White women, 38% of Black and Latino men, and 31% of Black and Latina women report pushback for expressing anger.

...have found that it doesn't matter what emotion we as women express, many of the senior men believe that we are too emotional as a result. They can yell and scream all they like but...Yelling and screaming makes [women] too aggressive, and being too sweet and hugging makes men feel uncomfortable as well. – White woman



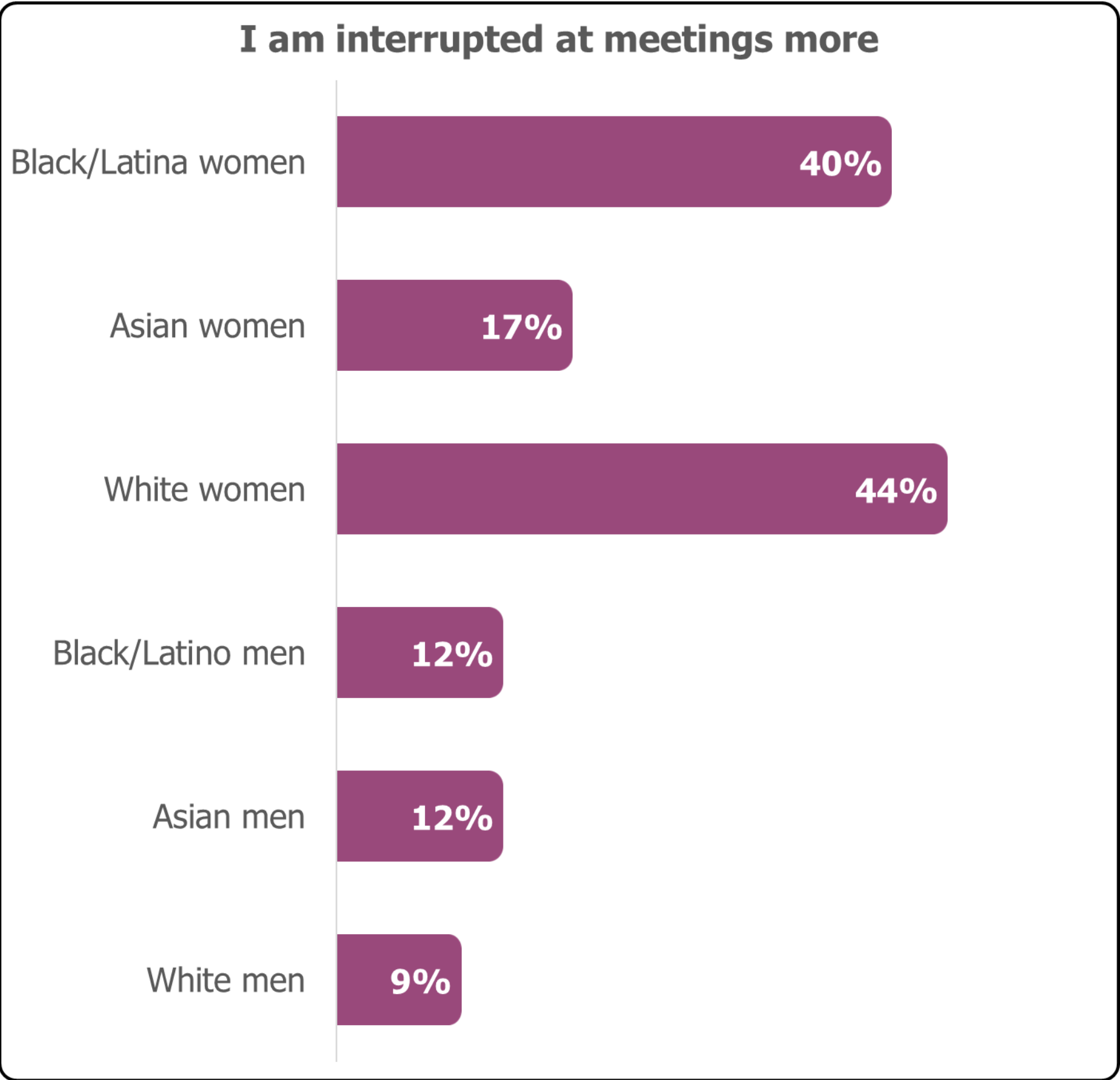
Women of color have to be extra friendly

Nearly 60% of women of color report having to be “everyone’s best friend” to get ahead at work. Only 23% of White men say the same. This means that women of color need to put in more work to get the same results: not only do they need to be good at their jobs, but they also need to make sure everyone likes them. Other groups fell in between, but closer to women of color than to White men.



Women can't get a word in

White women were 35 percentage points more likely and Black and Latina women were 31 points more likely than White men to report being interrupted more often than others at work. It's hard to be seen as competent when everyone is talking over you – and if you assertively push back, you can get dinged for that as well.



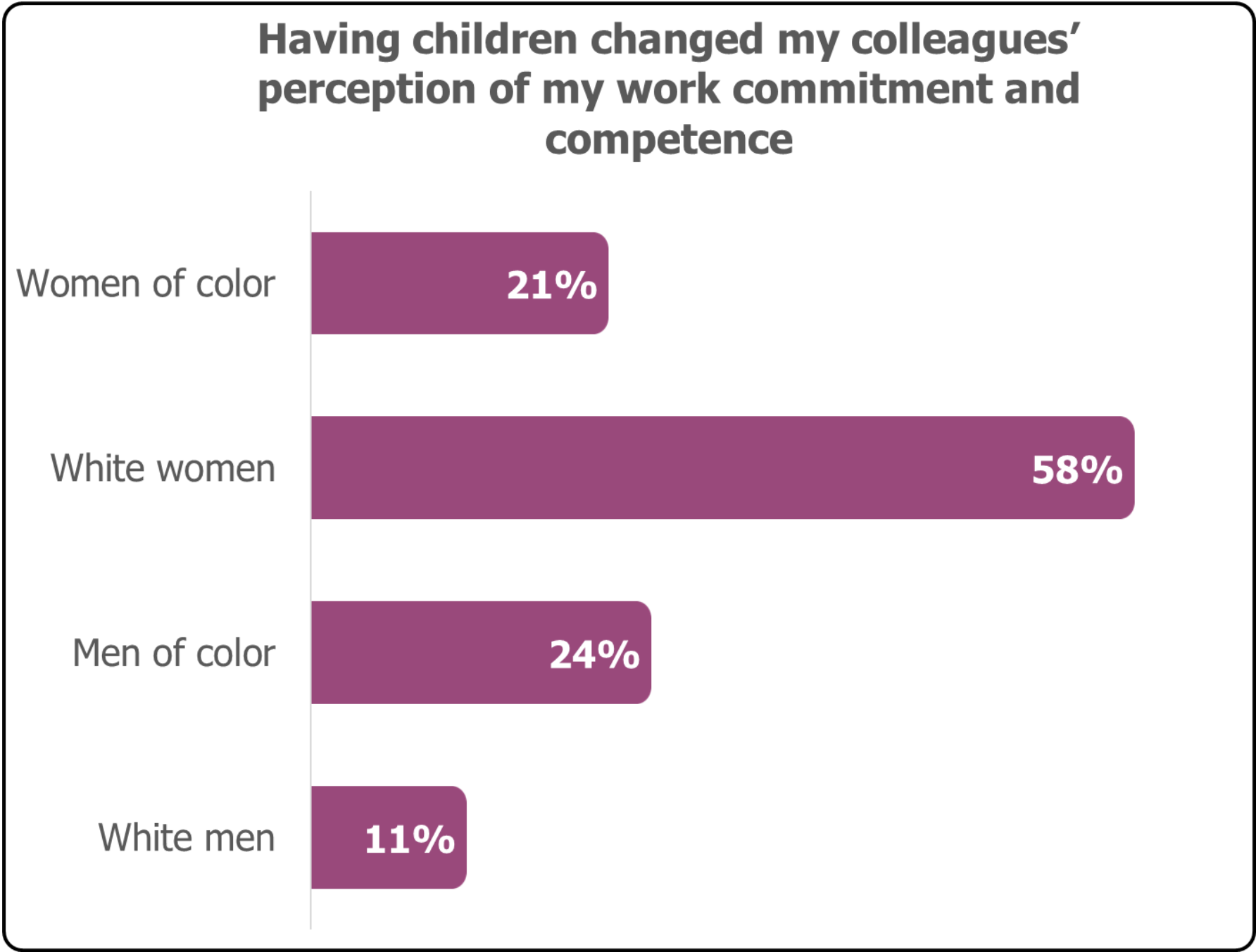
Maternal Wall bias

Bias against mothers in the workplace includes assumptions that mothers are less competent and committed than women without children—and that mothers who remain committed to their careers are suspect because they don’t have their children’s best interests at heart.¹⁶ Mothers in the restructuring industry often felt stuck between being seen as the ideal worker always available for work and the ideal mother always available to her children. Typically having children cuts against women but not men, because for men “taking care of their families” is understood to mean providing financial support, not caregiving.

“
I have heard comments like, 'she is going to get married soon and have kids, she won't be here for long,' as well as 'let's give him an extra bonus as he just got married and he is the bread winner in the family.' – White woman
”

White mothers report the strongest negative competence and commitment assumptions

Maternal Wall bias is one of the only types of bias that affects White women the most: 58% of White mothers report that having children affected their colleagues’ perception of their work competence and commitment. For White fathers, this number was only 11%. Other groups fell in between.



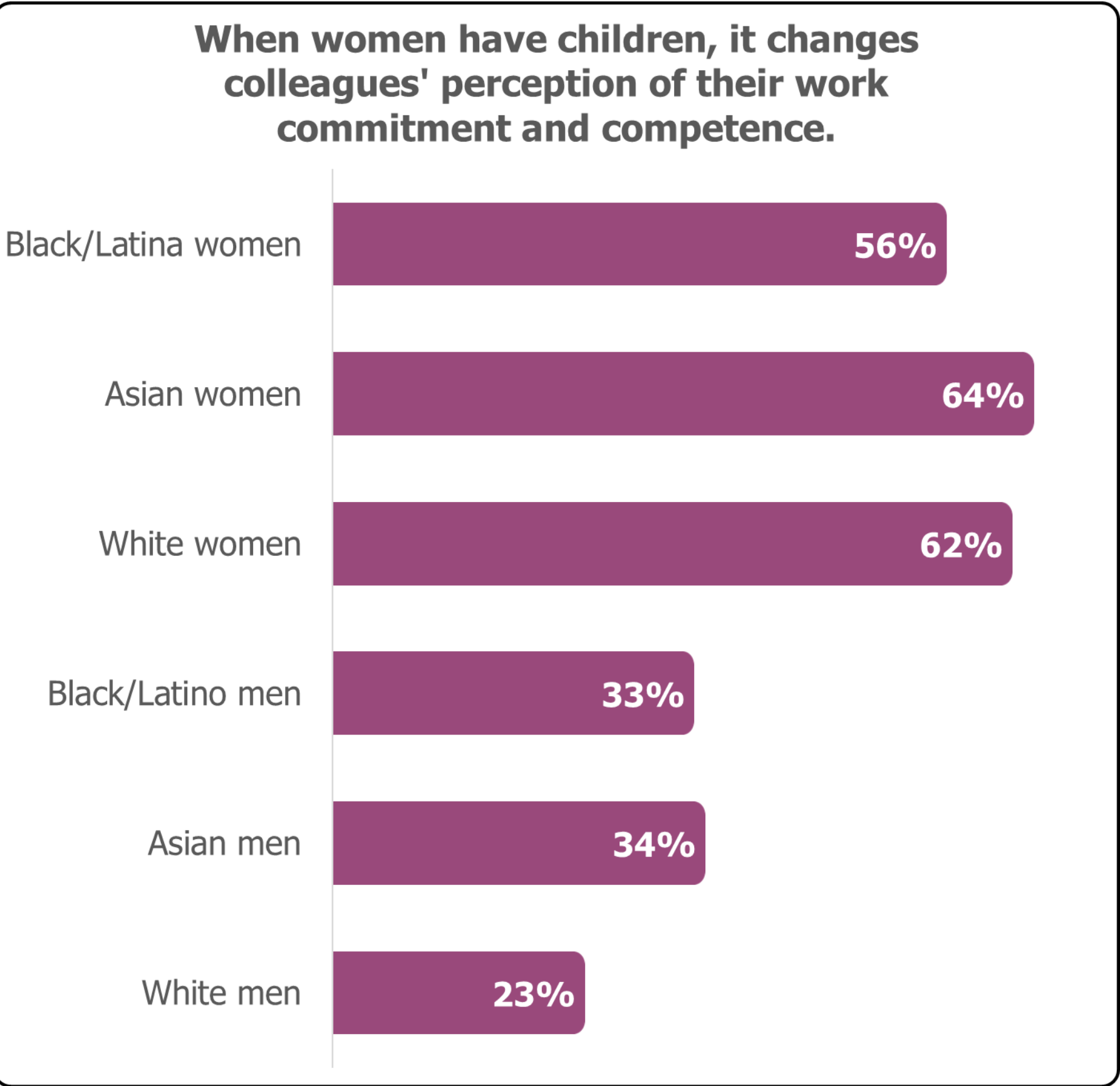
“

...After having my first child, I came back to work right after regular maternity leave and made extra effort to exceed the prorated hourly requirements, working late nights and weekends, did not get a raise or pay increase and was actually told – 'well, you were on maternity leave for some of the year.' I was also dinged in annual reviews for not being involved in out of state conferences/cases and the person giving my review told me that he would never think to ask me to do those things because I had a young child (so I pointed out that I was being dinged for something that was purposely withheld from me and not given the chance to do)... – White woman

”

Even people without children report bias against mothers

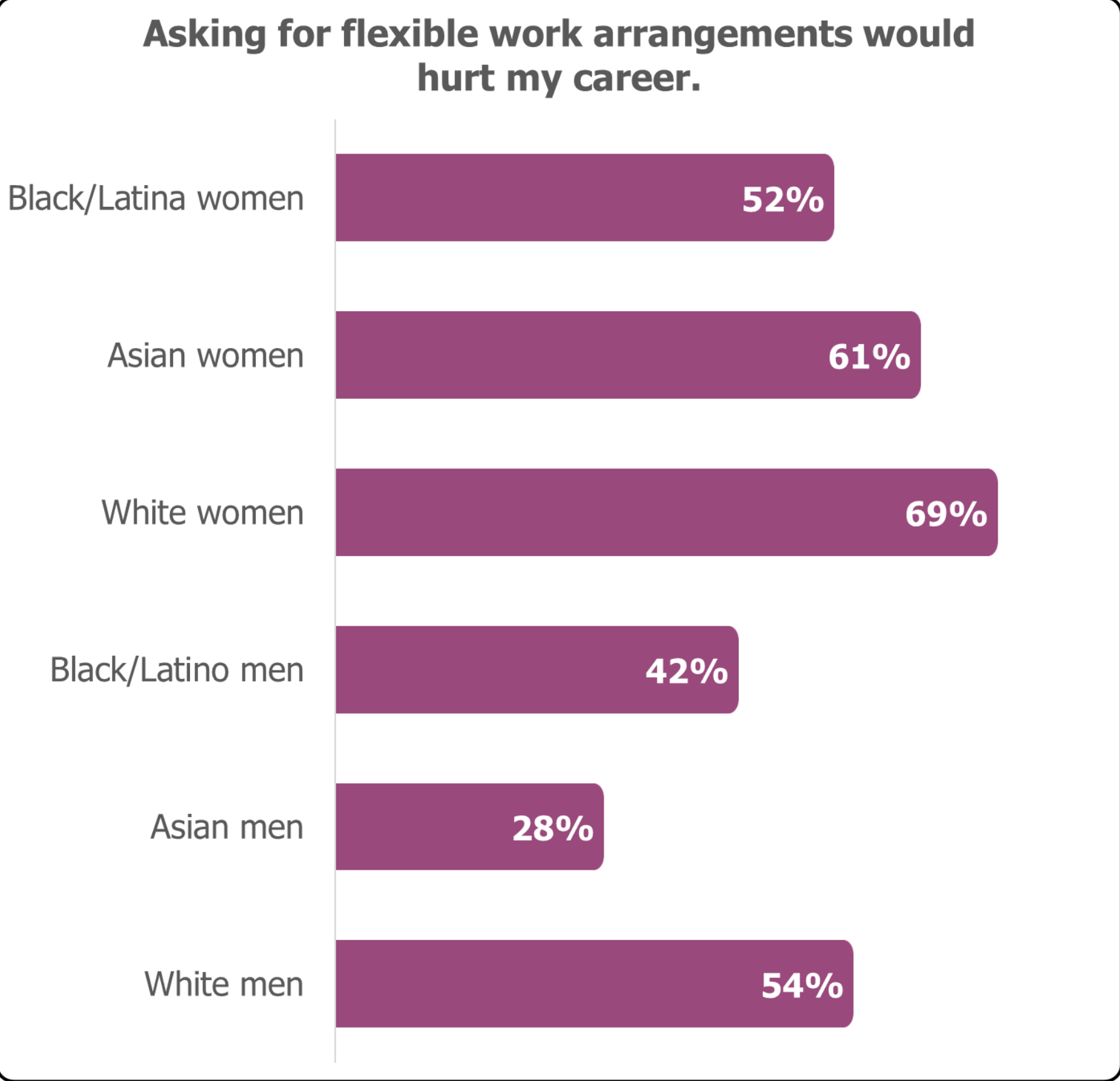
64% of Asian women, 62% of White women, and 56% of Black and Latina women—regardless of their parental status—report that women’s competence and commitment were questioned after having children.



White and Asian women anticipate the most backlash for flexibility at work

When the ideal worker is defined as someone who is “always on,” asking for flexible work arrangements can hurt your career. White and Asian women report the most backlash in response to asking for flexible work arrangements, with 69% and 61% reporting career-damaging impacts. Men of all races and Black and Latina women were less likely to report concerns about this backlash.

“
...Men were frequently cheered and praised for being a great father when they had to leave the office to take a child to the doctor, but when a woman had to do so, it was frowned upon as being on 'mommy track'.
– White woman
”



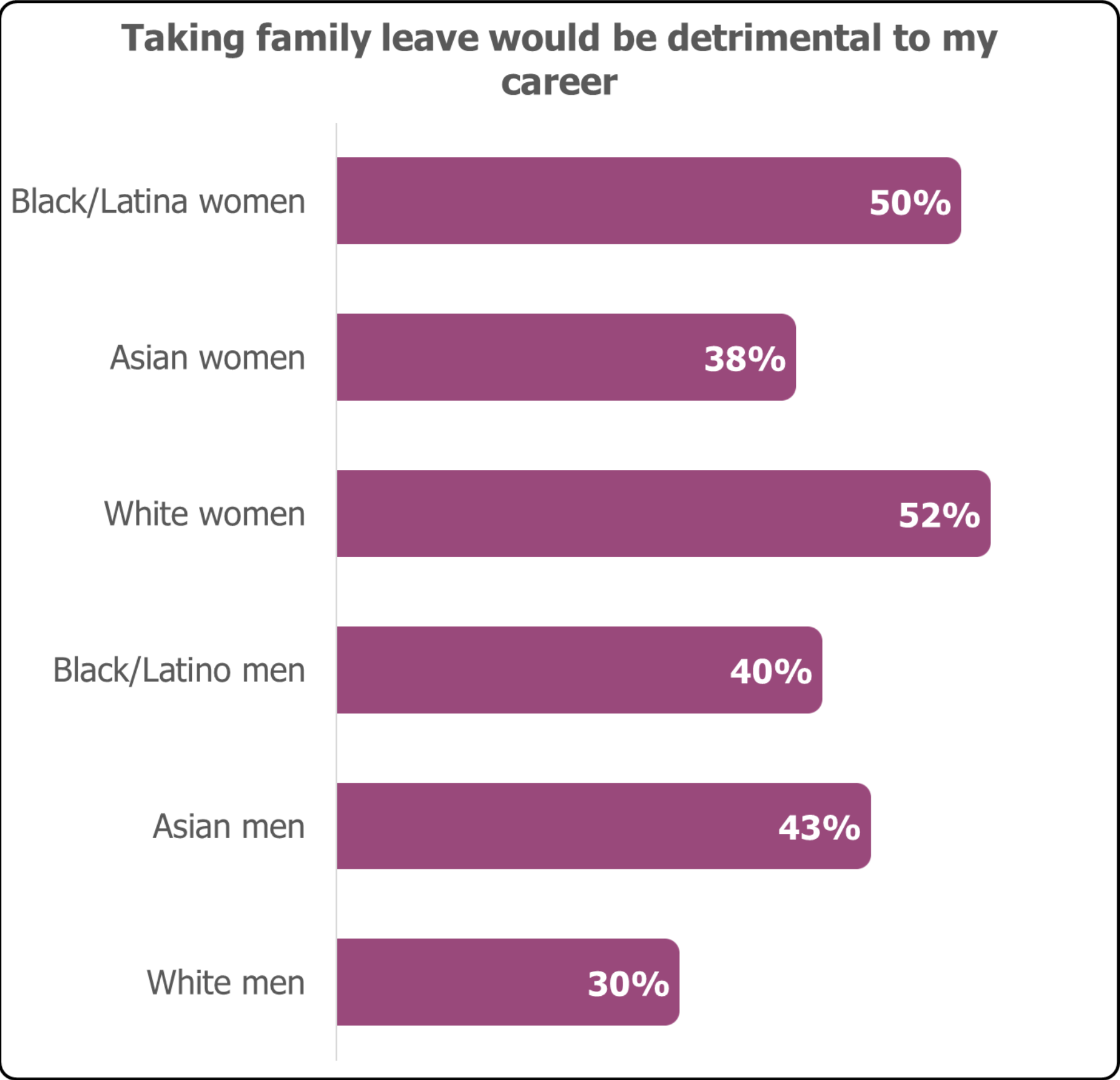
White, Black and Latina women report that taking family leave would be detrimental to their careers

Half of White and Black and Latina women report that taking family leave would be detrimental to their careers. Around 40% of men of color—but only 30% of White men—share the same concerns.

While the ideal-worker norm harms typically women the most, men also expressed their fears of asking for flexible work accommodations, especially when it comes to parenthood.

“ *I have taken time off during my career to be with family (parental leave) and to make life changes... I firmly believe that these items have "hurt" my long-term prospects and ability to continue to be part of the 'in' crowd.*
 – White man ”

When men cannot realistically take parental leave, doing so typically creates a strong stigma for women.



Tug of War bias

Bias against a group fuels conflict within the group

Bias against a group often creates workplace conflict within the group, stemming from the different strategies group members adopt about whether to align with their own group or the majority group.¹⁷ Black and Latino women report this pattern at a rate over four times higher than White men, with other groups falling in the middle.

Different types of workplace conflict were reported by different groups.

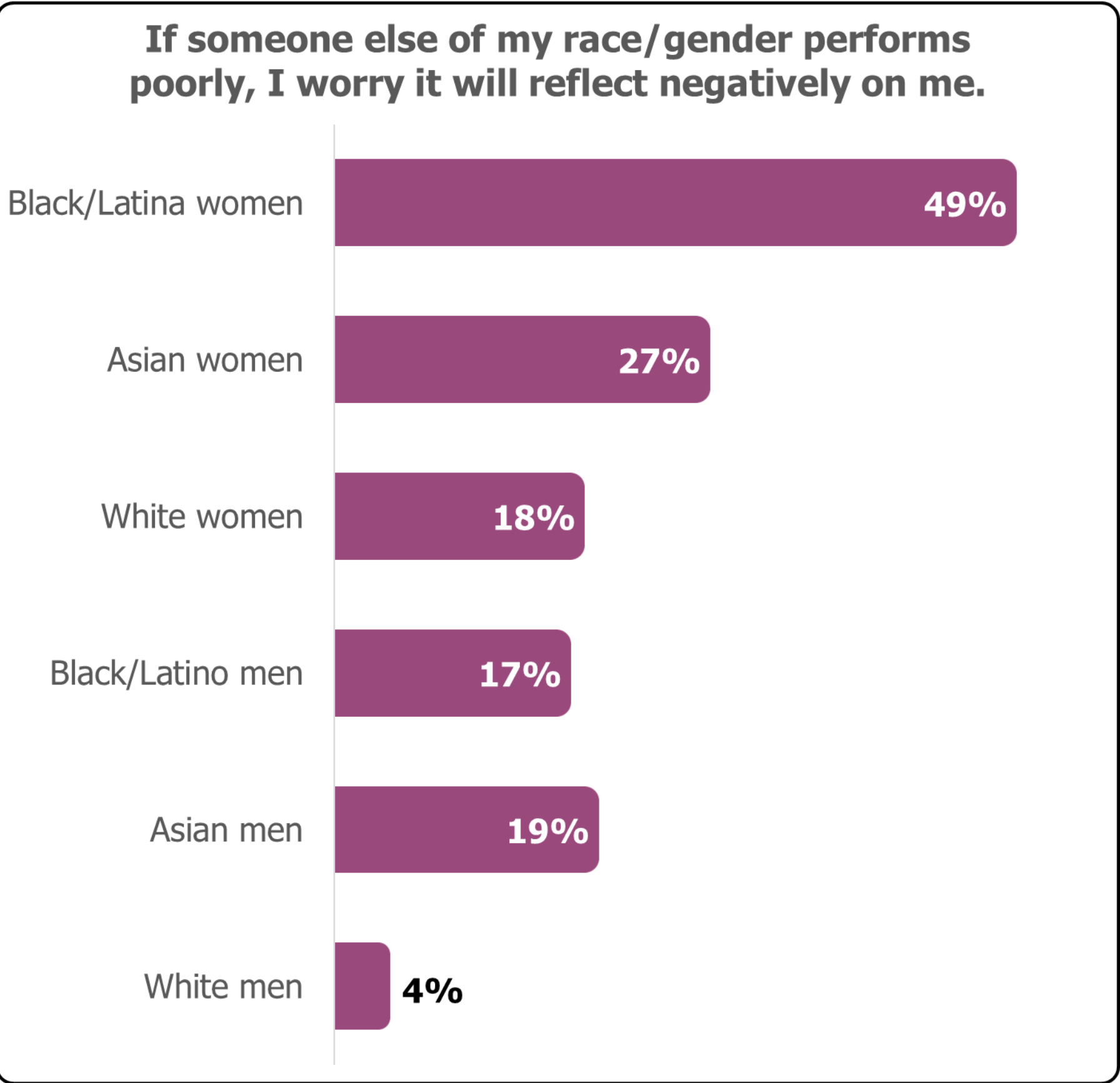
“

The worst offenders...criticizing female attorneys, I have found, are usually other women attorneys and particularly those who do not have or have chosen not to have children. I was told by a senior female partner during a 2:30 a.m. discovery gathering session when my husband called to find out what to do for our sick infant that, "This is why we have nannies." I have also had a female peer who was jealous that I got good cases and was liked within our group spread false rumors to try to undermine my work.
– White woman

”

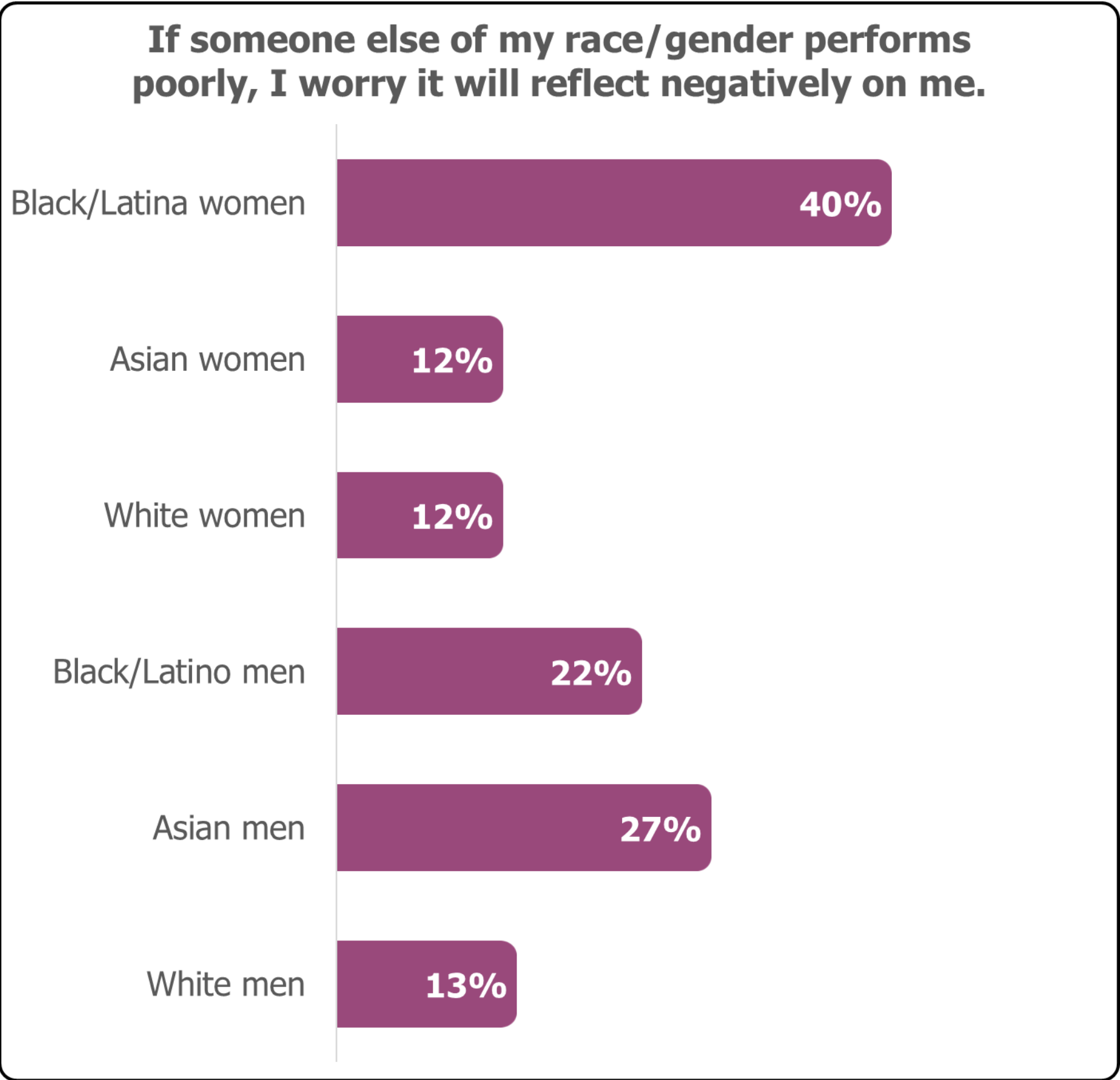
Collective threat¹⁸

Collective threat reflects the fear that poor performance by a member of one’s group will reflect poorly on you: for example, when a Black woman fears it will reflect negatively on her if another Black woman performs poorly. Nearly half of Black and Latina women in restructuring report this concern, along with 27% of Asian women. Asian men, Black and Latino men, and White women fell in between. Only 4% of White men voiced the same worry.



Favoritism threat¹⁹

Favoritism threat reflects the fear that supporting someone else in your group will be seen as favoritism, not based on merit. 40% of Black and Latina women, 27% of Asian men, and 22% of Black and Latino men report this concern—a rate two to three times higher than for White men.

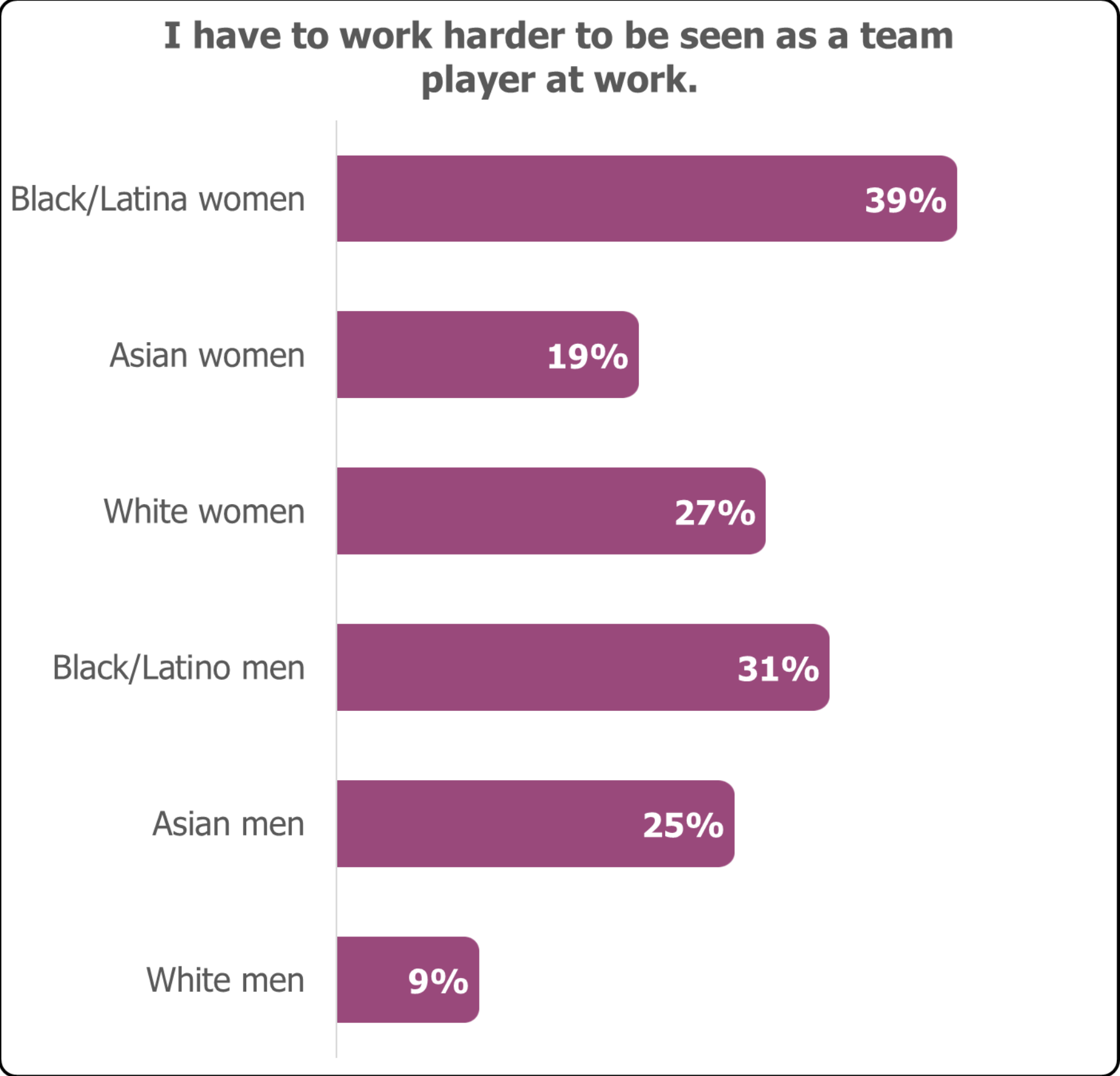


Racial stereotyping

Much of the bias against people of color in the workplace is captured by the bias patterns above. However, people of color in restructuring also report being impacted by racial stereotypes and experiences that differ for different groups. These stereotypes can create unique patterns of bias and represent additional barriers to opportunities for people of color.

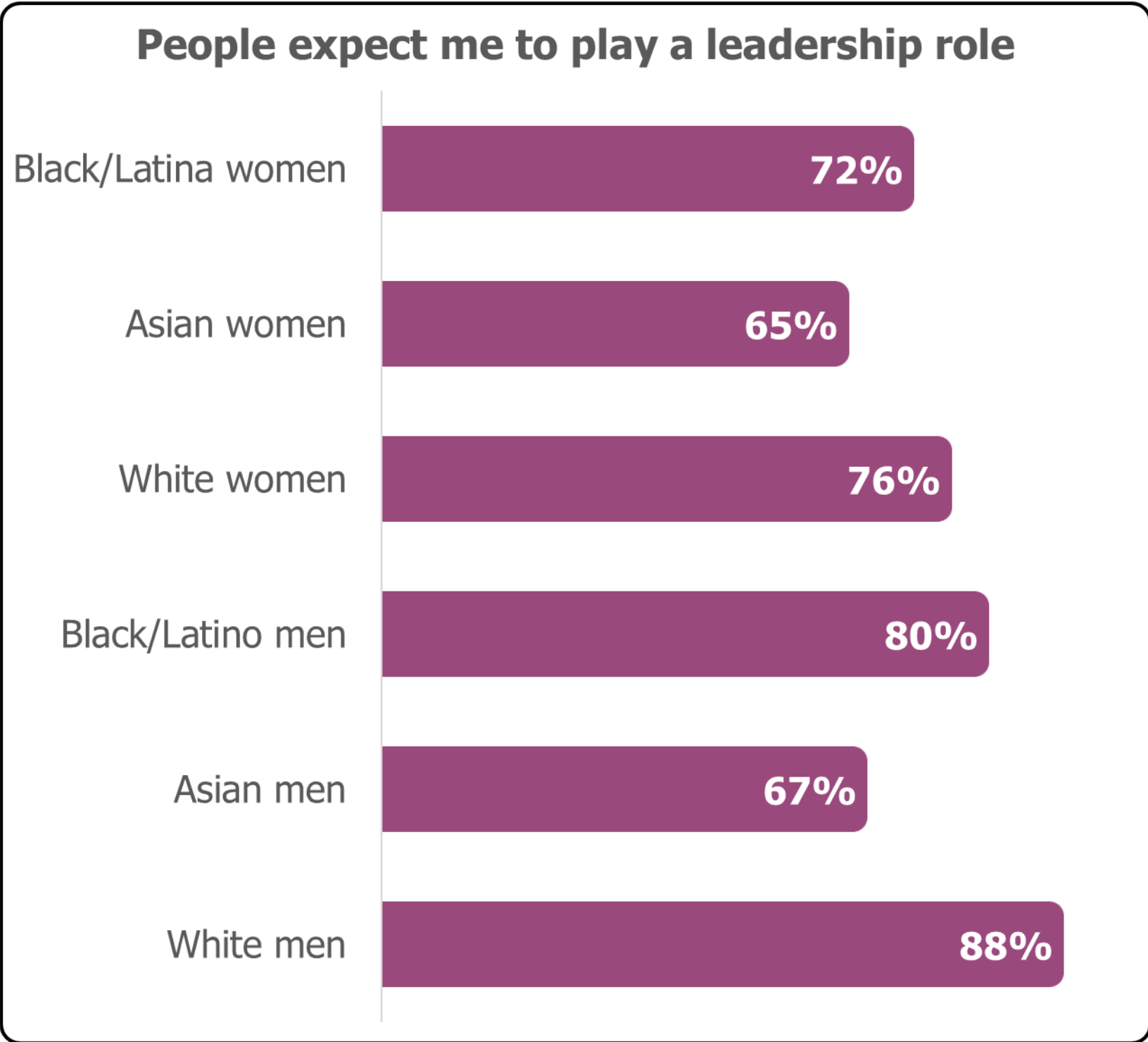
White men are seen as good team players; Black and Latino men and women...not so much

While Black and Latino men and women report they have to work extra hard to be seen as team players, only 9% White men report the same. Compared to White men, over 4 times as many Black and Latina women, and over 3 times as many Black and Latino men report having to work harder than their peers to be seen as a team player.



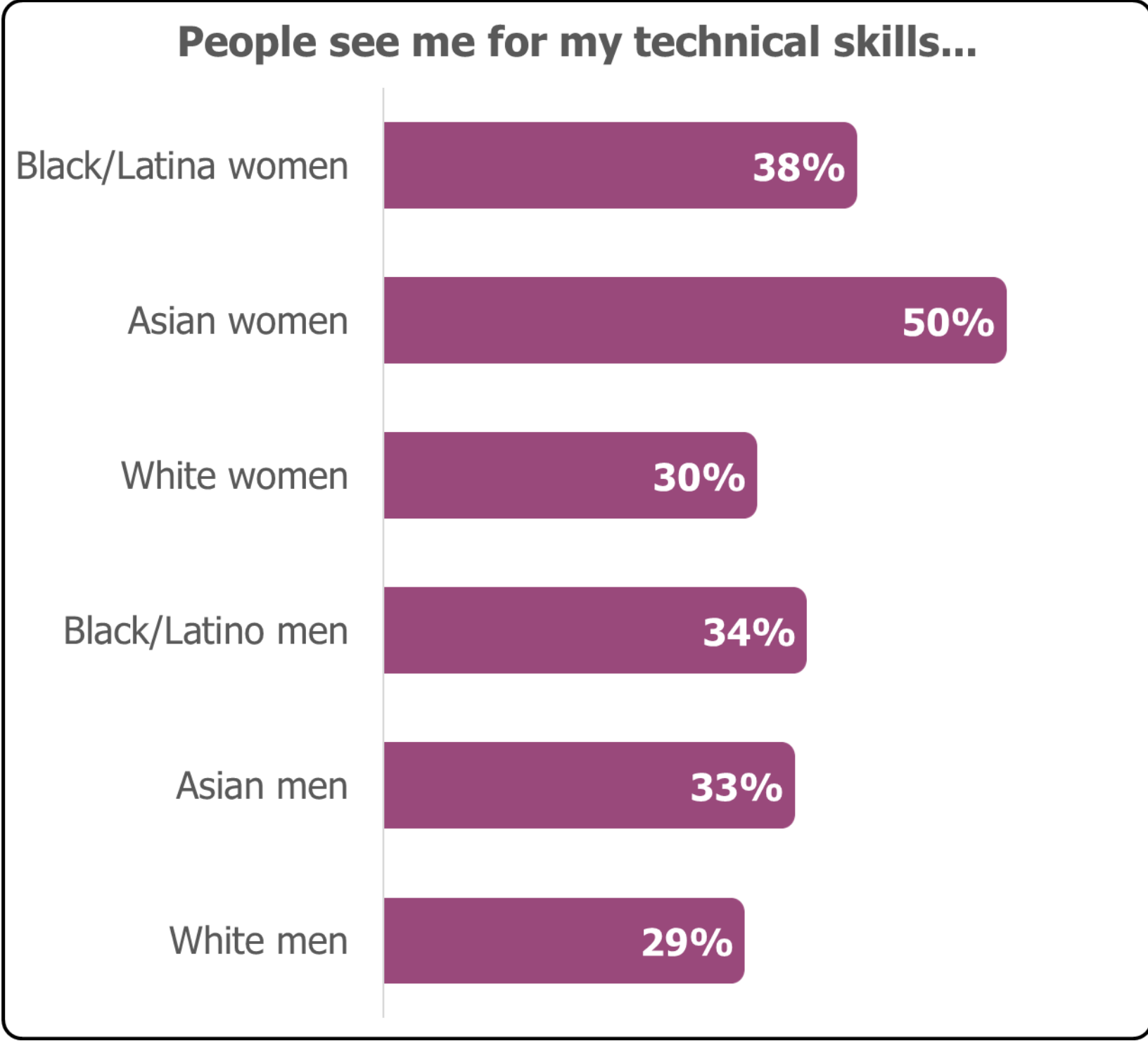
Asian men and women seen as lacking leadership potential

Stereotypes that Asian employees are lacking in leadership skills have a serious impact in the restructuring field. 88% of white men report being expected to play a leadership role at their firms; this number was more than 20 percentage points lower for both Asian men and women.



Asian women are especially likely to report they’re valued for technical, but not managerial, skills

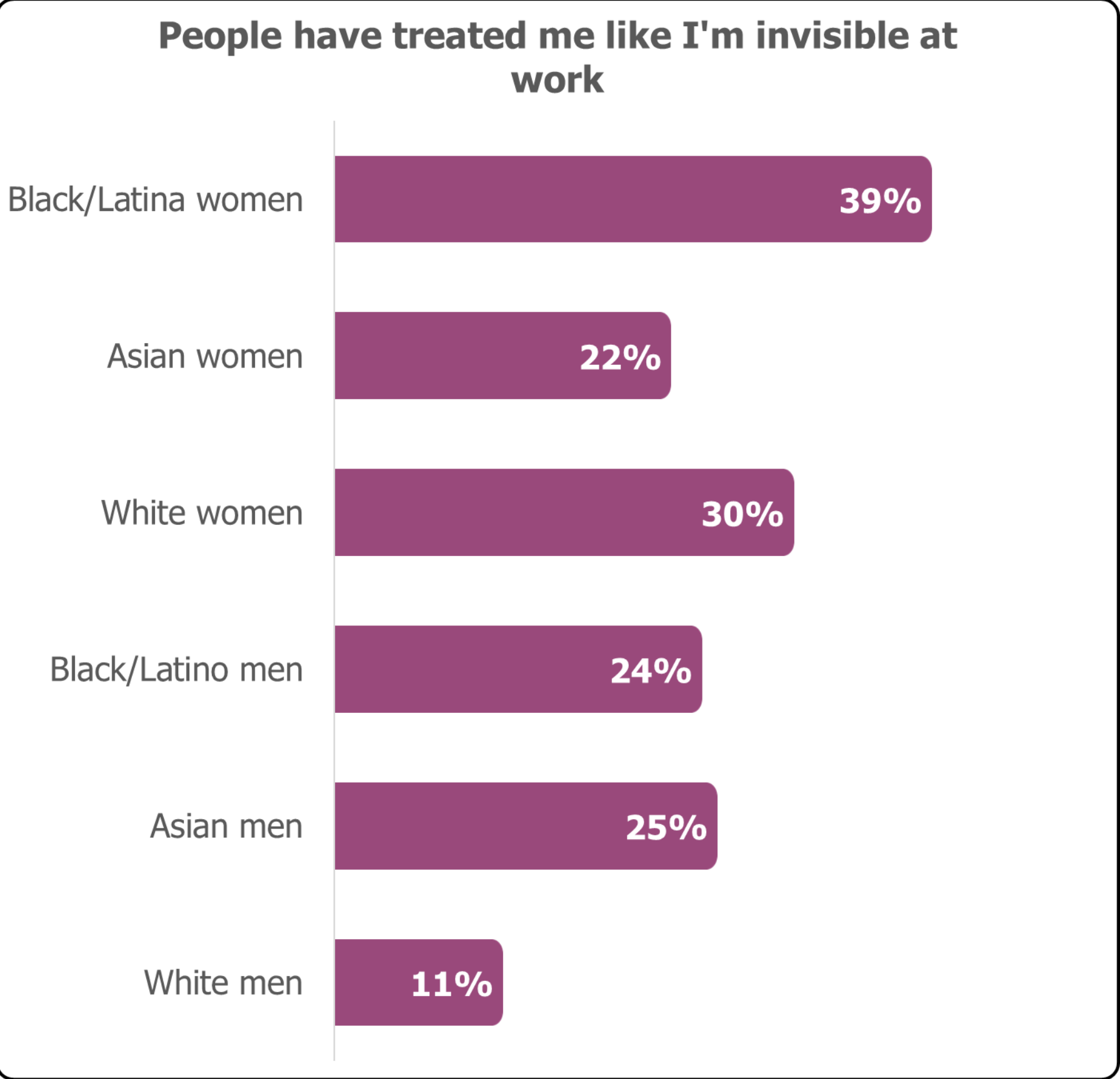
Half of Asian women also report being valued more for their technical skills, but not their managerial skills, at a rate 21 percentage points higher than White men. Other people of color report this, too, 5-9 points higher than White men.



The invisible woman

Black and Latina women are over 3.5 times more likely, and all other groups over twice as likely, than White men to report that they are treated as invisible while at work.

I’ve been completely ignored during meetings when a more senior male associate is leading. The same person will not respond to my emails but if a male coworker sends the same email they get a response.
—Multiracial Woman

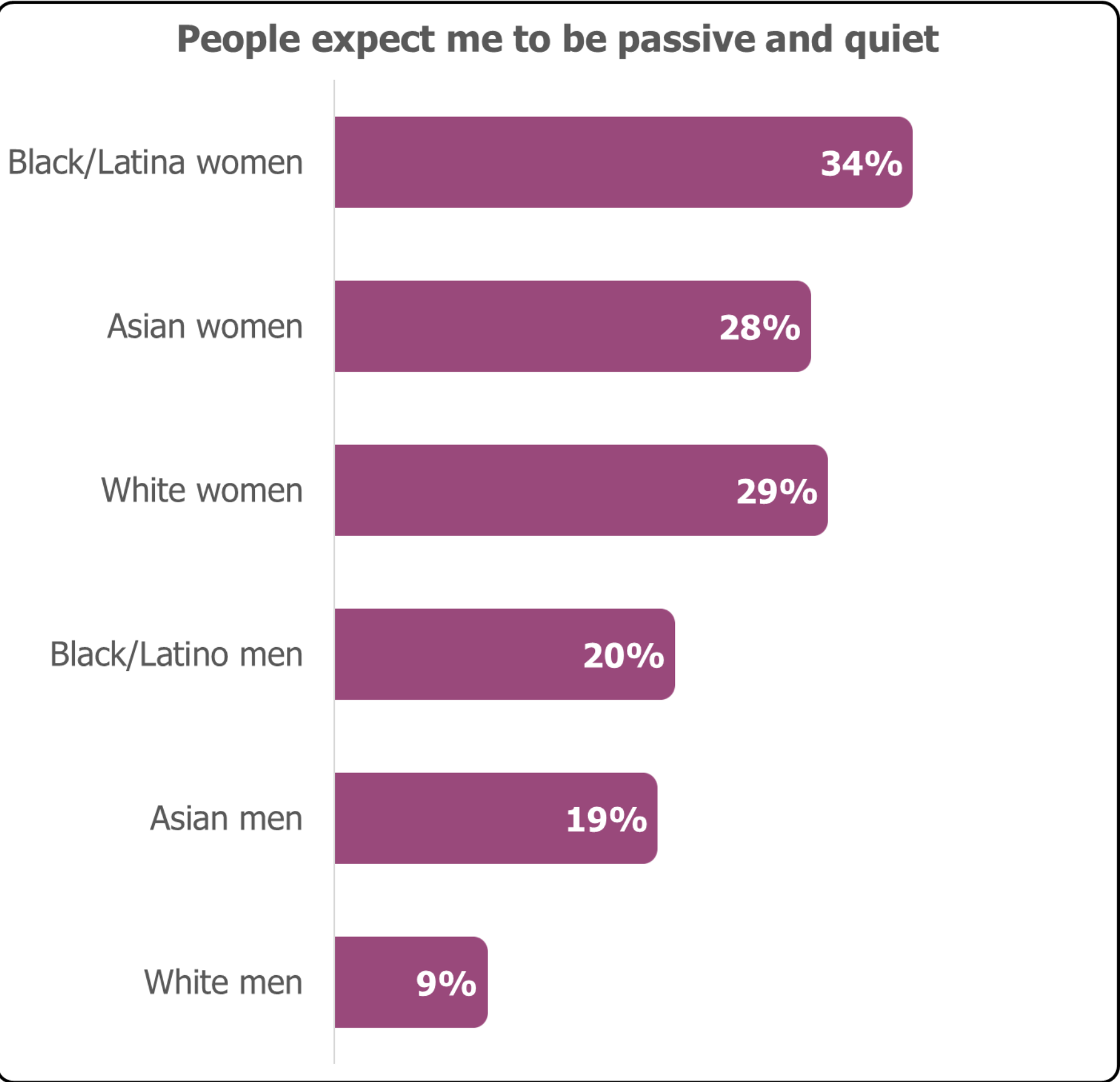


Women of all races, and men of color, feel they're expected to be meek

Women of all races are over three times as likely than White men to say that they are expected to be quiet and passive at work. Men of color also report this at a rate twice as high as White men.

Asian women in particular feel they have to change to fit in

Around 43% of Asian women, over one-third of Black/Latino/Latina, and one fourth of White women and Asian men, report pressure to change their physical appearance or demeanor while at work.

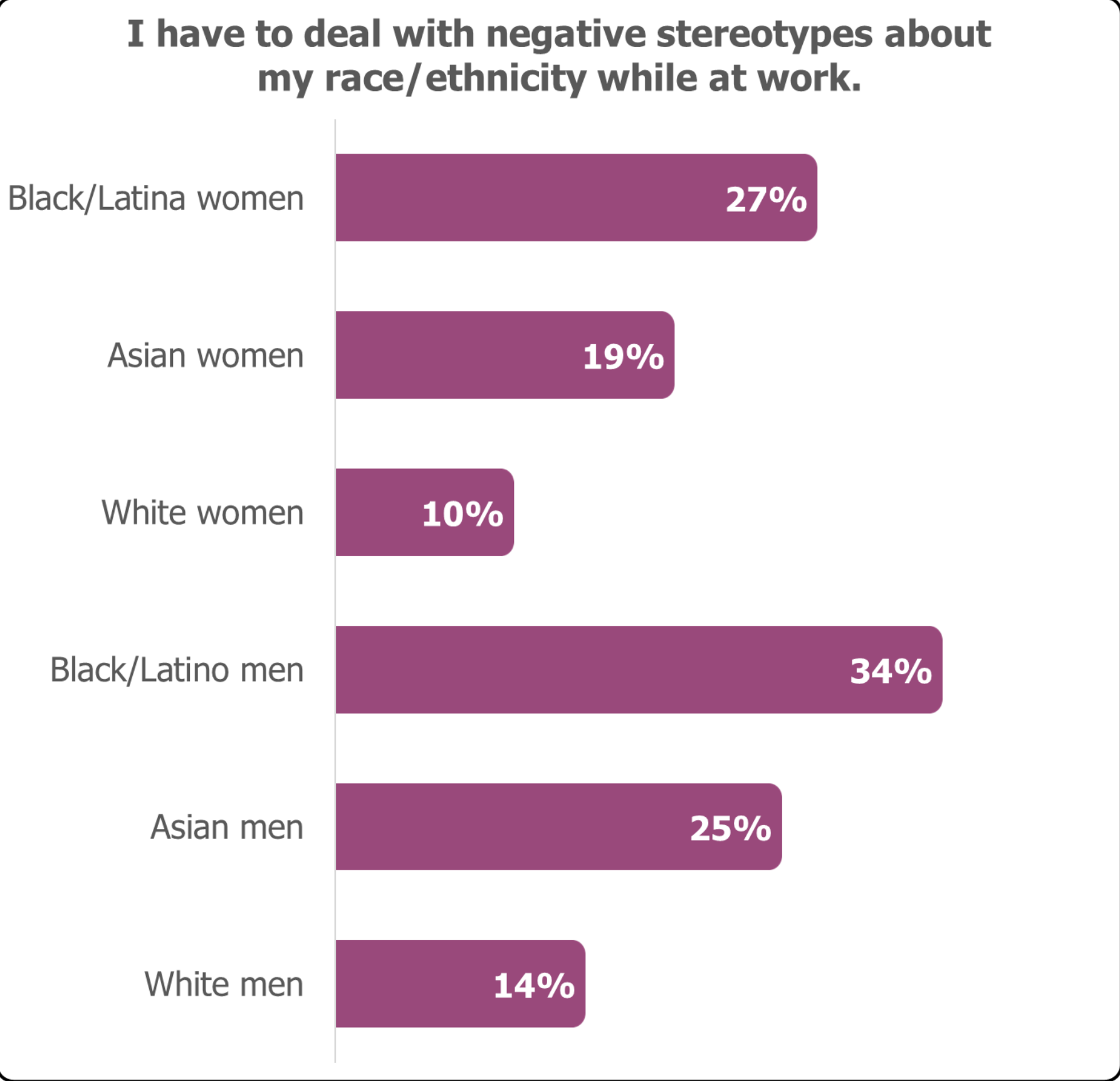


Black and Latina women report being reprimanded even when they’ve done nothing wrong

41% of Black and Latina women have been told that they are being loud, even when using a normal tone of voice. This is followed by 24% of White women who report the same criticism. Other groups are at the same level as, or lower than, White men.

Black and Latino men and women report the most negative racial stereotypes

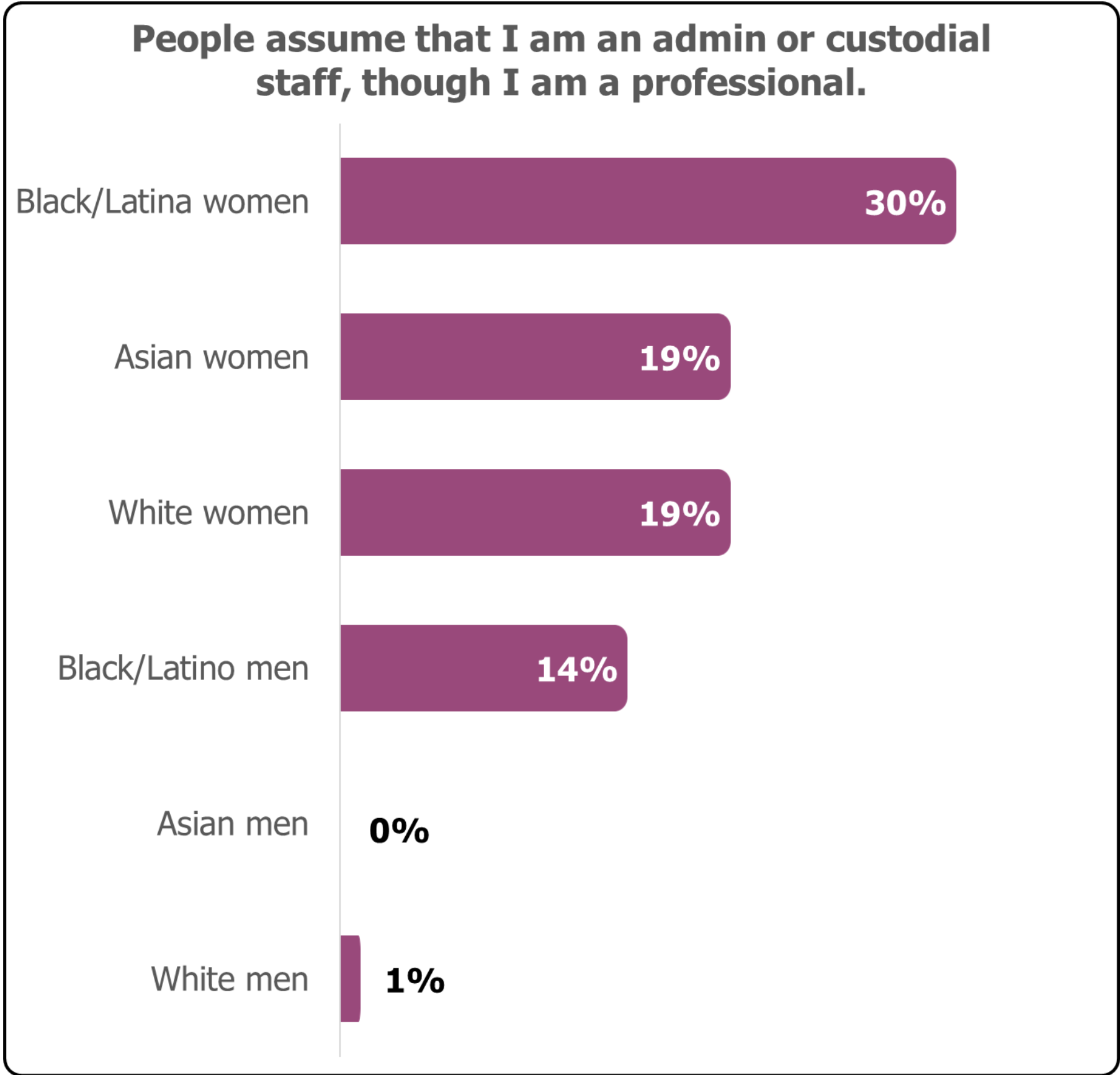
Over a third of Black and Latino men and over a quarter of Black and Latina women report being impacted by negative stereotypes about their race/ethnicity at work. These groups report negative stereotypes at a rate 7-8 times higher than White men in the workplace. Asian men and women also report these negative stereotypes over 4 times higher than White men.



Black and Latina women are frequently mistaken for admins or custodial workers

Black and Latina women are 30 times more likely, and Asian women over 15 times more likely, than White or Asian men to have been mistaken for administrative or custodial workers by other employees in their workplace.

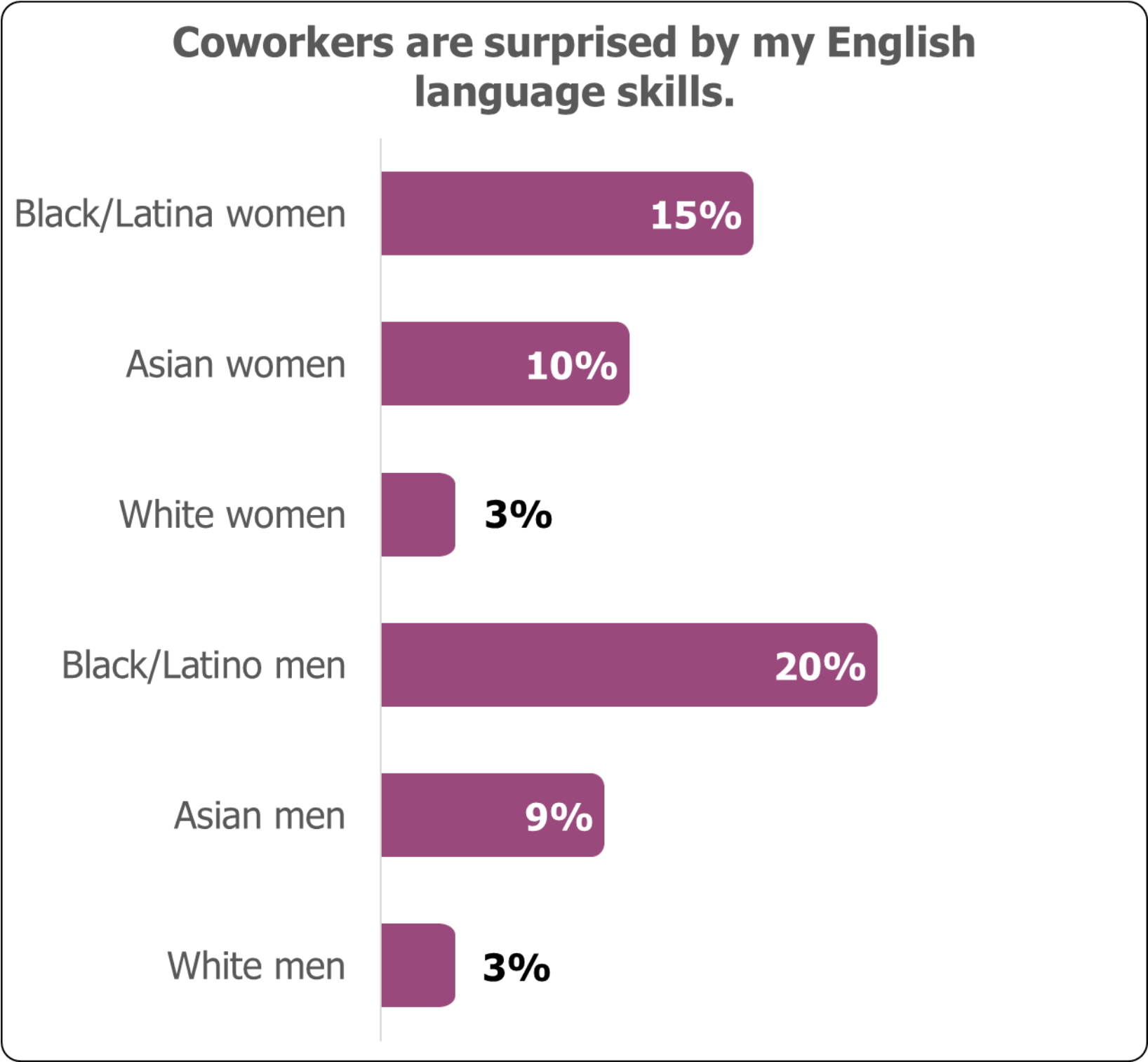
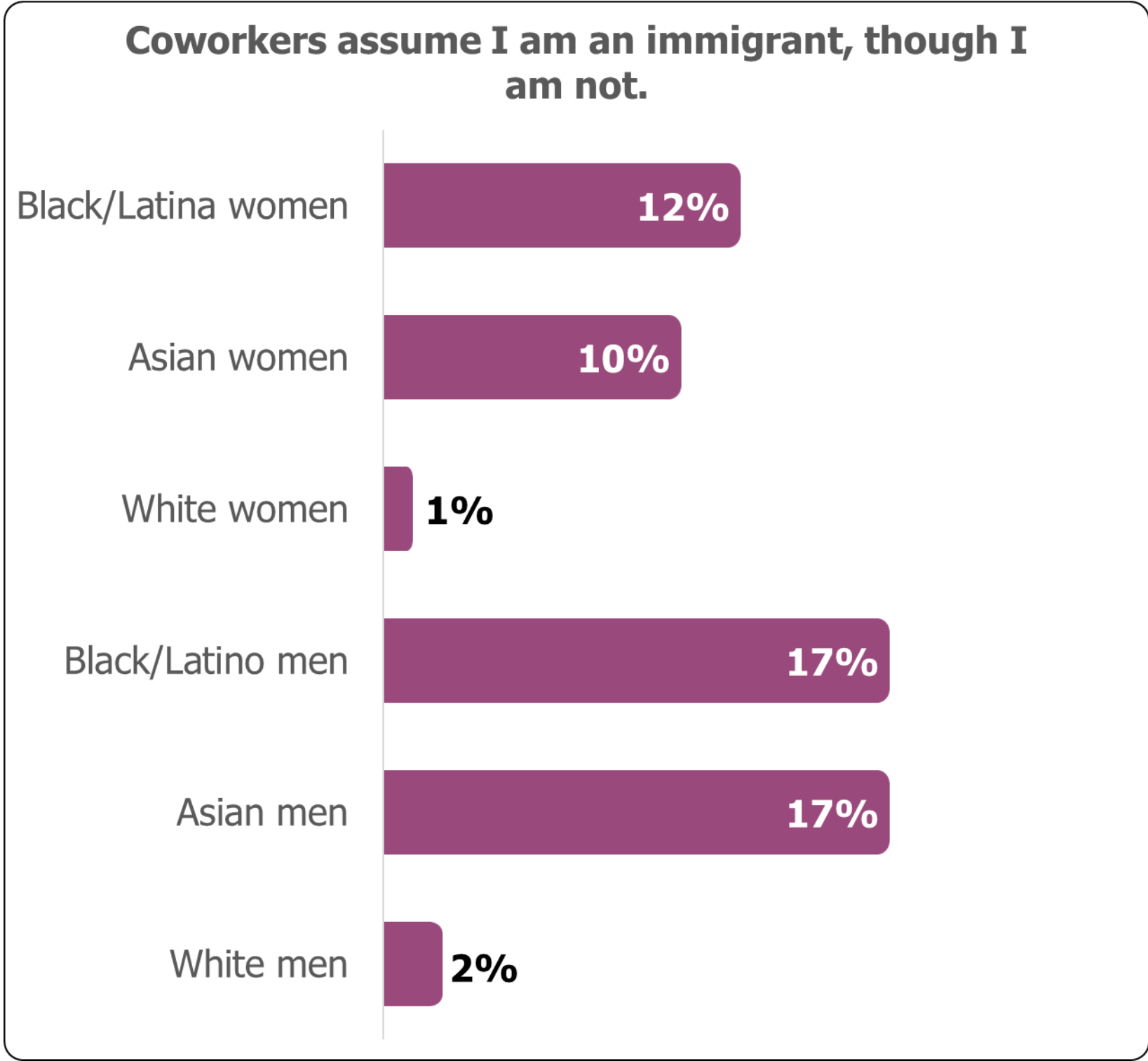
“ *A partner thought I was a waiter at an event.*
– *Multiracial man* ”



Black and Latino men seen as “forever foreign”

Around 17% of Black and Latino men report having colleagues assume they are immigrants, when they are not.

Often, colleagues also express surprise at their English language skills, implying a perceived foreignness. White lawyers almost never report similar experiences (1-3%).



Other informal workplace interactions

Women of color report feeling excluded

Previous research shows that all women of color, and Black women in particular, are more likely than other groups to report feeling excluded in the workplace.²⁰ Partly this reflects in-group favoritism:²¹ people tend to favor their own groups when sharing workplace information like new assignments, important opportunities coming down the line. In informal workplace interactions, those who aren't in the in-group often get left out before good projects even get off the ground. In-groups also are "in the know" about the unwritten rules one needs to know to get ahead.

“

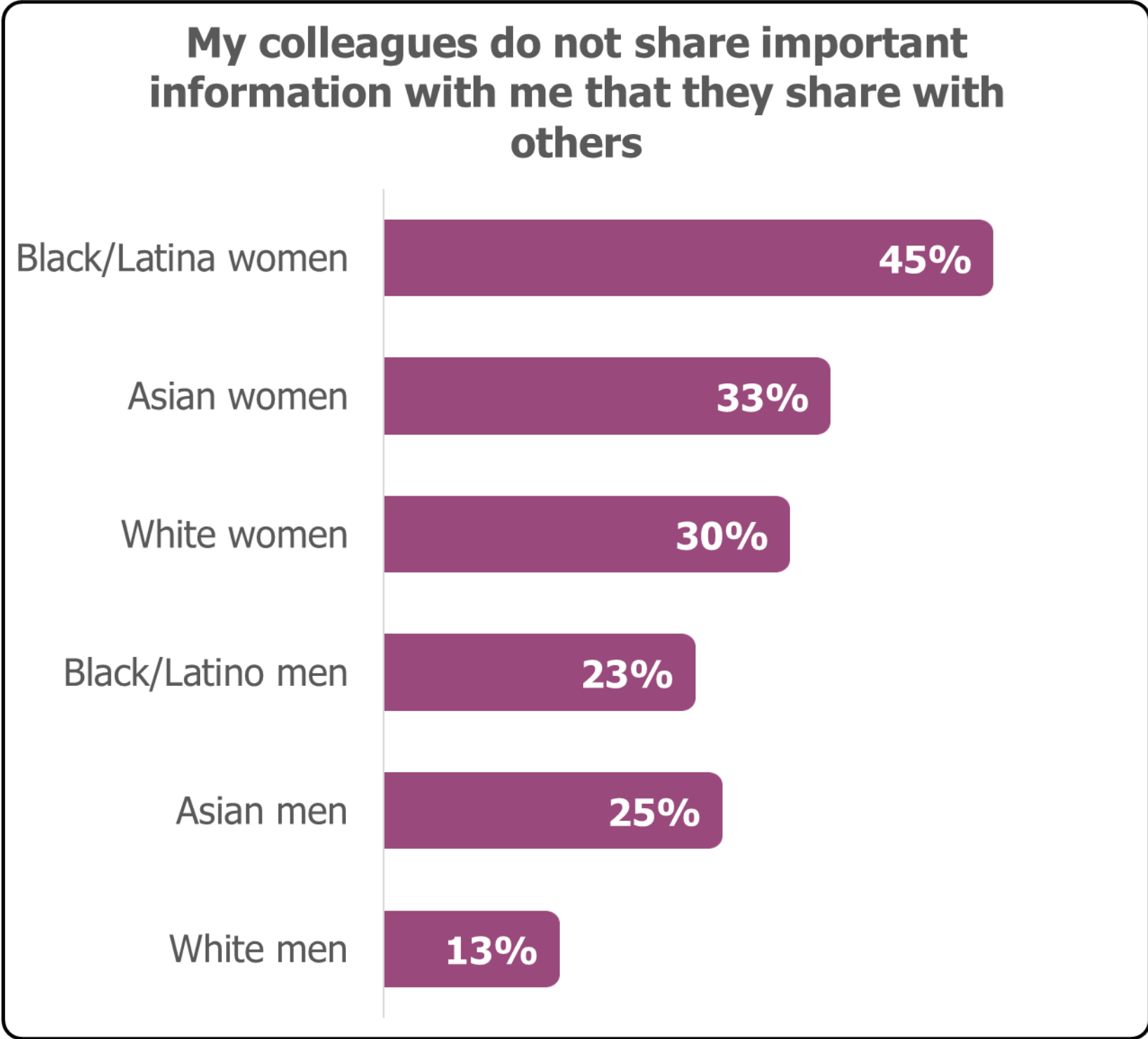
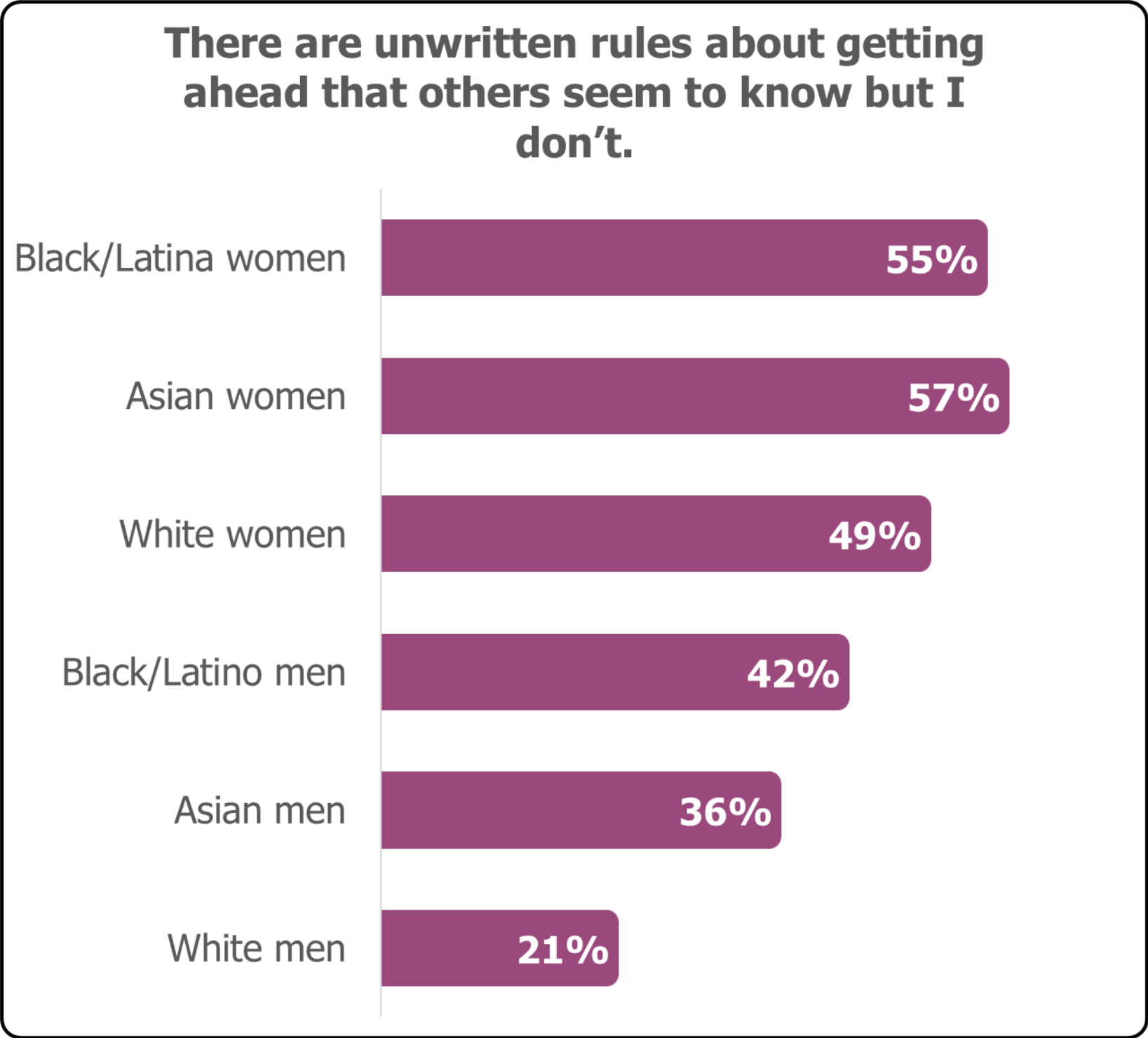
I have also been a part of a team where I was constantly looped out, where it made it difficult (and, almost impossible) for me to do my job because I never saw the full picture.

– Black woman

”

Over half of women of color, and around half of White women, report that there are unwritten rules about getting ahead that others seem to know but they don't; only 21% of White men reported this.

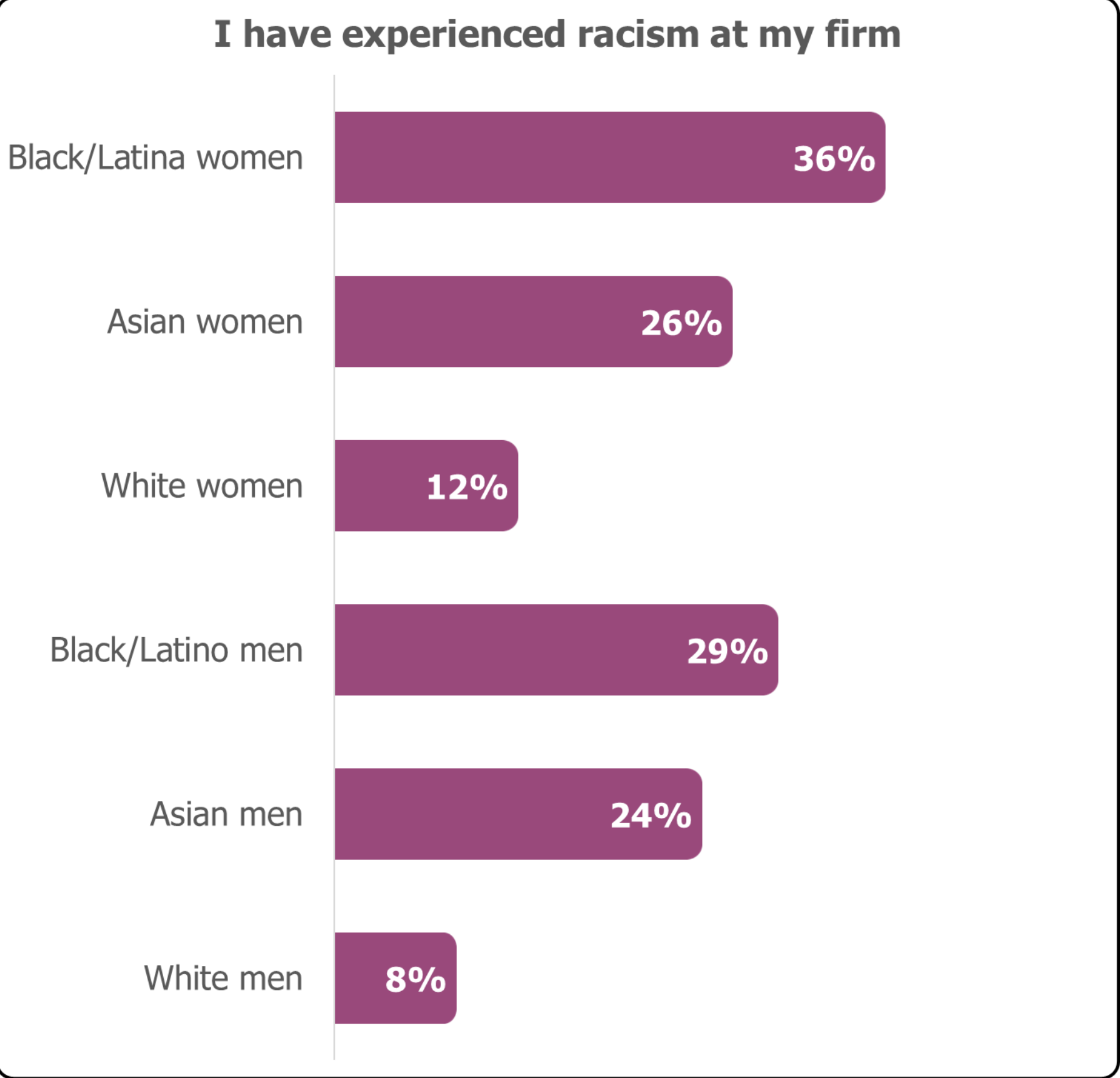
Around 45% of Black and Latina women also report being left out of the information-sharing networks where new opportunities and key information come up, only 13% of White men report the same. White men were the least likely to report any of these exclusionary behaviors, Black and Latina women the most likely, with all other groups falling in the middle.



Both men and women of color report racism

Over a third of Black and Latina women, and over a quarter of all men of color and Asian women, report experiencing racism at their current firms.

“ *A partner said the 'N' word at an event. A partner thought I was a waiter at an event. An associate said they did not want to eat [at] a Chinese restaurant because it wasn't 'easy' and used an inaccurate stereotype to reference the food.* - Multiracial man ”



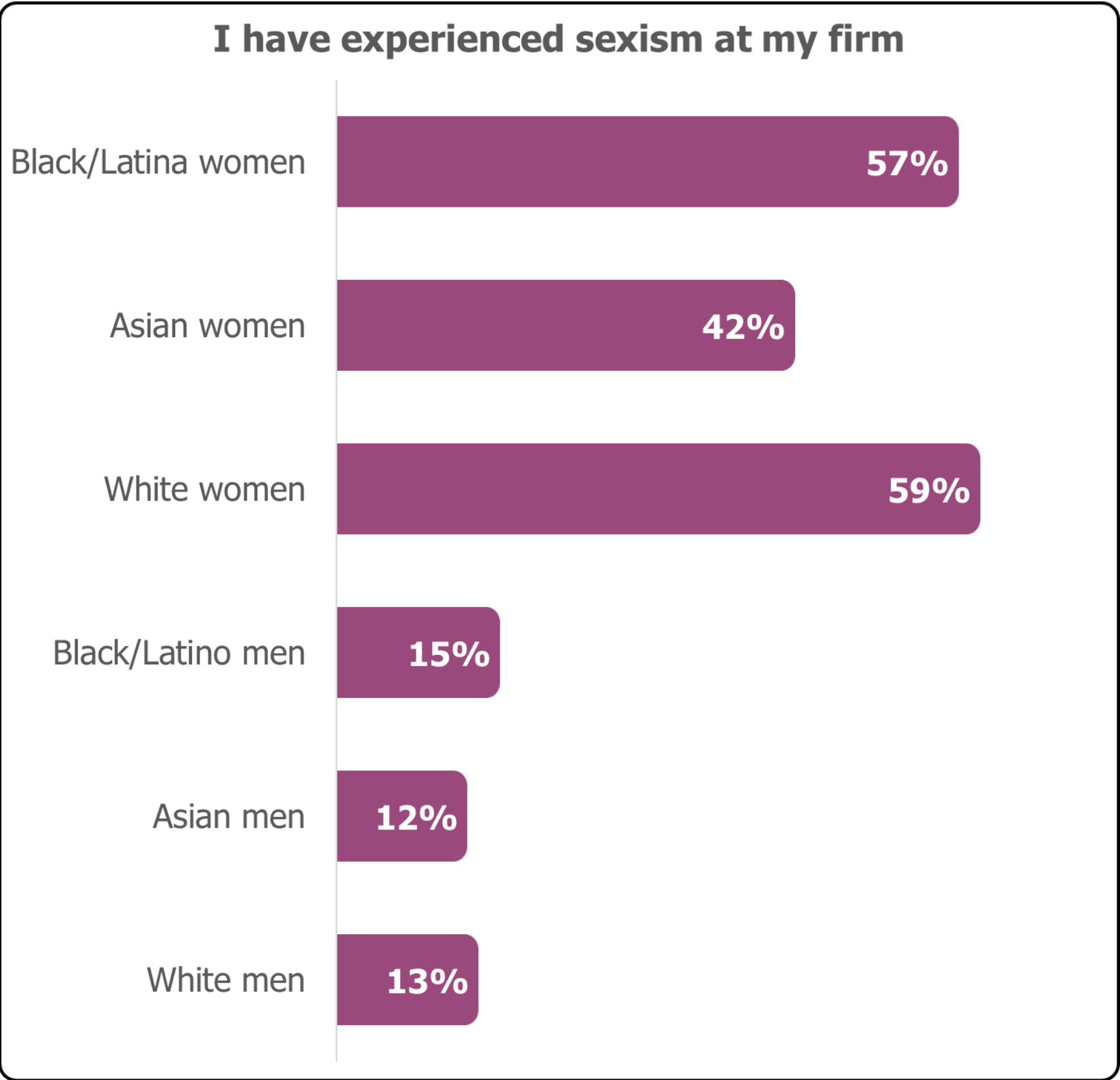
Women report sexism

Nearly 60% of White and Black and Latina women, and over 40% of Asian women, report experiencing sexism at their current firms.

“
A male colleague once told me that my boss likes me because 'I'm an attractive female.'
- White woman

Disrespect of women is a common and constant occurrence in our industry, and men frequently apologize to women for saying inappropriate things in front of them (not for saying the inappropriate things, period).
- White woman
”

These experiences are upsetting and exhausting, requiring extra emotional reserves from the impacted groups even while they’re also having put in more labor to have their actual work respected.



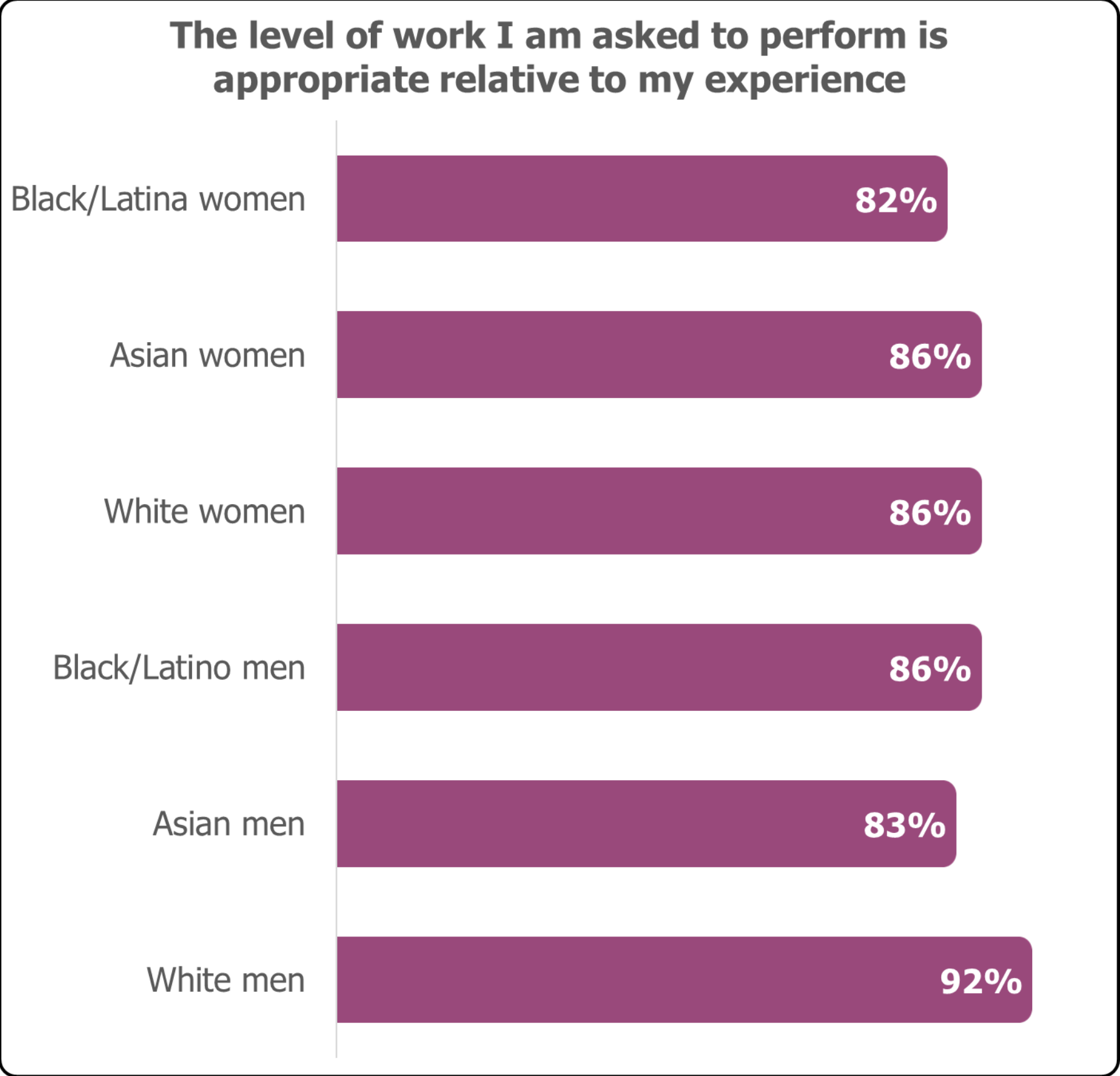
Workplace processes and policies

Access to opportunities

Black and Latina women consistently report the least access to career-enhancing opportunities and White men report the most access, with all other groups in the middle. These patterns play differently depending on the types of opportunities:

Work assignments do not always match employees’ level of experience

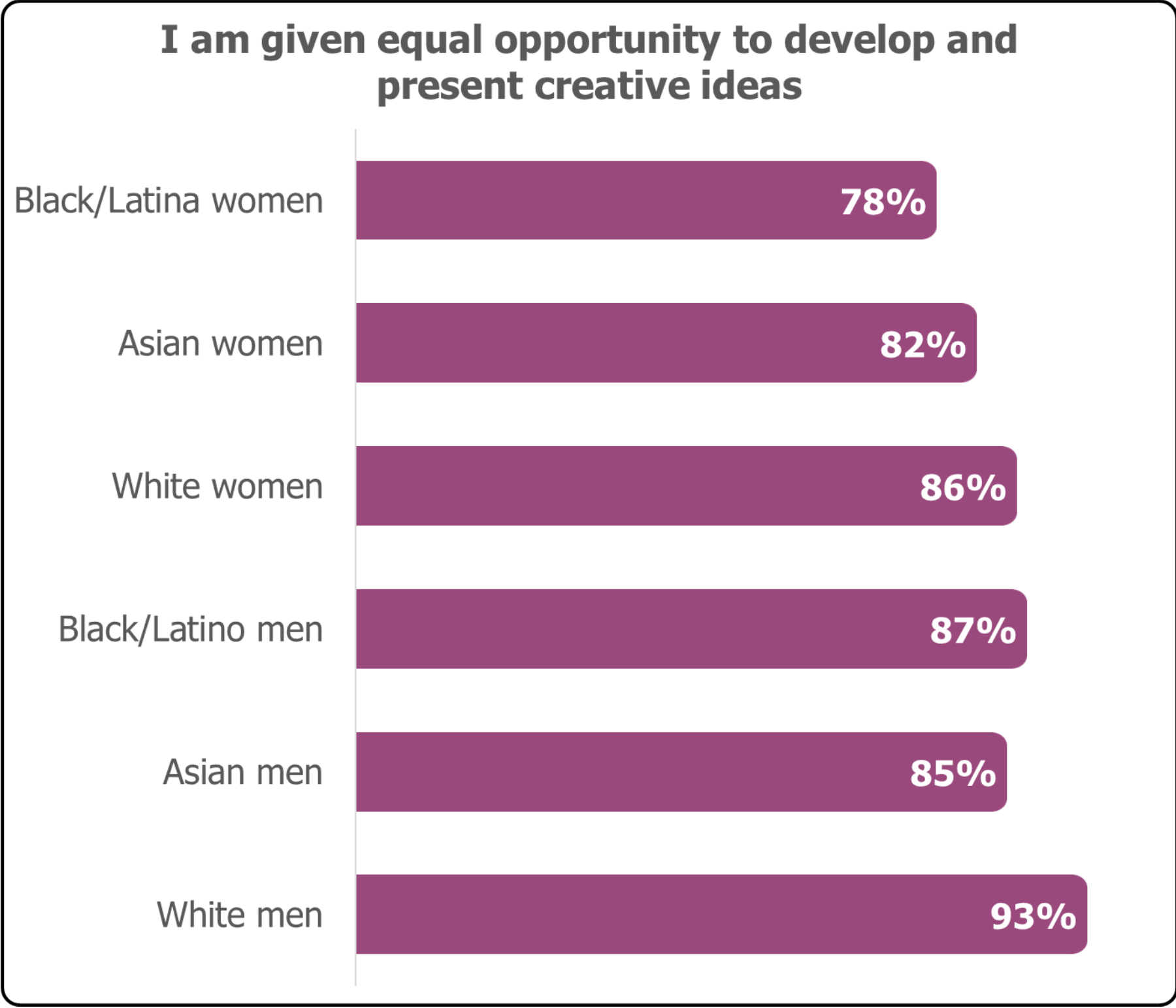
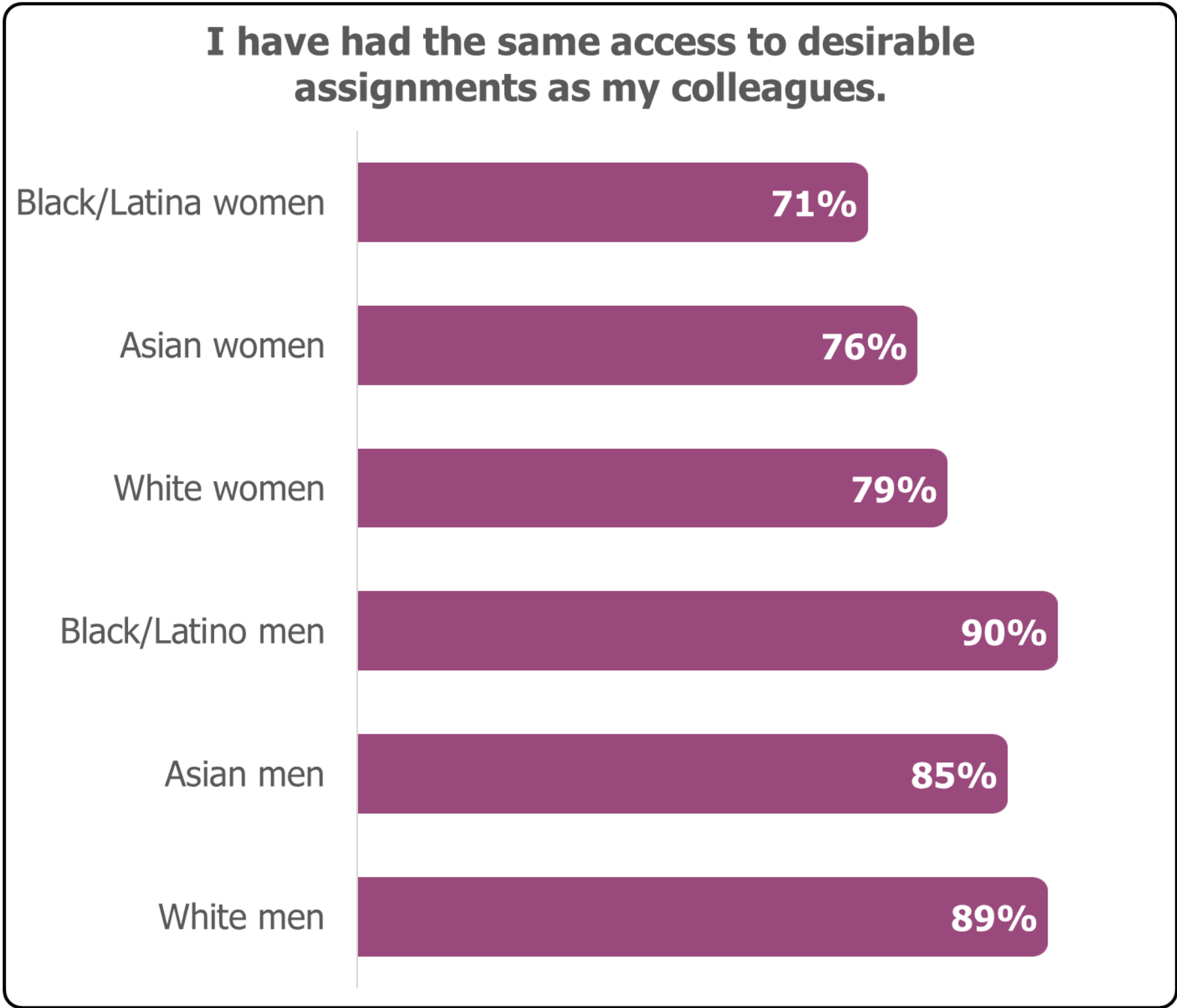
While a large majority of all groups report that they are assigned an appropriate level of work relative to their years of experience, Black and Latina women, as well as Asian men, were around 10 percentage points less likely than White men to report this.



Black and Latina women report the least access to career-enhancing work

Black and Latina women were 18 percentage points less likely than White men to report equal access to desirable assignments as their colleagues.

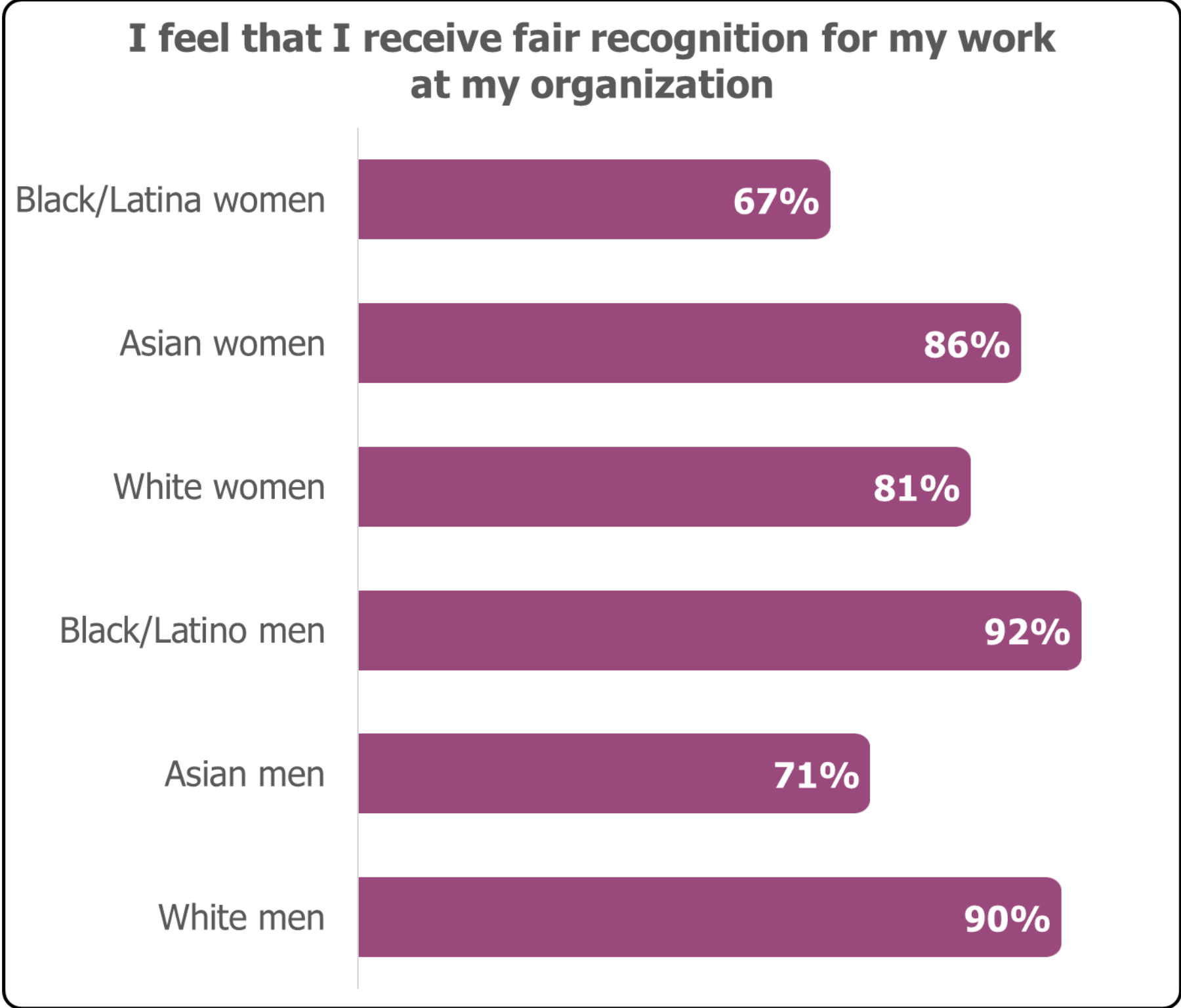
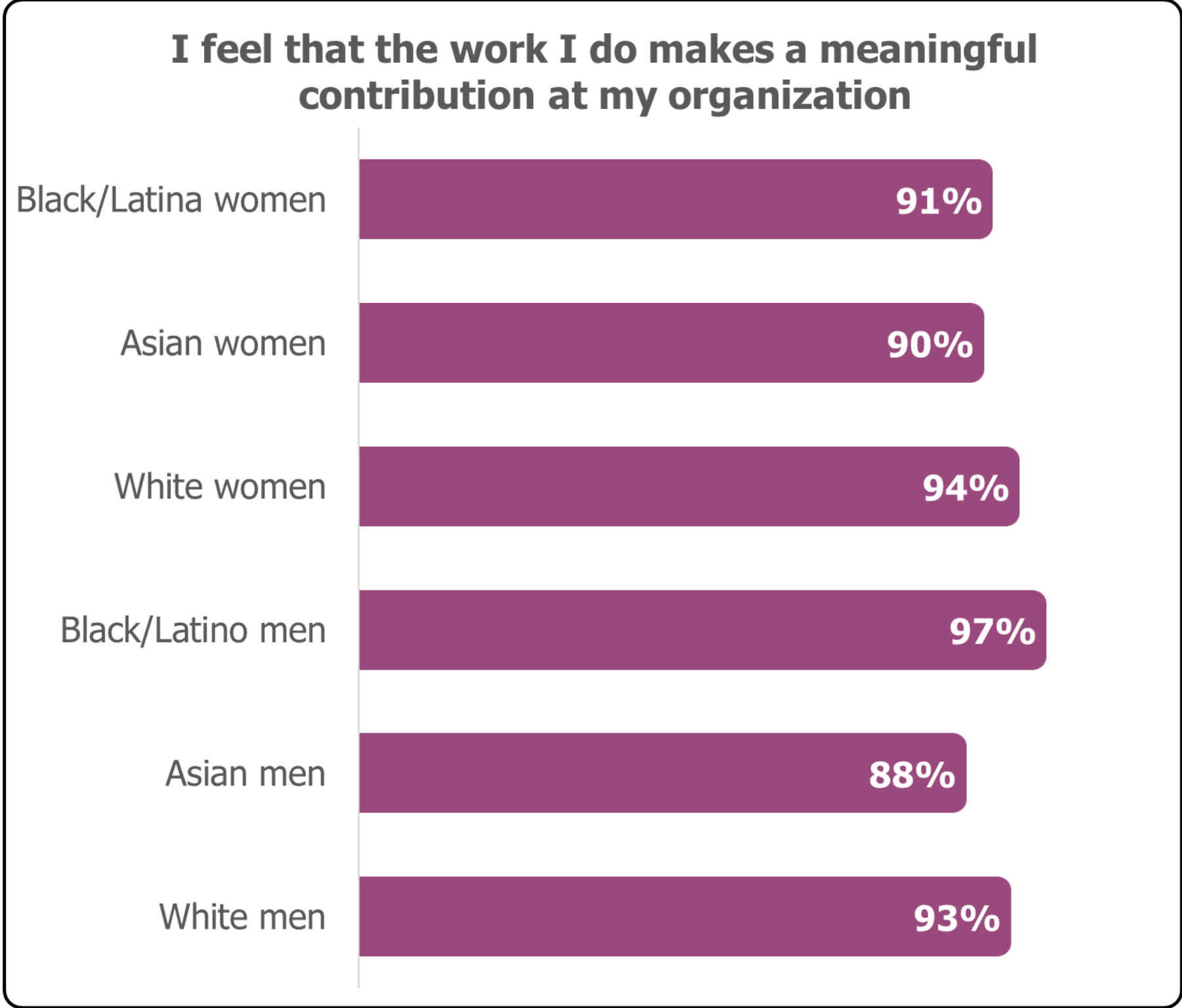
They were also 15 percentage points less likely than White men to report they could develop and present creative ideas and 15 points less likely to report access to work that could enhance their careers.



Meaningful work, but not recognized

While 91% of Black and Latina women feel that their work makes a meaningful contribution to their firms, only 67% report receiving fair recognition – a 24-percentage point discrepancy. To a lesser degree, this discrepancy is also report by Asian men (17 points) and White women (13 points).

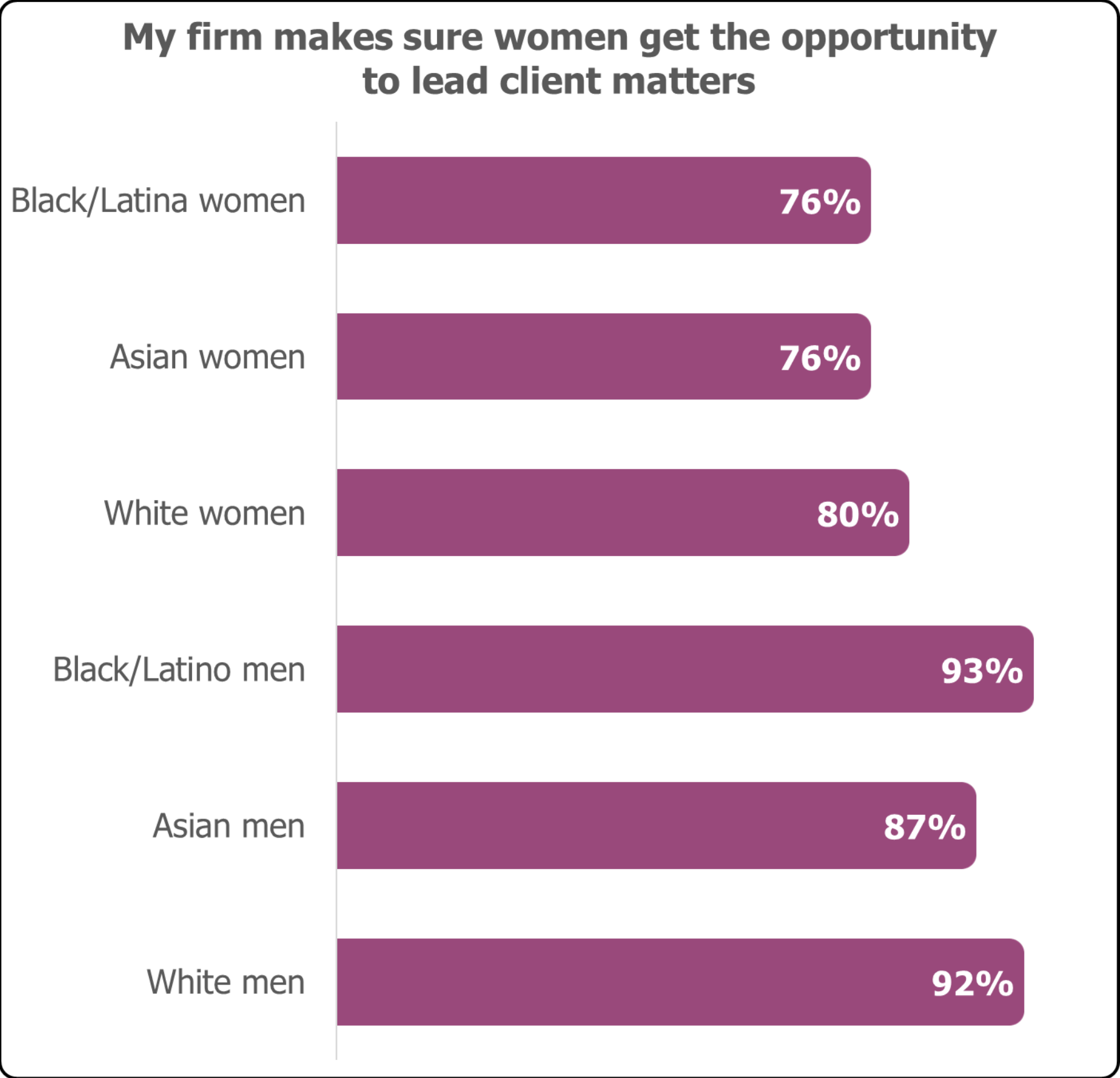
This is a striking contrast to the experience of White men, over 90% of whom report that their work makes a meaningful contribution and that this work is recognized.



Women report fewer opportunities to lead client matters

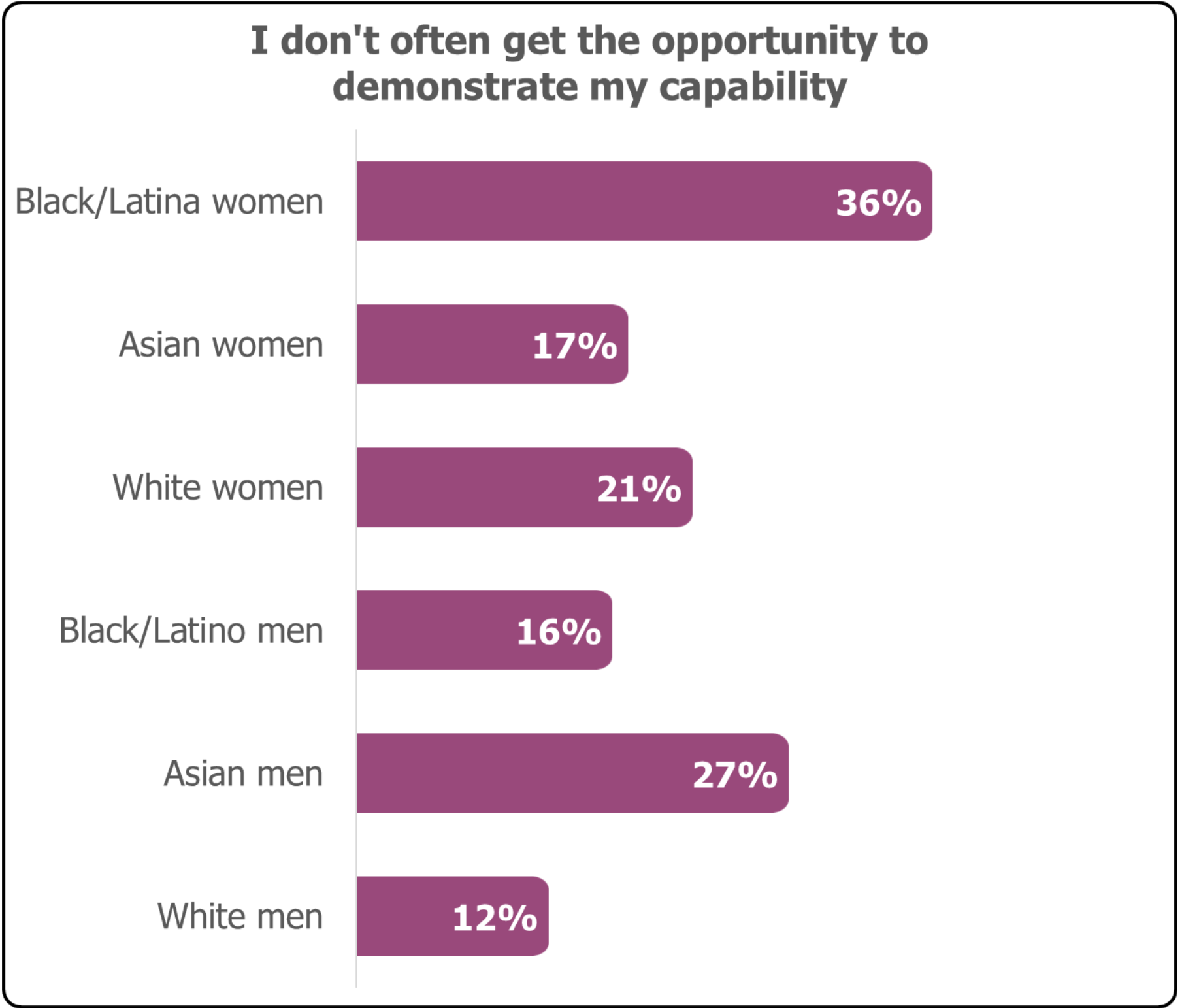
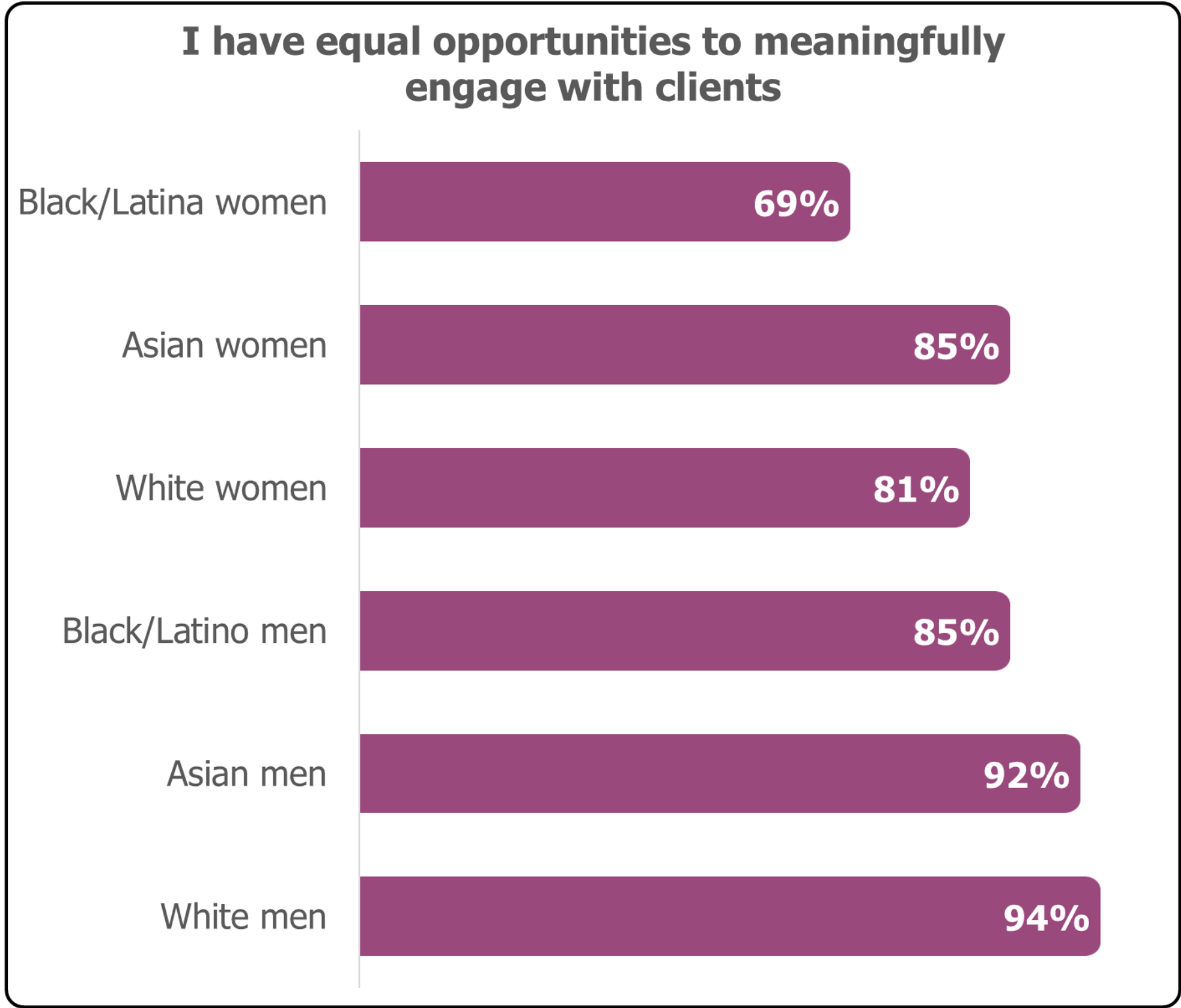
Women of all races are between 13 to 17 percentage points less likely than White men to report that their firm ensures that women get opportunities to lead client matters.

“
[F]emale associates have had difficulty securing prominent positions on deal teams (relative to their seniority level), have more limited interactions with clients, and do feel relegated to doing more of the clerical work on deals. – White woman
”



Additionally, Black and Latina women report the least opportunity to engage clients: only 69% of Black and Latina women but 94% of White men report having a chance to meaningfully engage with clients.

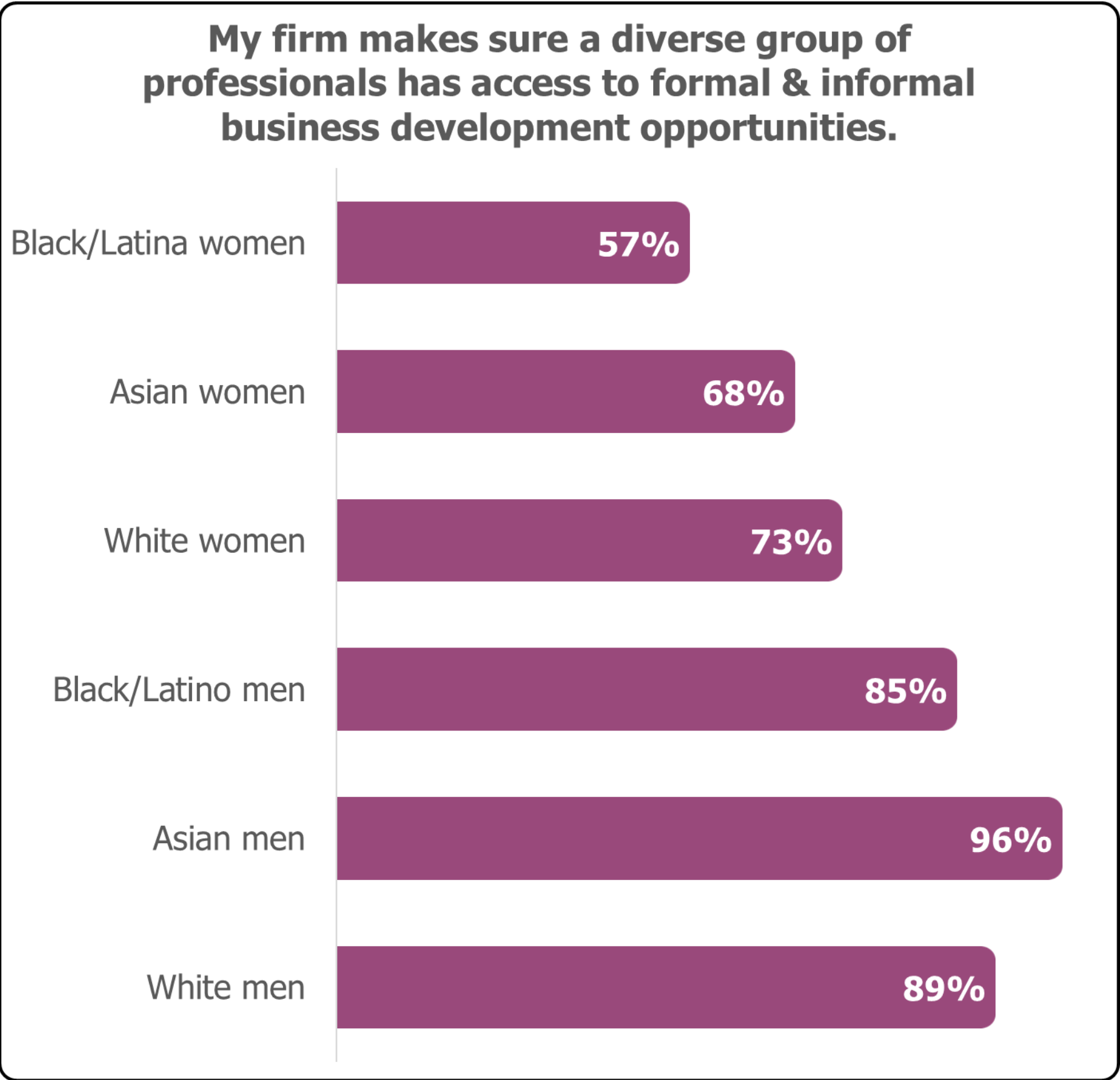
With this in mind, it is completely unsurprising that Black and Latina women are 25 percentage points more likely than White men to report that they don't have the opportunity to demonstrate their capabilities.



At my prior firm, I performed work at my senior associate level under a lead partner. When that partner retired and the only two remaining partners were not far from my age, they were threatened by me. They gave me [the] work of a junior associate. Meanwhile, they were giving my non-diverse colleague (3 years junior to me) sophisticated work. They would invite him to pitches and client meetings. My practice growth was essentially frozen for about 2-3 years. – Latino

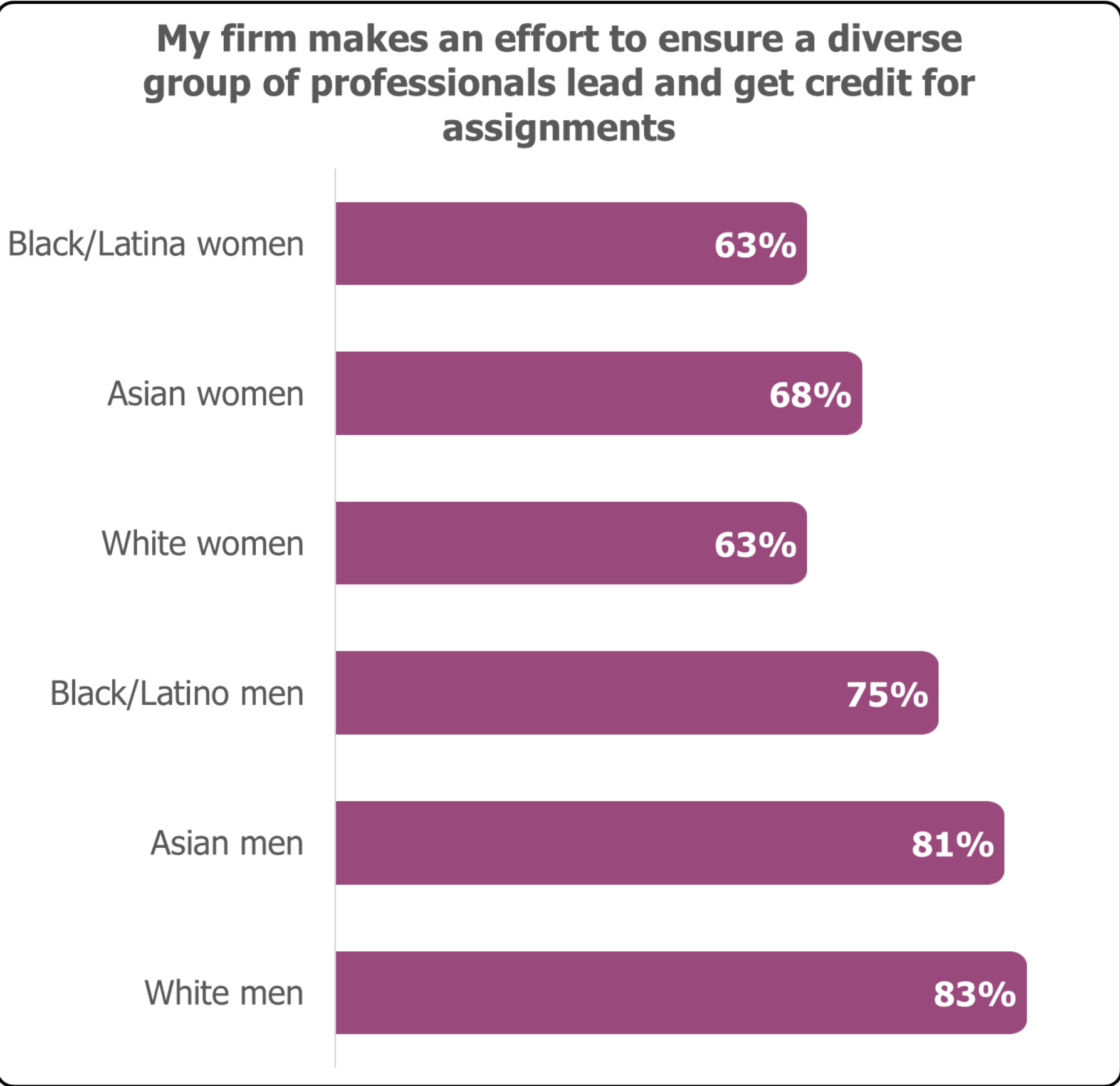
Women less likely to report that their firms value diverse representation

Women of all races are between 16 to 32 percentage points less likely than White men to report that their firm ensures that a diverse group of professionals has access to business development opportunities.



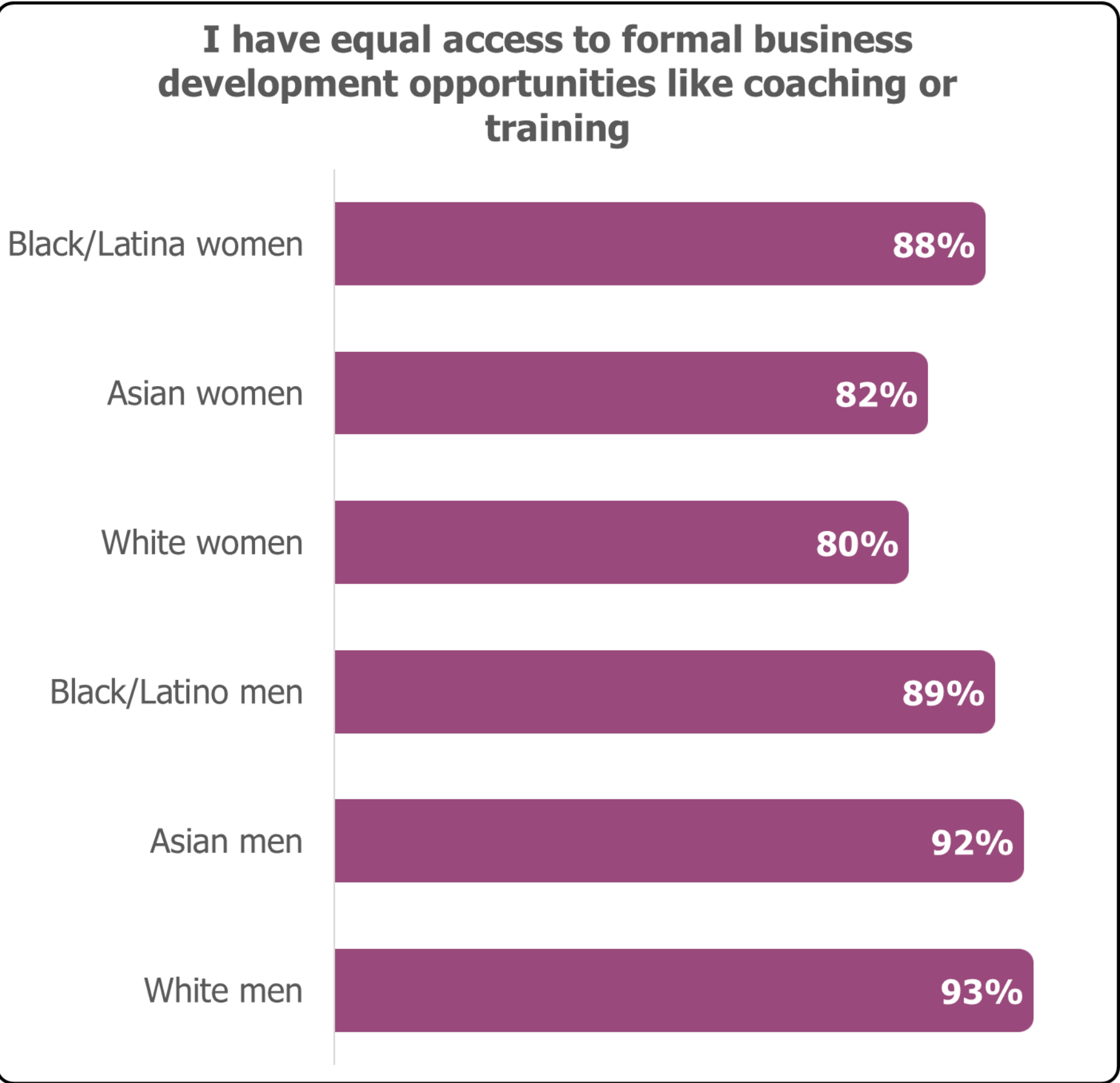
Only 63% of White women and Black and Latina women, but 83% of White men report that their firms make an effort to ensure that a diverse group leads and gets credit for assignments. This lack of diverse representation can have major consequences for advancement:

“
My business unit does not have enough diversity at the senior level. I have lost proposals in the past, as the pitch included bios that had all White males, and one or two females. I think we have to do better at hiring diversity. – Latina
”



White and Asian women report less access to formal development opportunities

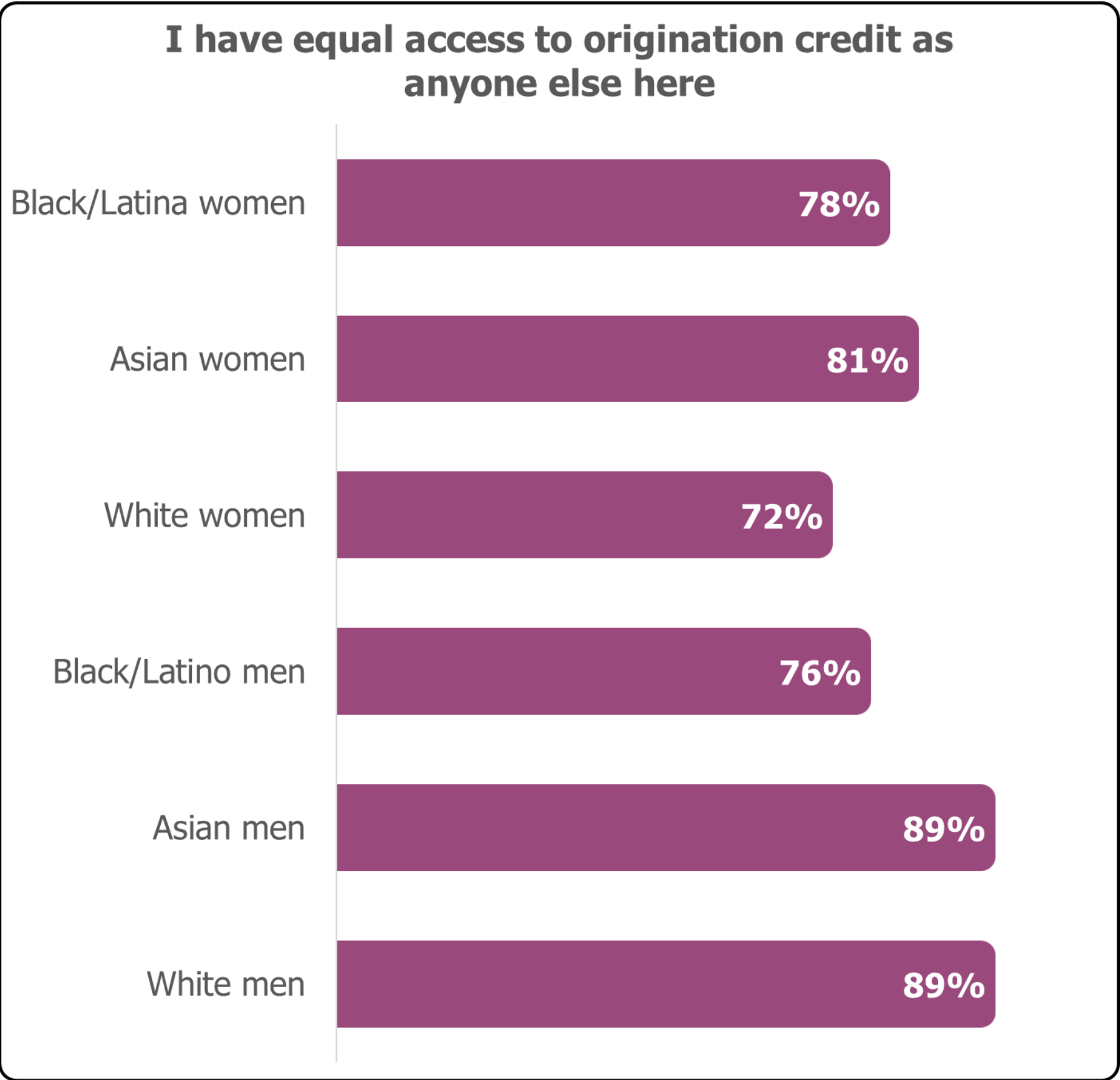
White and Asian women are the least likely to report equal access to formal business development opportunities like coaching or training. While 93% of White men report access to these opportunities, only 80% of White women and 82% of Asian women do so.



White women report being excluded from origination credit

White women are the least likely to report having equal access to origination credit – a rate 17 percentage points lower than White men. White women are also 13 points more likely than White men to report being excluded from their fair share of origination credit.

“
There are still a lot of instances of older White men passing their client relationships to other White males... an attorney not given that relationship who nonetheless actually builds and retains that relationship will be given that credit indirectly. – White woman
”



Office Housework

Marginalized groups in the restructuring industry report an additional burden outside of their career-enhancing assignments: office housework. Office housework includes four different kinds of work: extra administrative work (e.g. setting up a time for everyone to meet), literal housework (e.g. cleaning up the conference room after a meeting), emotion work (e.g. comforting a colleague) and undervalued work that is important but doesn't typically lead to promotion (e.g., mentoring, running the summer intern program, project coordination).

From the perspective of interactions with clients/counterparties in deals from the restructuring practice as a whole... I find that female partners (like myself) do assume more of that [administrative] responsibility on the deals themselves (e.g., organizing calls, sending agendas, confirming follow-up etc.
– White woman

Office housework falls on women

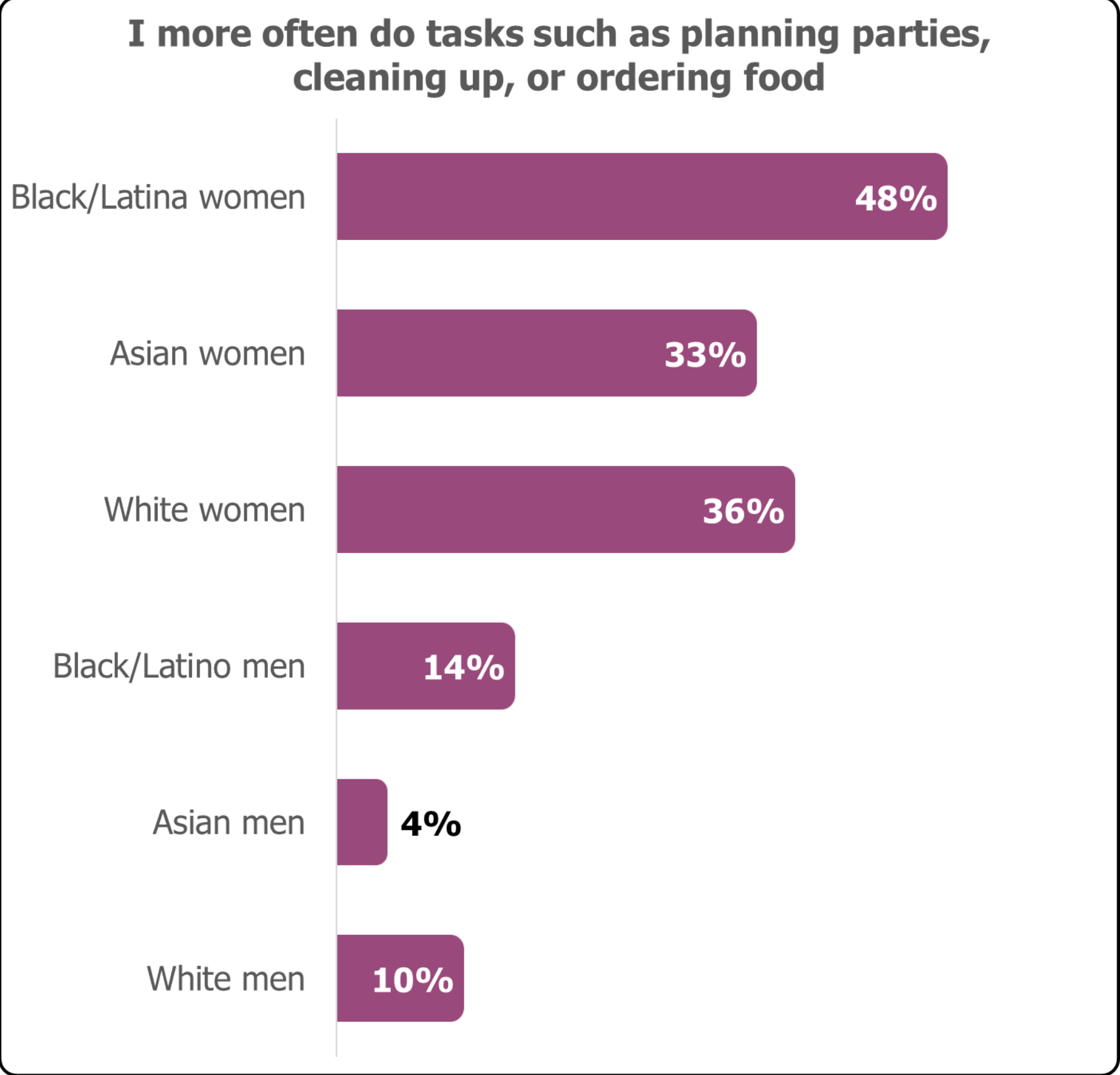
Women, of all races, report doing more office housework than their colleagues compared to men of all races.

There is a White, male colleague who is in his thirties at my firm... He has poor communication skills and often interrupts only women during meetings. In group projects, he will leave the administrative-leaning work to women and will not even bring up that aspect of the task, leaving the women to bring it up or just do it for him. – East Asian woman

Black and Latina women report doing the most literal office housework, administrative work, and behind the scenes work, followed by Asian and White women. White women report doing the most emotion work. We expand on these patterns below.

Black and Latina women report doing the literal housework

Literal office housework is exactly what it sounds like: planning events, cleaning up after meetings, and ordering food. So, who gets to pick up the coffee cups? Nearly half of Black and Latina women report bearing more responsibility for literal office housework than their colleagues, while only 1 in 10 White men say the same. Asian and White women fall in the middle, with over a third reporting taking on more literal housework than their peers.



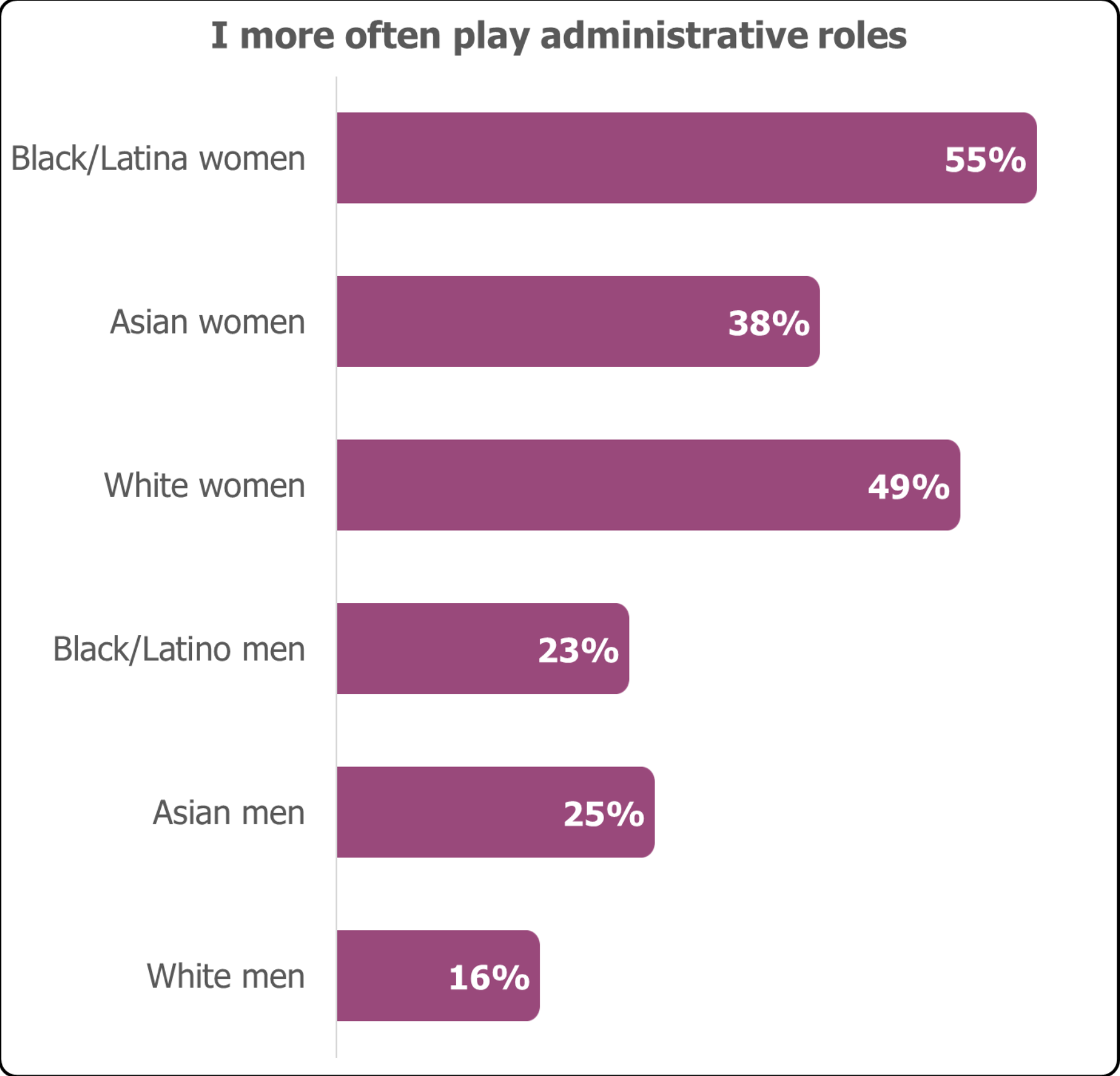
Black and Latina women treated as assistants or notetakers

Extra administrative work includes taking meeting notes, coordinating meeting times, and sending follow-up emails. Over half (55%) of Black and Latina women and nearly half (49%) of White women report taking on extra administrative work compared to only 16% of White men. Over a third (38%) of Asian women also report this administrative burden.

“
I have a male colleague of equal seniority who always takes charge and treats me as his assistant when we work together, solely because he is a man, and I am a woman.
– White woman

Men of color also report more administrative work

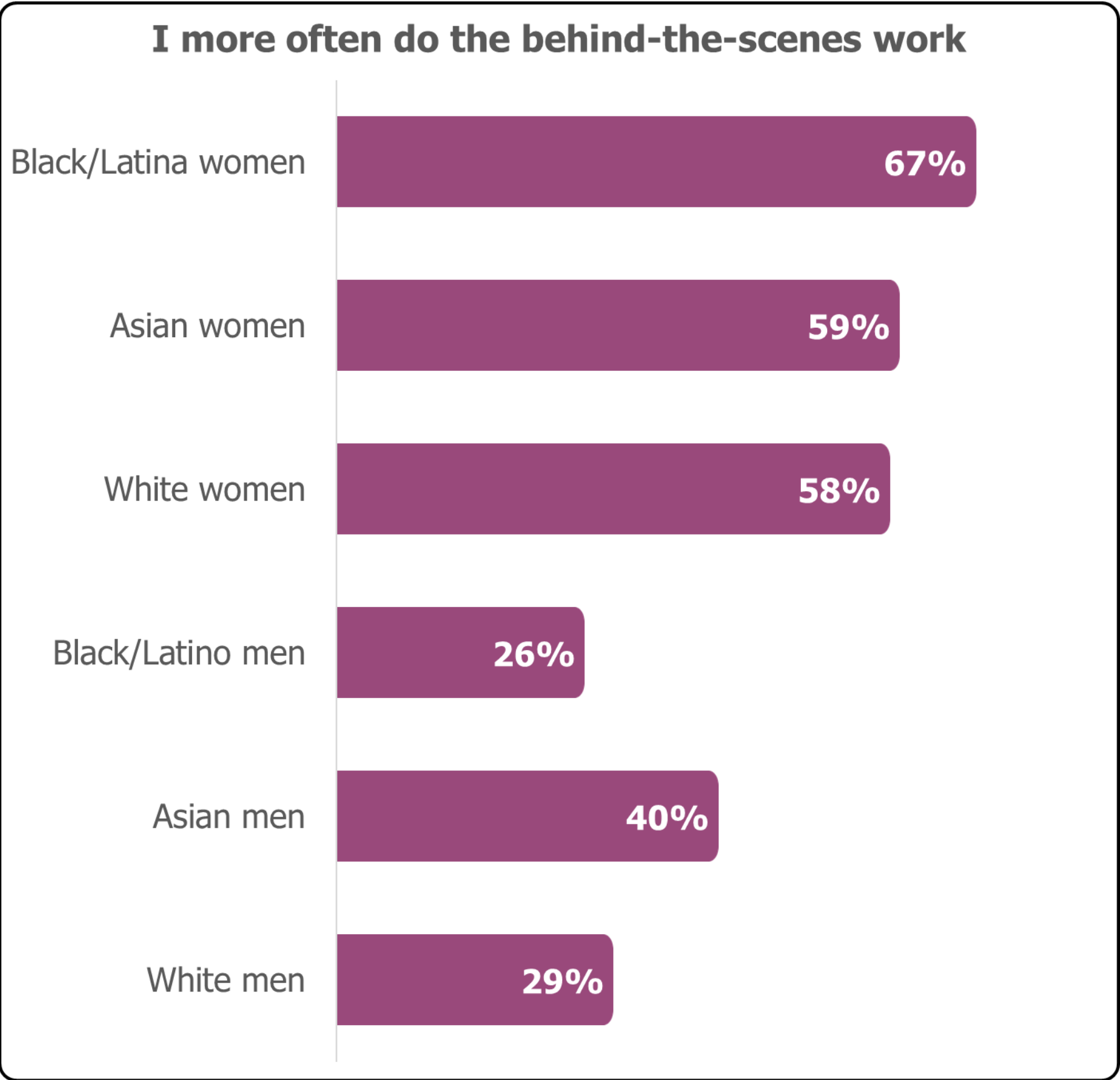
While women of all races take on the majority of this work, the burden of administrative housework is shared by men of color. Nearly a quarter of men of color agree that they do more administrative work than their colleagues; only 16% of White men say the same.



Behind every successful man...is a woman who doesn't get credit

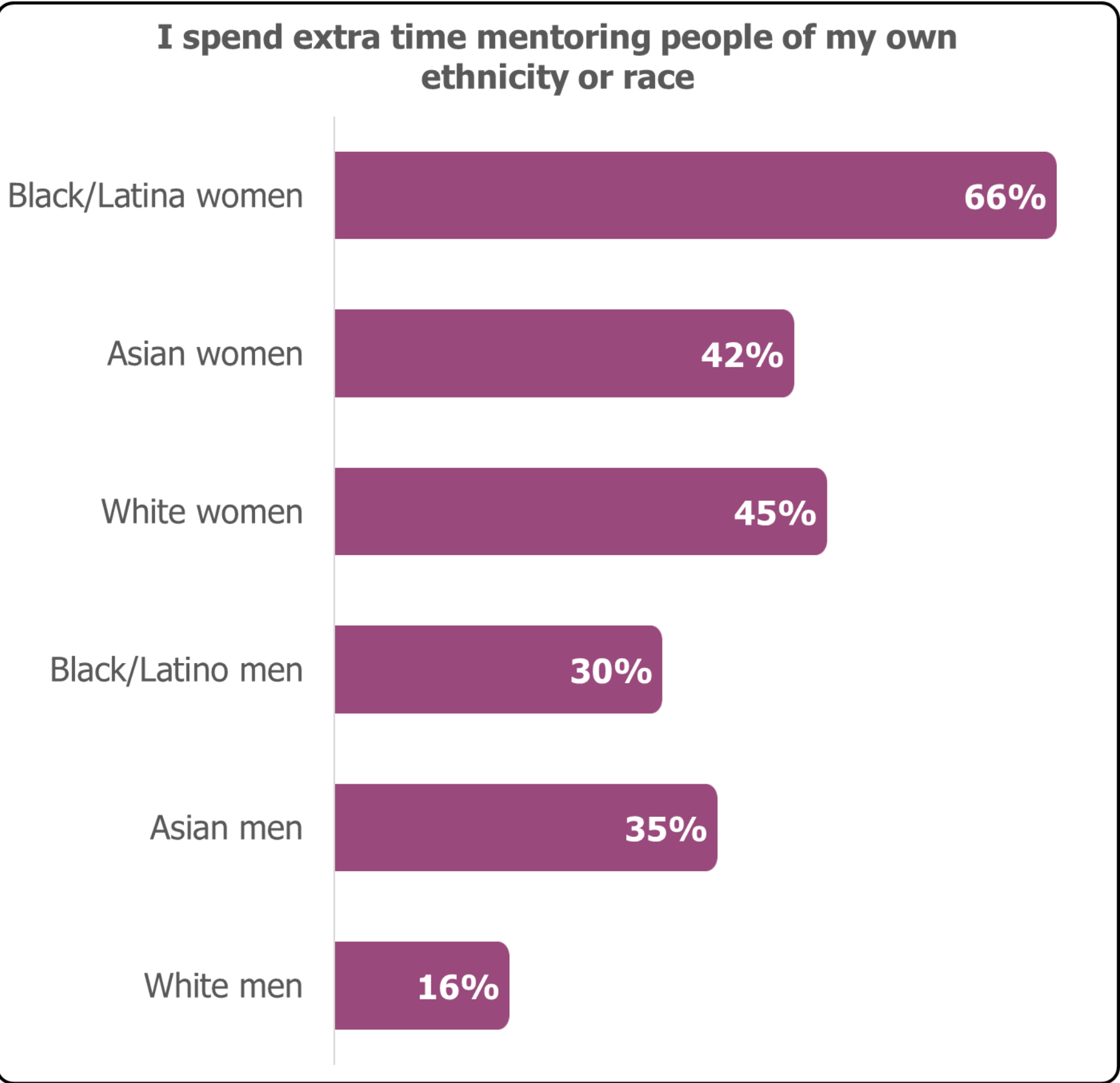
The third type of office housework is behind-the-scenes work: work that goes unnoticed or does not typically lead to promotion. Nearly 7 in 10 Black and Latina women, and nearly 6 in 10 Asian and White women, report taking on more behind-the-scenes work than colleagues in comparable roles and seniority. White and Black and Latino men are the least likely to report this burden.

“ *I was left with a messy project someone else didn't get right, and was forced to fix it and blamed for its undoing...* ”
– **Multiracial woman**



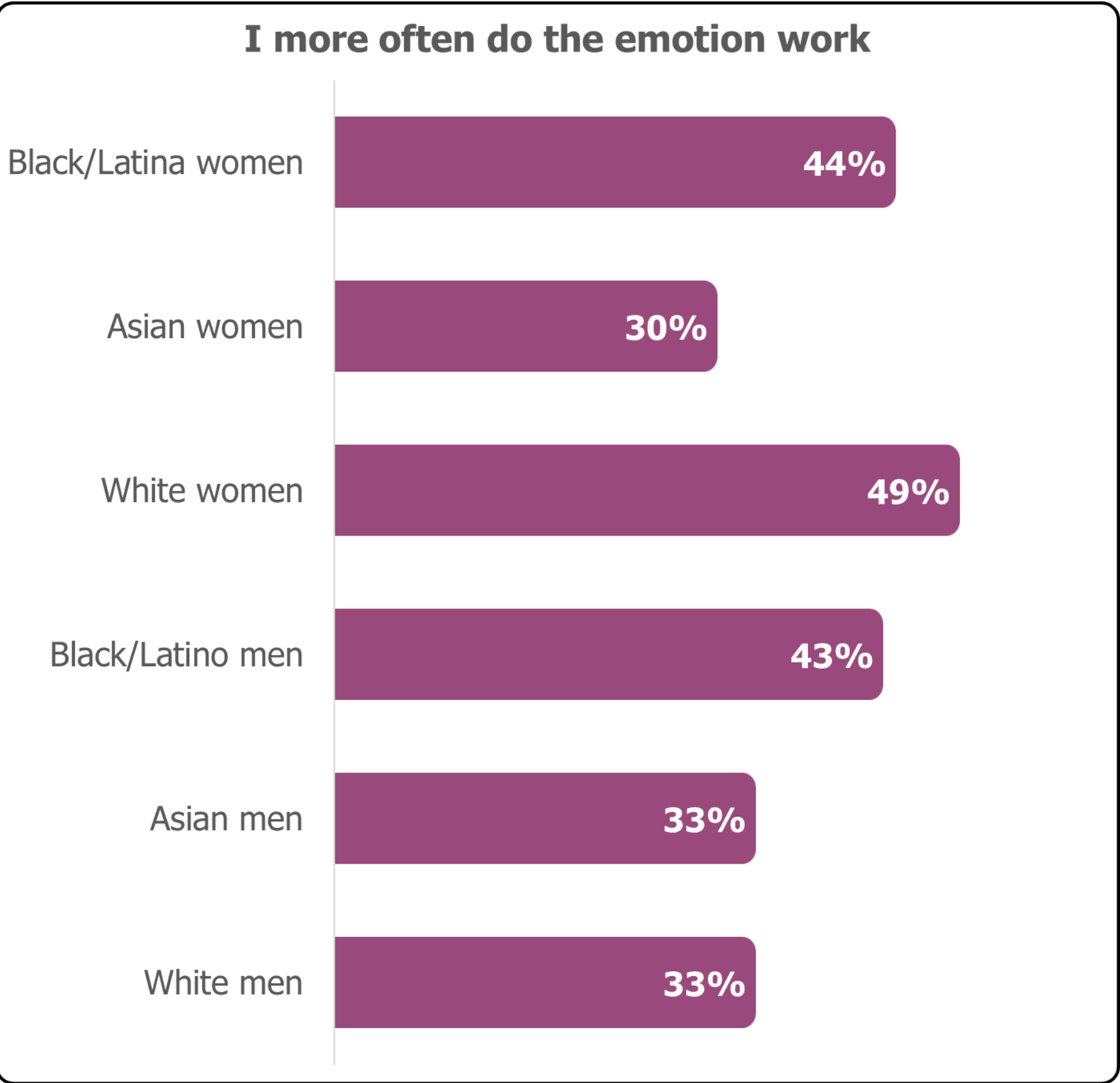
Mentoring is important, time-consuming, and undervalued

Previous research shows that women of color are often expected to provide extra mentorship to those of their own race or ethnicity.²² In the current study, Black and Latina women report spending more time mentoring those of similar ethnic backgrounds. They do so at a rate 50 percentage points higher than White men. Asian and White women also report this burden between 26-29 percentage points more than White men.



White women keep the peace

The last type of office housework is emotion work, which involves dealing with upset or angry colleagues, being a mediator during office conflicts and helping others manage their emotions. White women report doing the most emotion work, followed by Black and Latino men and women. White men, Asian men, and Asian women report doing the least emotion work.

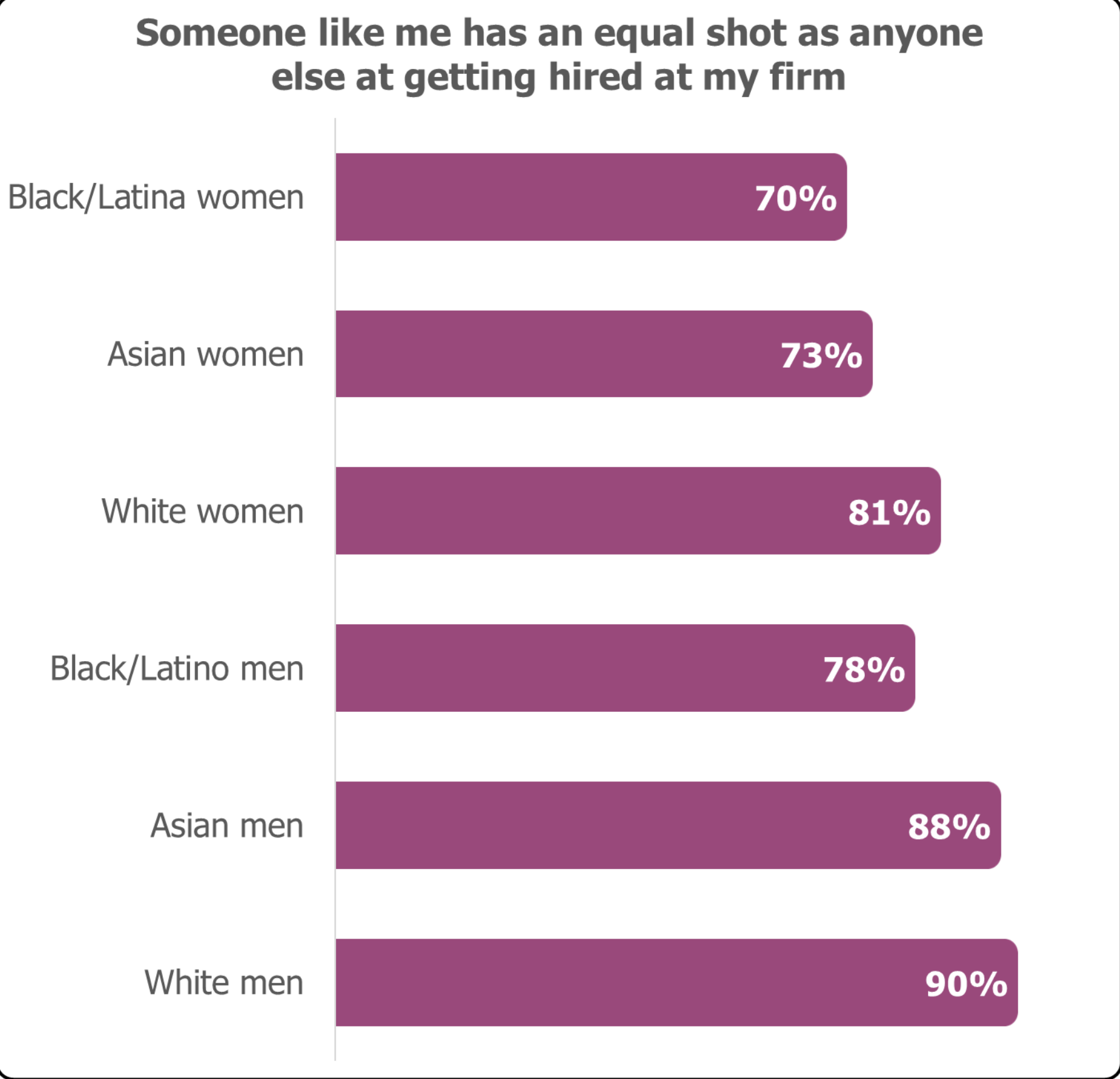


Hiring

Women of color report the most bias during the hiring process, with Black and Latino men and White women falling in the middle. When asked if someone like themselves has an equal shot at getting hired at their firm, 90% of White men agreed, while only 70% of Black and Latina women and 73% of Asian women did.

Additionally, Asian women were 18 percentage points less likely than White men to report that their company is open to hiring people from all kinds of backgrounds. Black and Latina women were not far behind: they were 12 percentage points less likely than White men to agree.

“
[I was] told that women would 'mess up the vibe' and were not hired as a result.
– White man
”

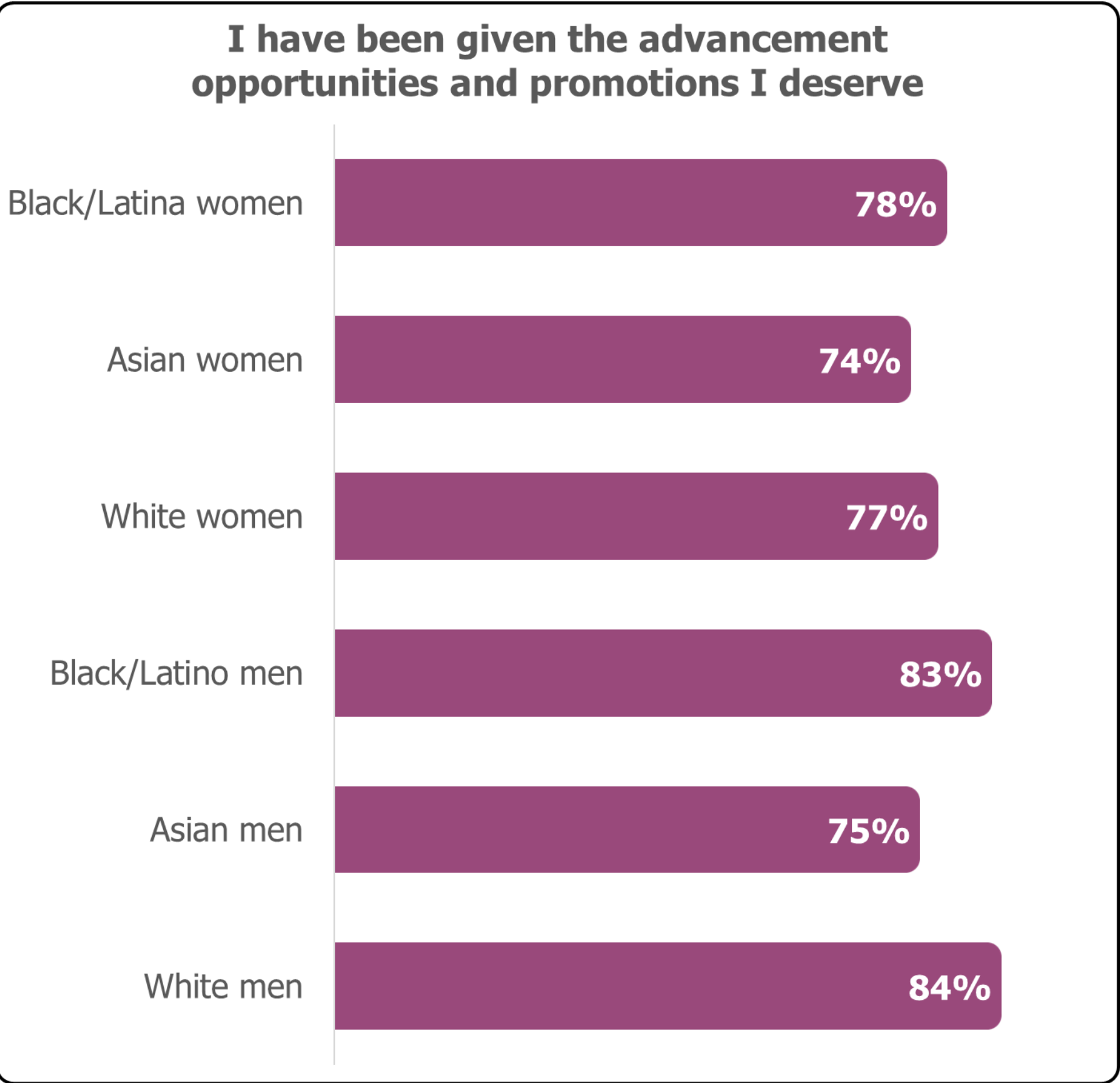


Promotions

Asian men and women report a lack of advancement opportunities and promotions

Asian men and women are the least likely to report that they have been given fair advancement opportunities and promotions – almost 10% percentage points lower than White men; followed by White and Black and Latina women.

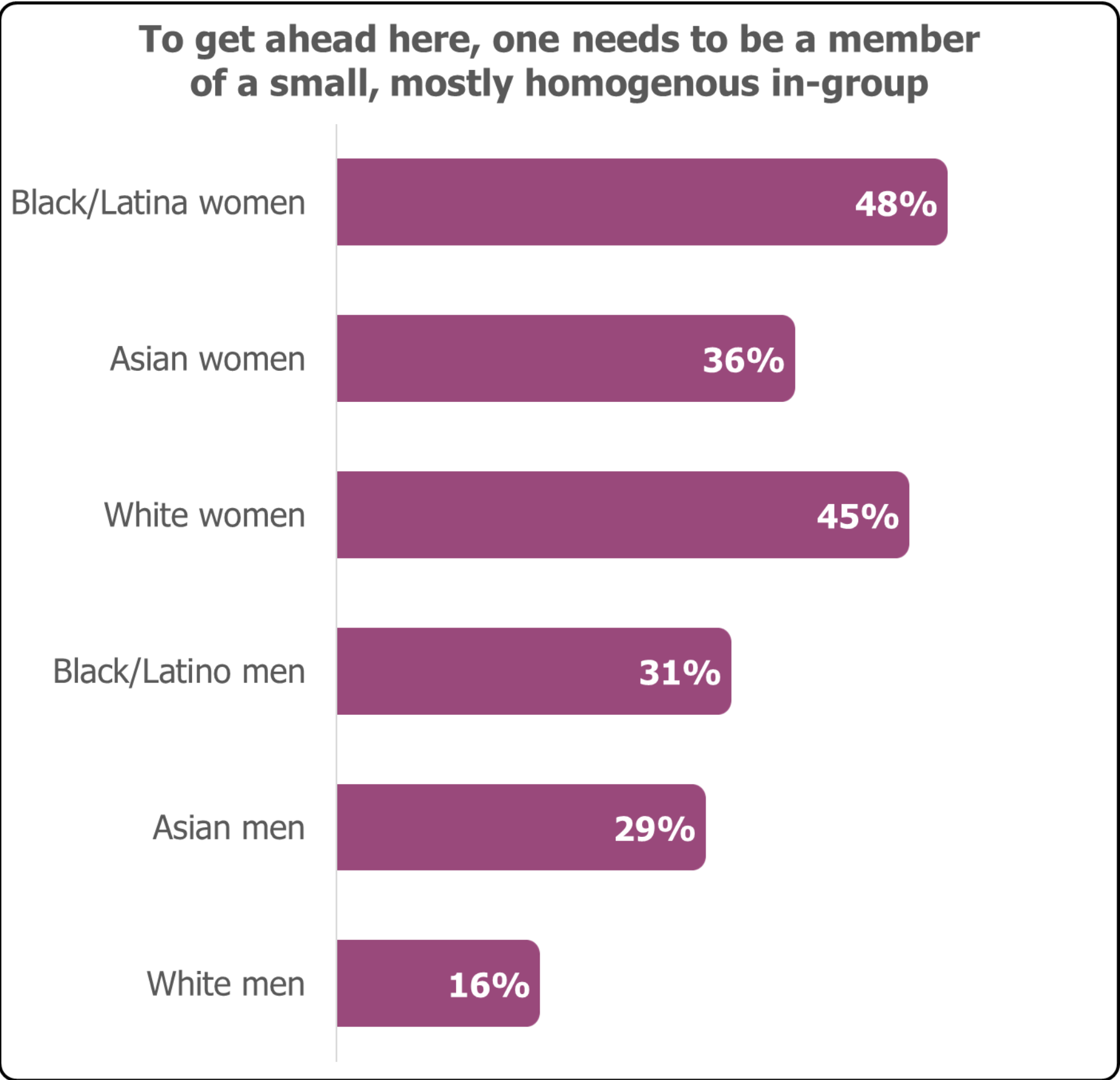
“
Every year, it seems a 'token' diverse person will be added to the executive committee, but no more until that one rolls off the executive committee. -White woman
”



Women can't get ahead

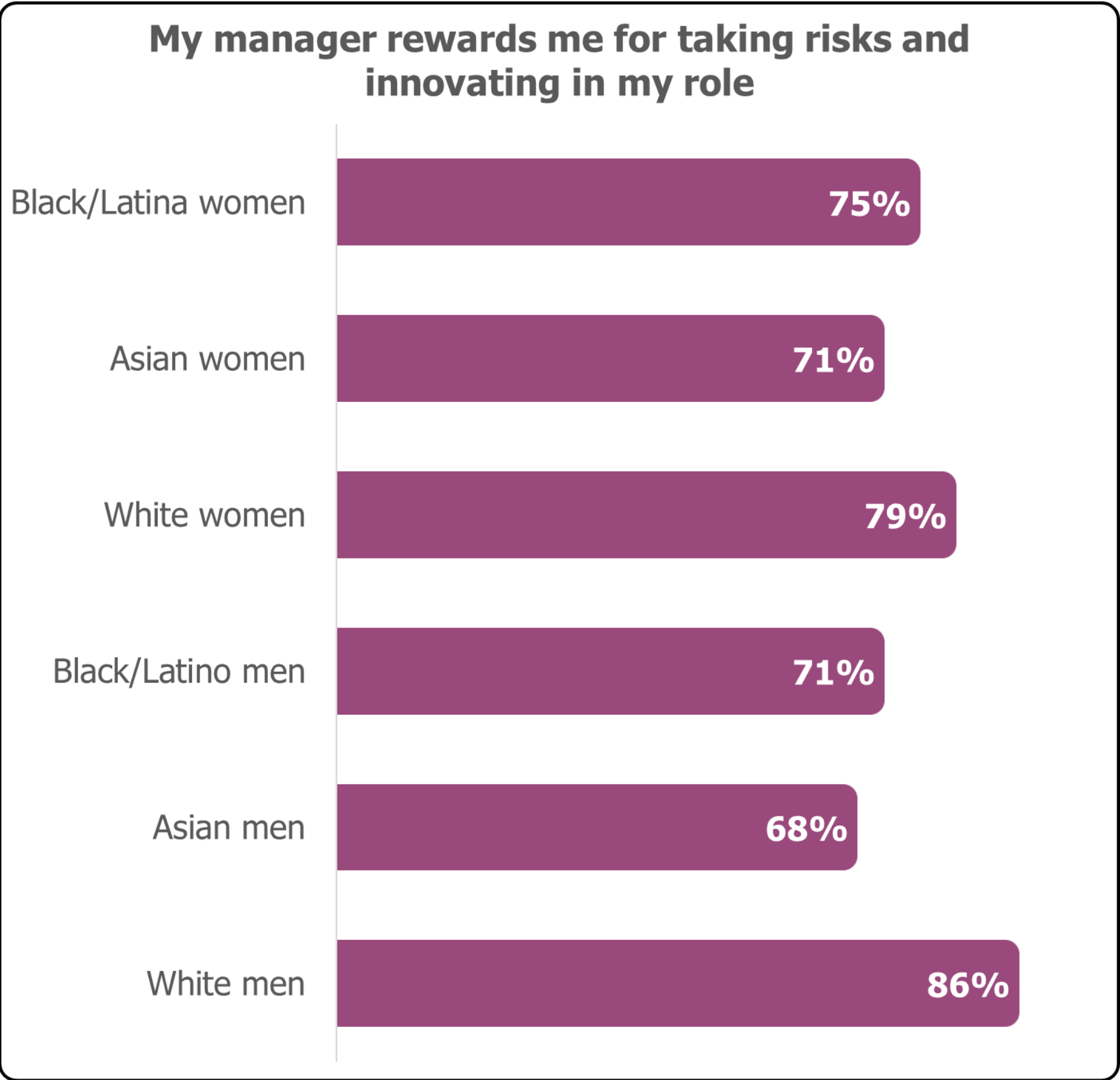
Almost half of Black and Latina and 45% of White women say that to get ahead people must be a part of the in-group. Only 16% of White men reported the same.

The people that succeed in my group are typically from the same background as the heads of our group and are given opportunities to succeed much earlier and more frequently than others in the group. It becomes like an exclusive group that is impossible to break into. The men are incredibly territorial and look out for their own. They create a sense that there is only room for a few females to succeed. – Latina



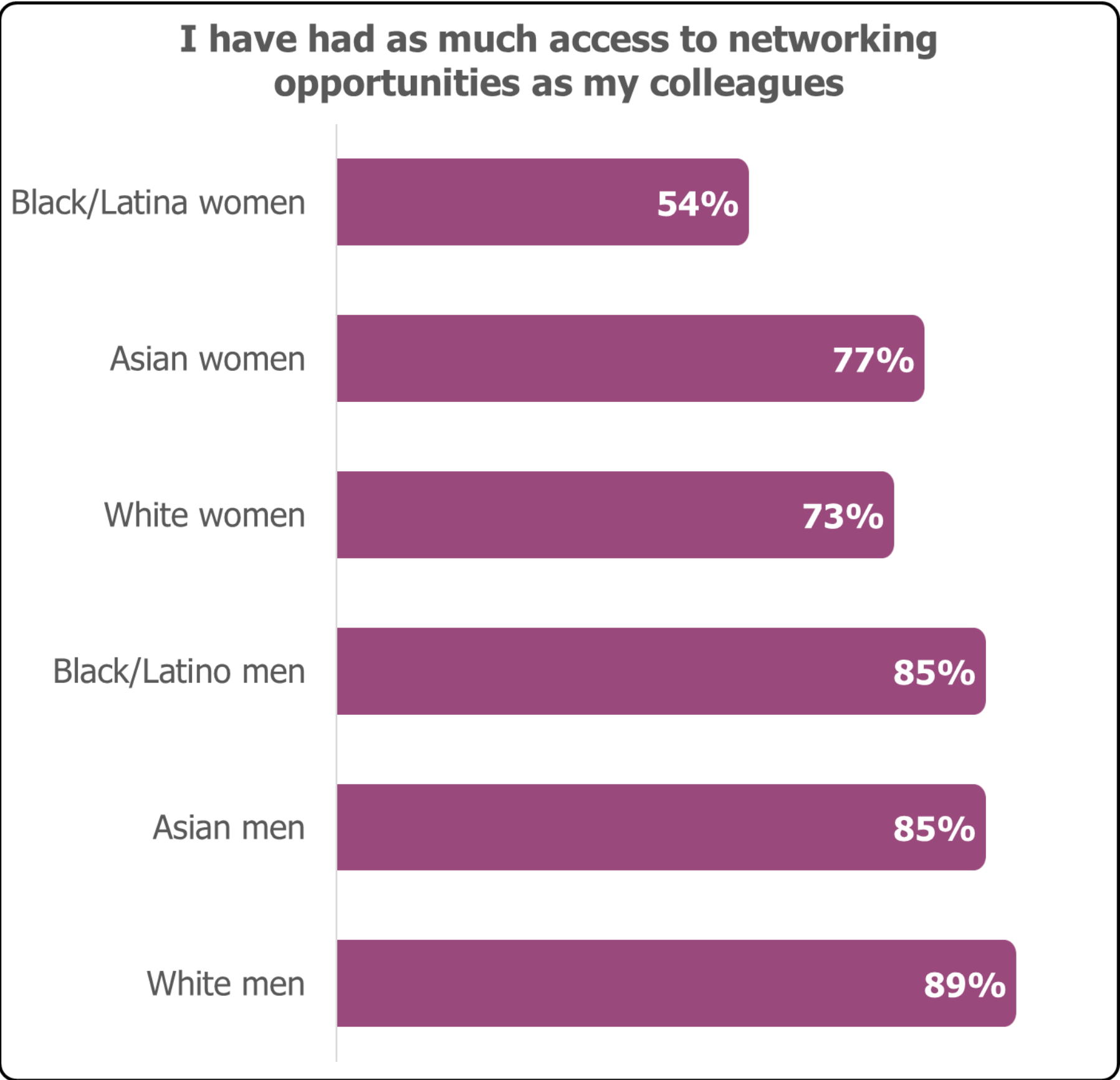
Risk taking is riskier for some than others

White men also are much more likely than other groups to report that managers reward them for risk taking, while Asian men are the least likely. Asian men are 18 points less likely than White men to say they’re rewarded for taking risks and innovating, followed by Black and Latino men (15 points), Asian women (14 points), Black and Latina women (11 points), and White women (7 points).



Networking opportunities

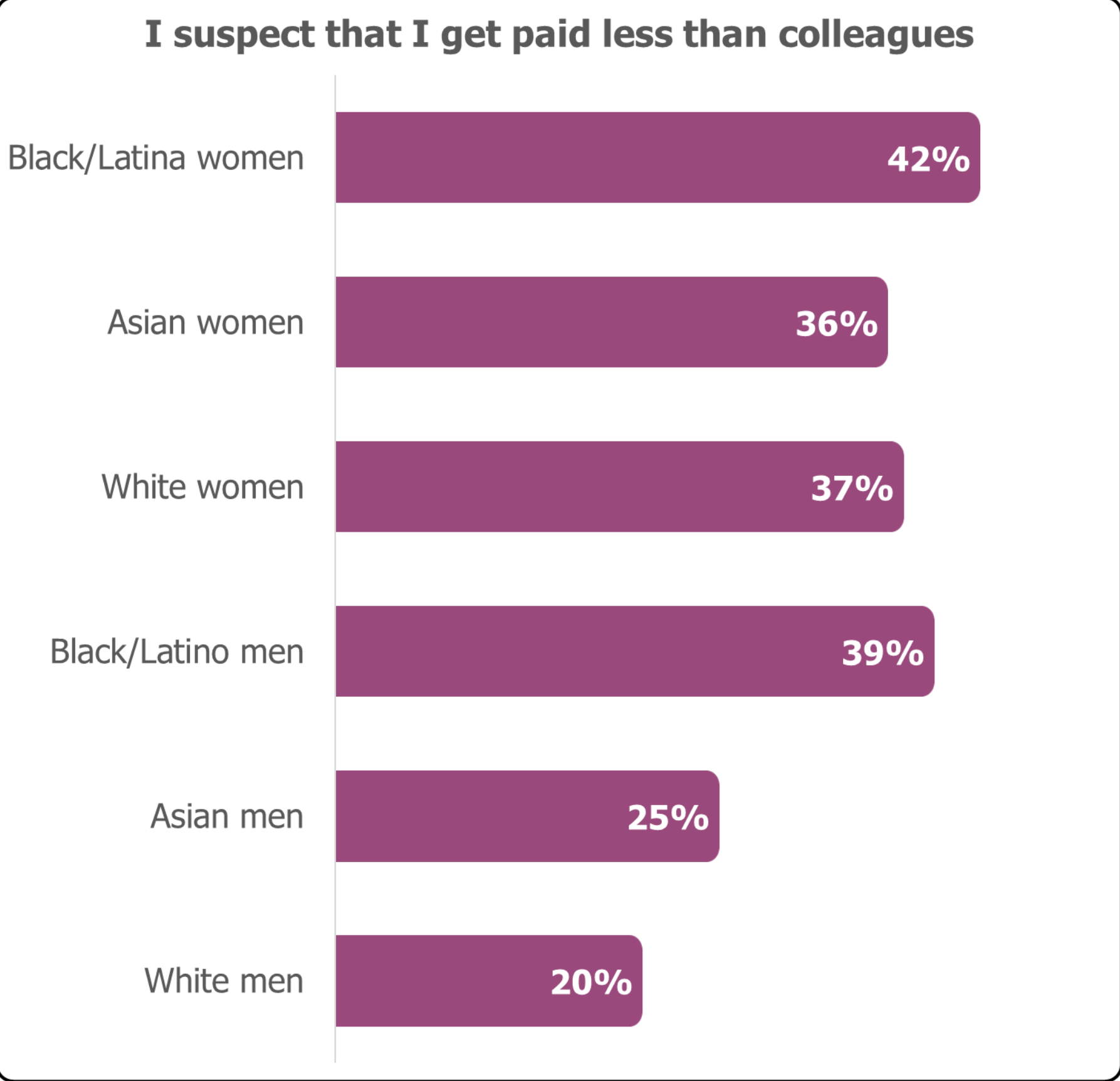
Women of all races report having less access to networking opportunities compared to men. Among women, this lack of access is worst for Black and Latina women. While almost 90% of White men report having access to the same networking opportunities as their peers, this number falls to 54% for Black and Latina women.



Compensation

Bias has hard-hitting effects on compensation. 42% of Black and Latina women, 39% of Black and Latino men, 37% of White women, and 36% of Asian women believe they are paid less than their colleagues of equal seniority and experience. Only 20% of White men say the same.

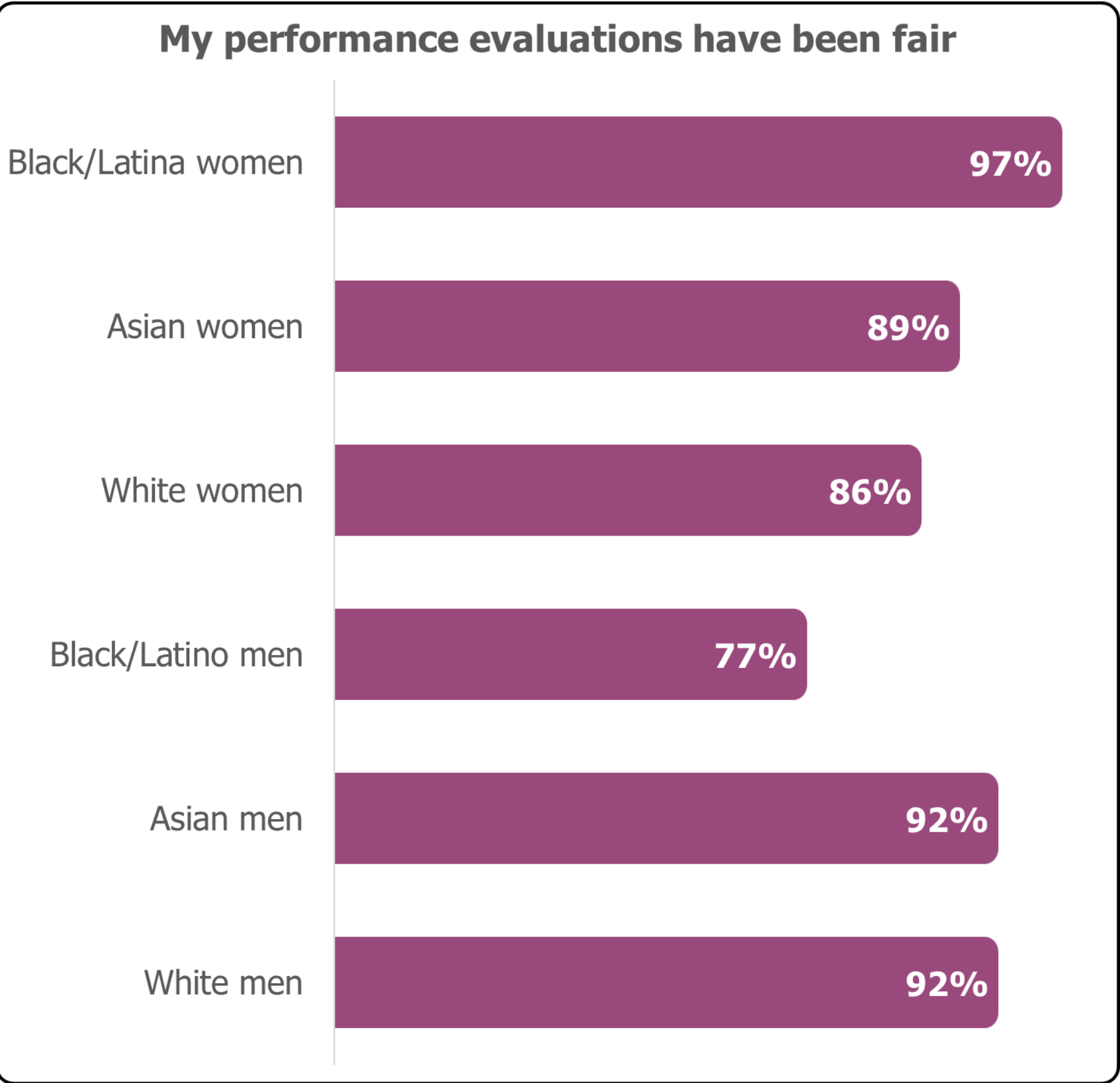
[I]t seems that there is a notion that MEN provide for their families, so they should have higher salaries... I believe that my salary should be just as high as a man's salary because I'm providing for my family too.
– White woman



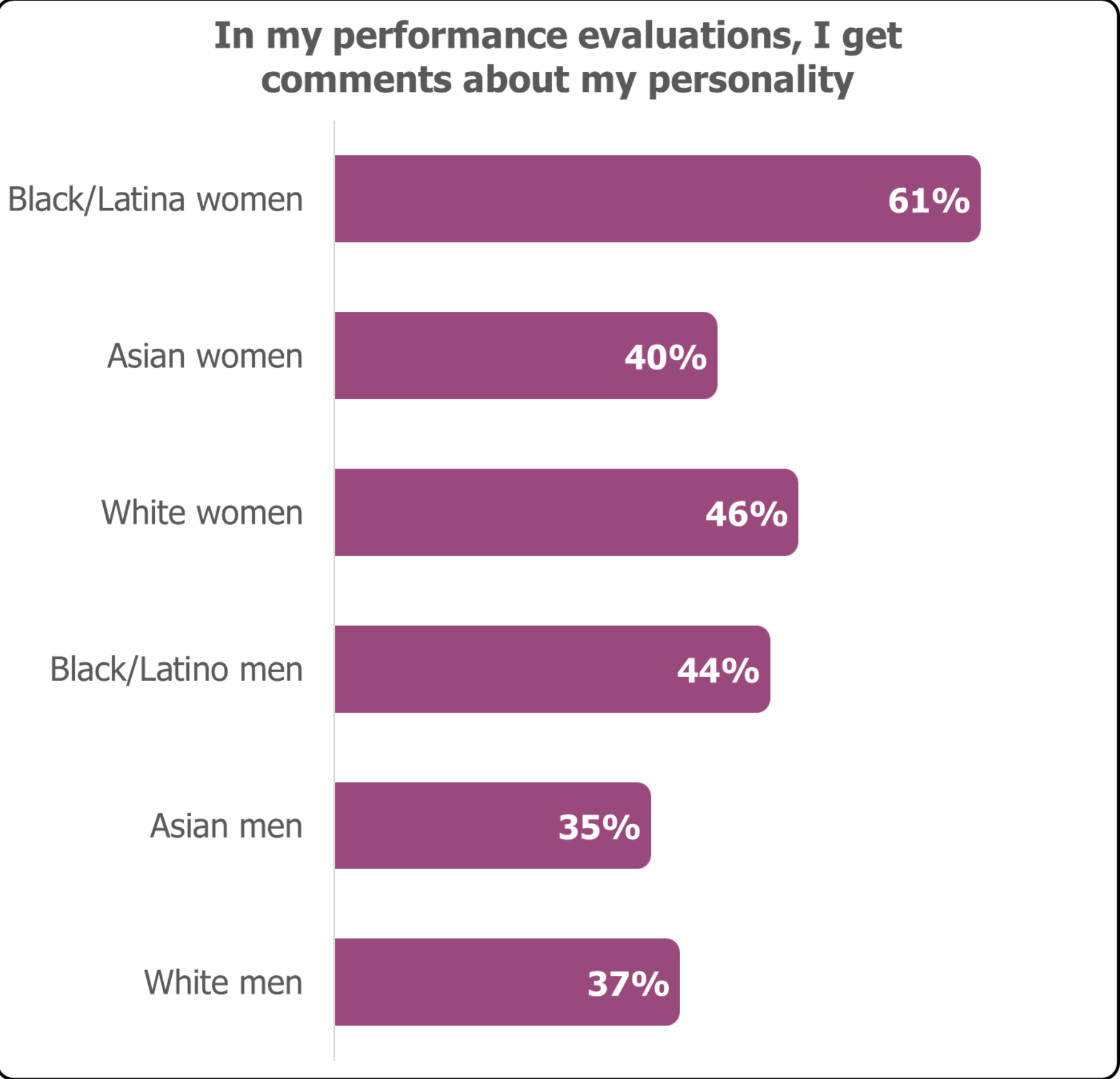
Performance Evaluations

Performance evaluations are an opportunity for employees to hear constructive feedback about their performance and can be an important factor in promotions and access to opportunities. Unfortunately, bias in performance evaluations has been extensively documented as well.²³

In restructuring, Black and Latino men are the least likely to report fair performance evaluations.



One way performance evaluations can be unfair is when some groups are judged on their personalities, while others are judged on their performance: In our survey, Black and Latina women are 23 percentage points more likely than White men to report personality comments in their evaluations, followed by White women and Black and Latino men. Black and Latina women are also the least likely to report getting constructive feedback in their performance evaluations, followed by White women.



Outcomes

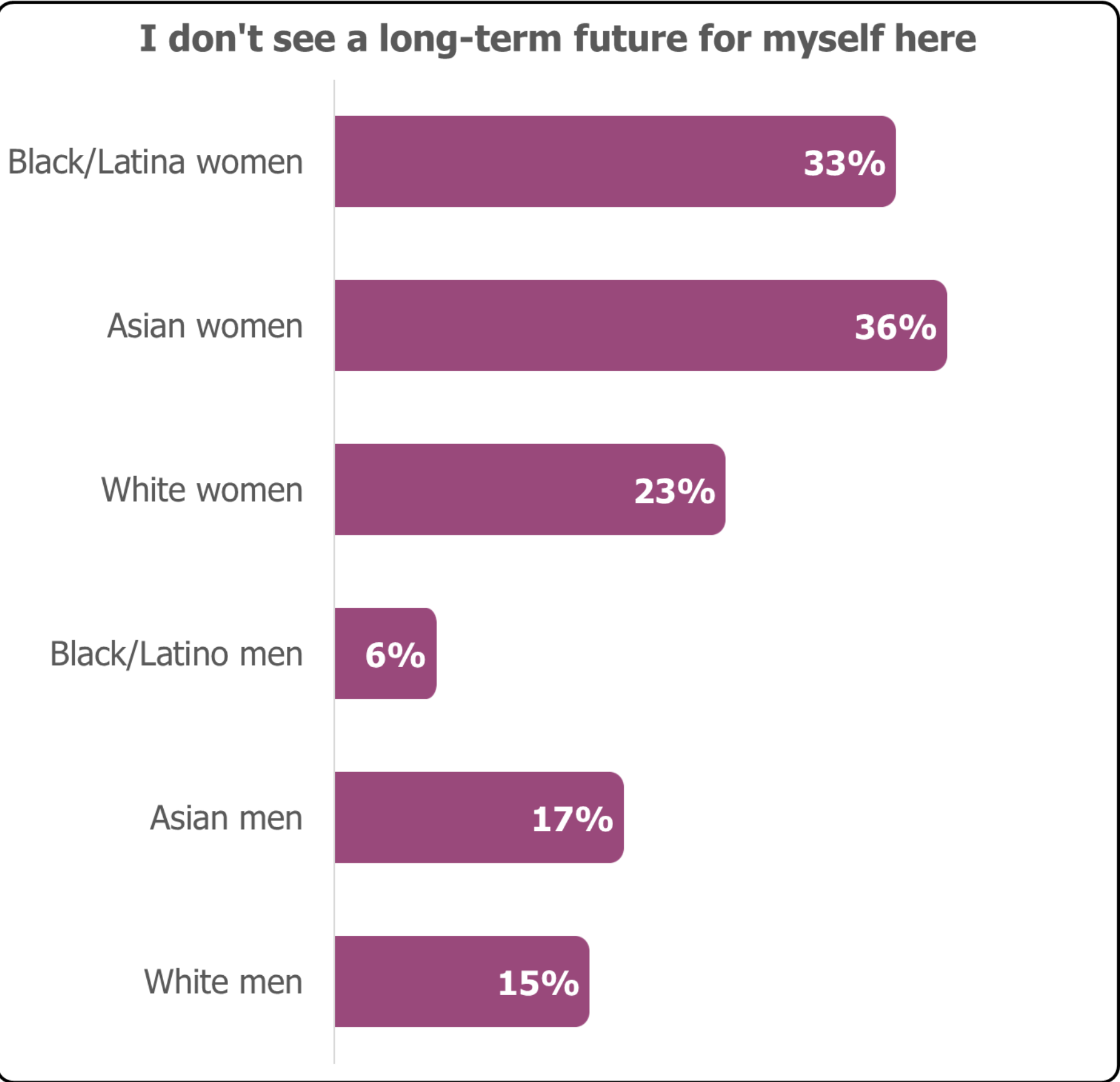
Not surprisingly, individuals who are facing bias in the workplace are less satisfied, less engaged, and more likely to want to leave their workplaces. Firms will only achieve their goal of attracting and retaining the most talented members of each demographic group by implementing structural changes that reduce bias.

Women of color report lowest sense of belonging and may be more likely to leave

Research shows that a sense of belonging at work is linked to better job performance, decreased turnover, and fewer sick days, highlighting the importance of this topic for firms.²⁴

In the current survey, 84% of White men report feeling a sense of belonging at their firms, a rate more than 20 percentage points higher than for women of color and almost 10 percentage points higher than White women.

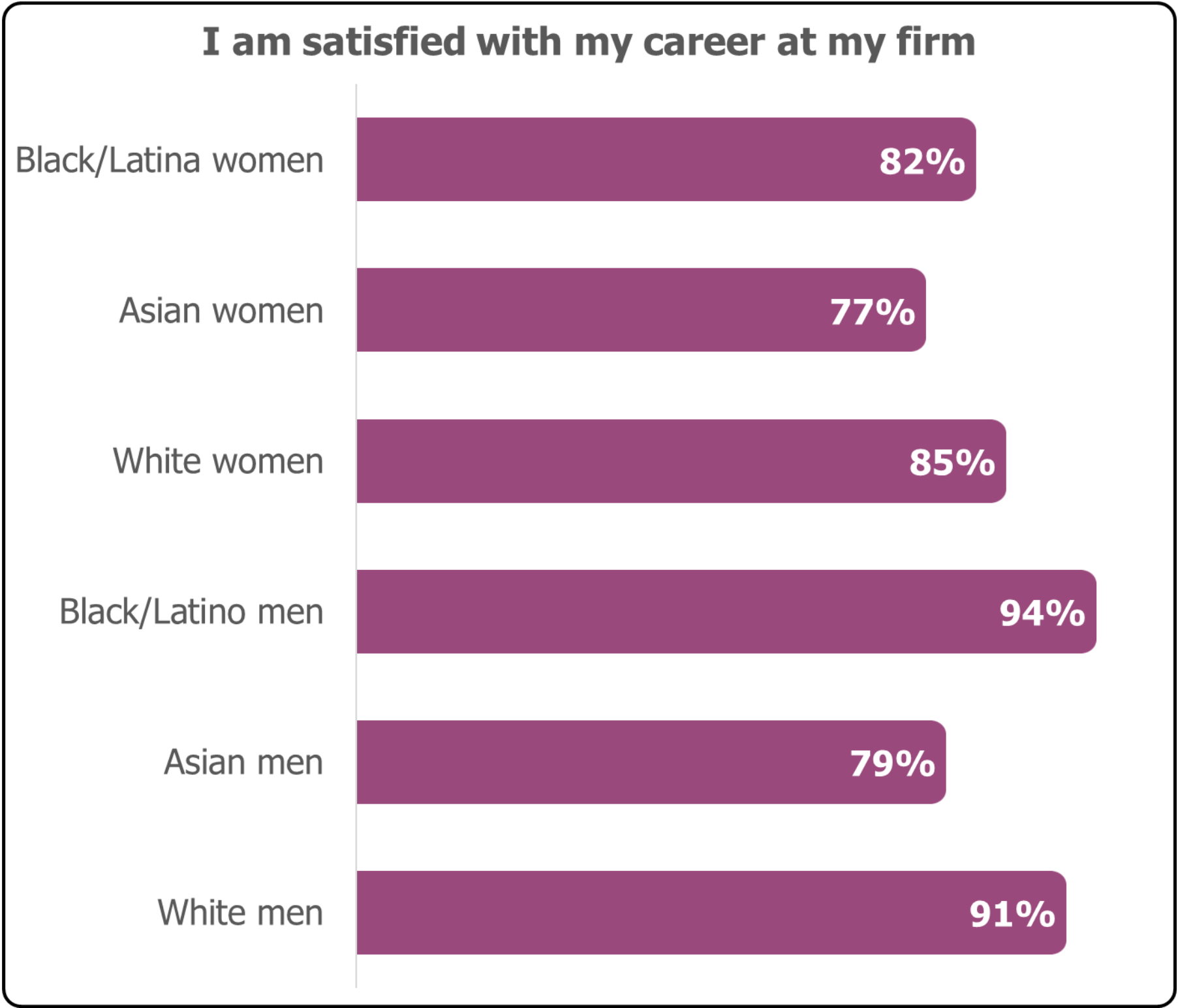
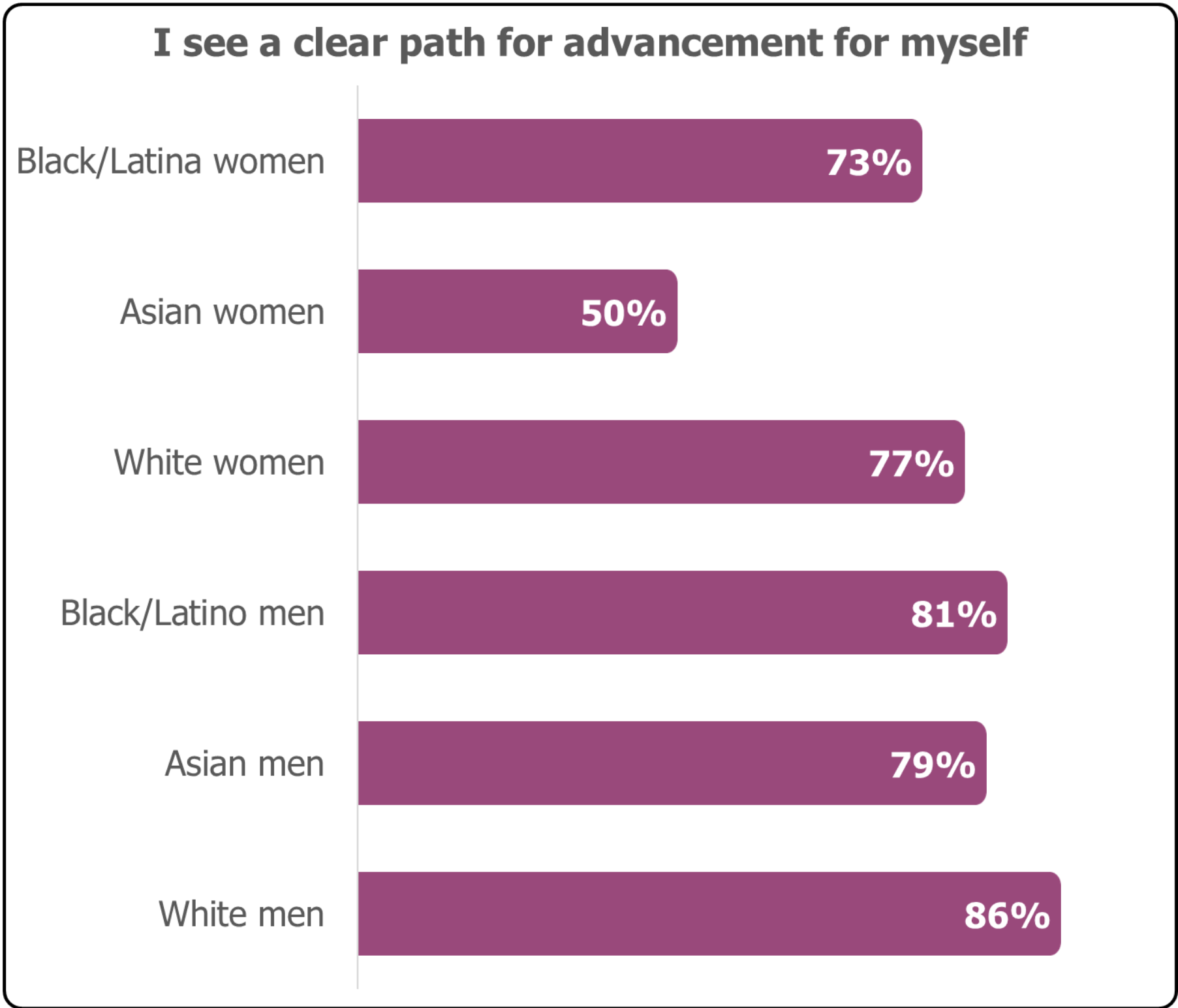
Turnover is expensive: one study found that it costs an average of 6-9 months of an employee’s salary.²⁵ In restructuring around a third of women of color, and nearly a quarter of White women, didn’t see a long-term future for themselves at their firms.



Asian women don't see a path forward and are less satisfied with their careers

86% of White men, but only 50% of Asian women report seeing a clear path for advancement for themselves at their firms.

Consequently, only 77% of Asian women report being satisfied with their careers compared to 91% of White men.



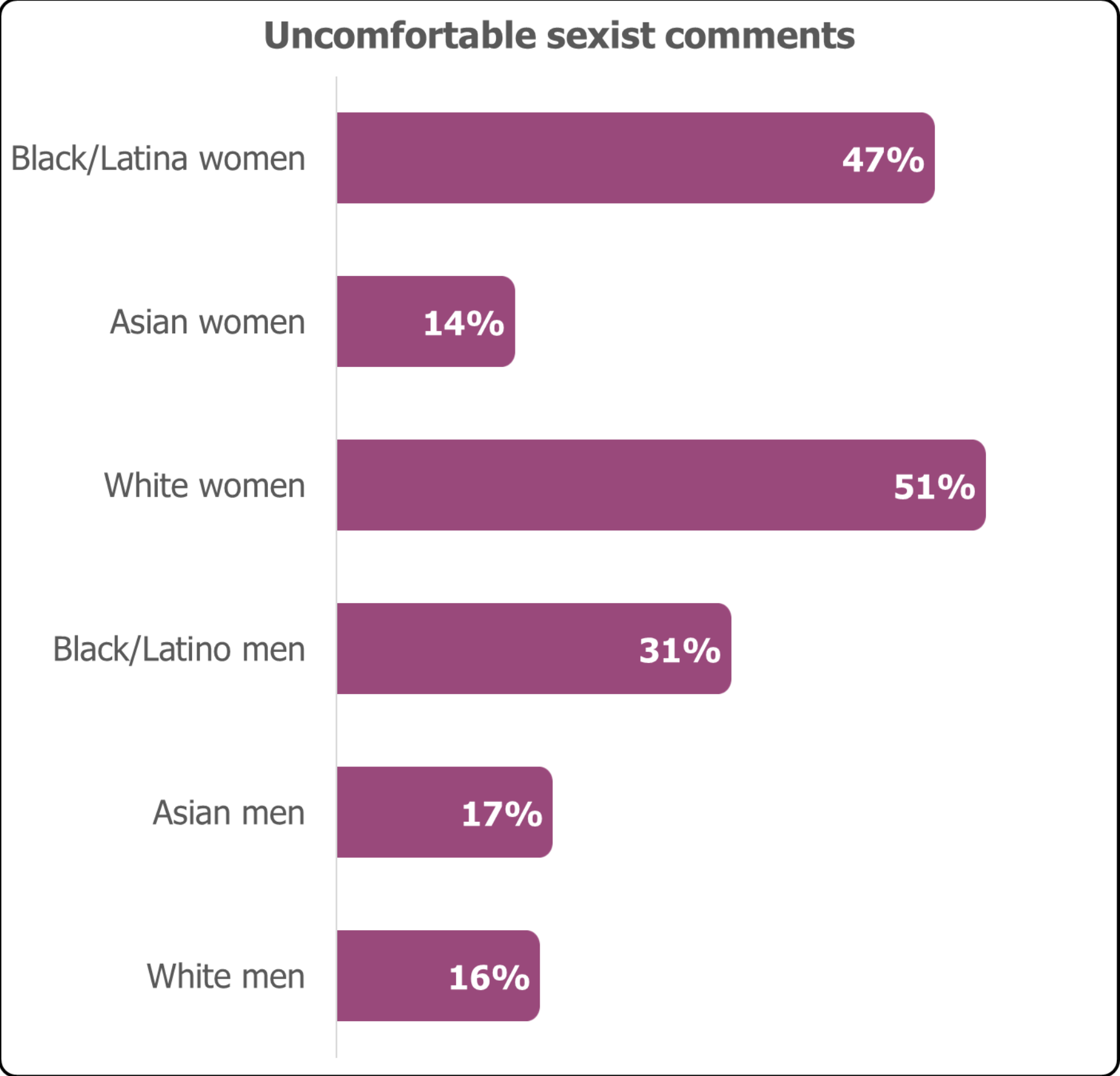
Sexual harassment

Our study revealed high levels of sexual harassment in restructuring. White and Black and Latina women were the most affected, although every racial and gender group report instances of harassment, indicating the gravity of this issue. Prior research confirms that race and ethnicity play a substantial role.²⁶

Sexist comments are commonplace in the restructuring field

Over half of White women, and nearly half of Black and Latina women report receiving or witnessing uncomfortable sexist comments or remarks in the workplace. The same is true for almost a third of Black and Latino men and 16% of White men.

“*I've also seen instances of cheating... or general disdain for spouses from our partners, which might not constitute as harassment, but I am definitely uncomfortable [and] before I joined this group had NO idea how prevalent that is.* – White woman”



“

[There were] unnecessary comments in a team room environment, such as sharing inappropriate comments/perspectives, [such as] saying things like Me Too movement didn't happen – South Asian Woman

”

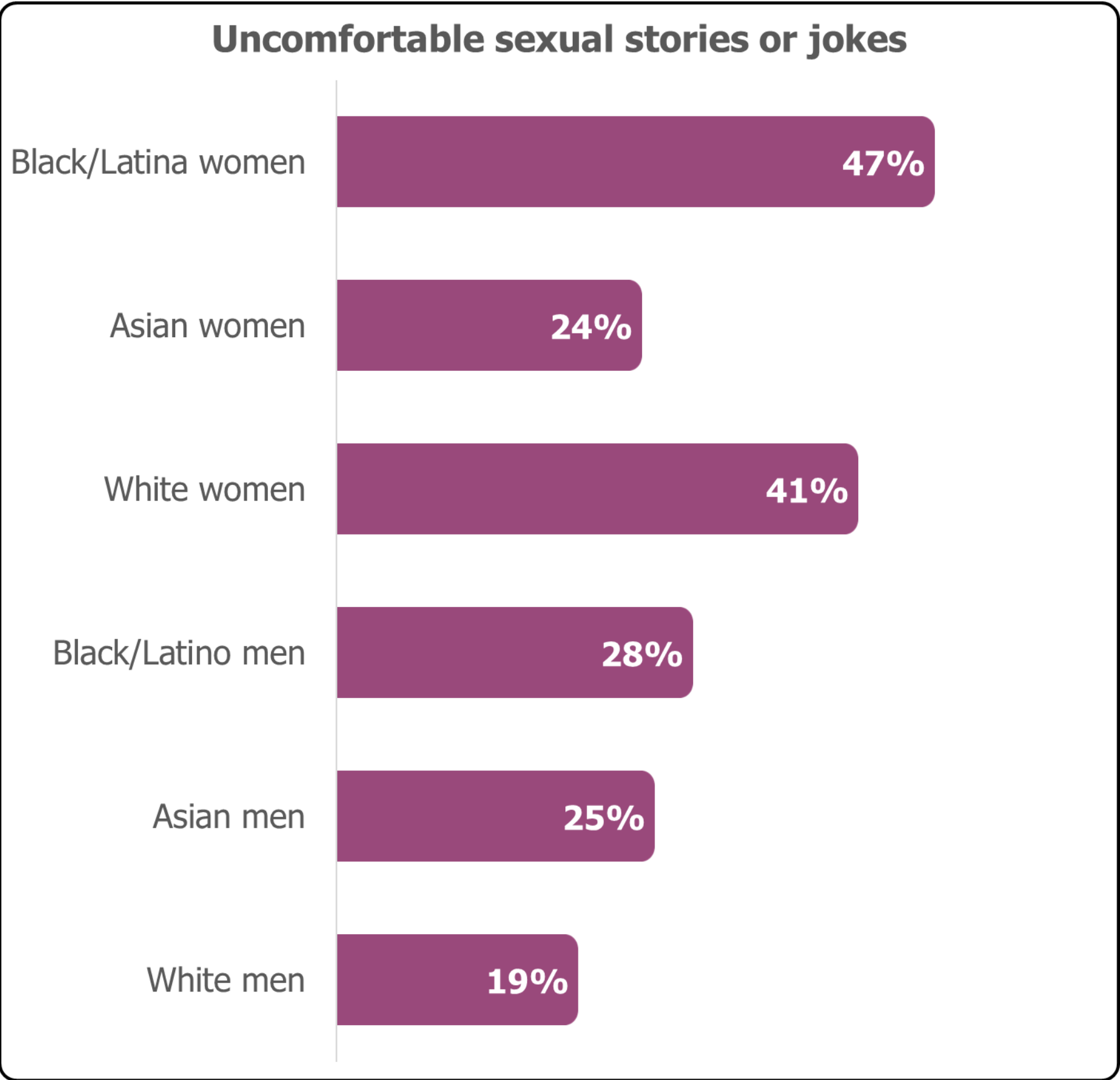
Inappropriate jokes and stories make women uncomfortable

Nearly half of Black and Latina women and over 40% of White women report sexual stories or jokes that made them uncomfortable.

Many men are uncomfortable with these “jokes,” too

Over a quarter (27%) of men of color and nearly 20% of White men report that sexual jokes and stories had made them uncomfortable.

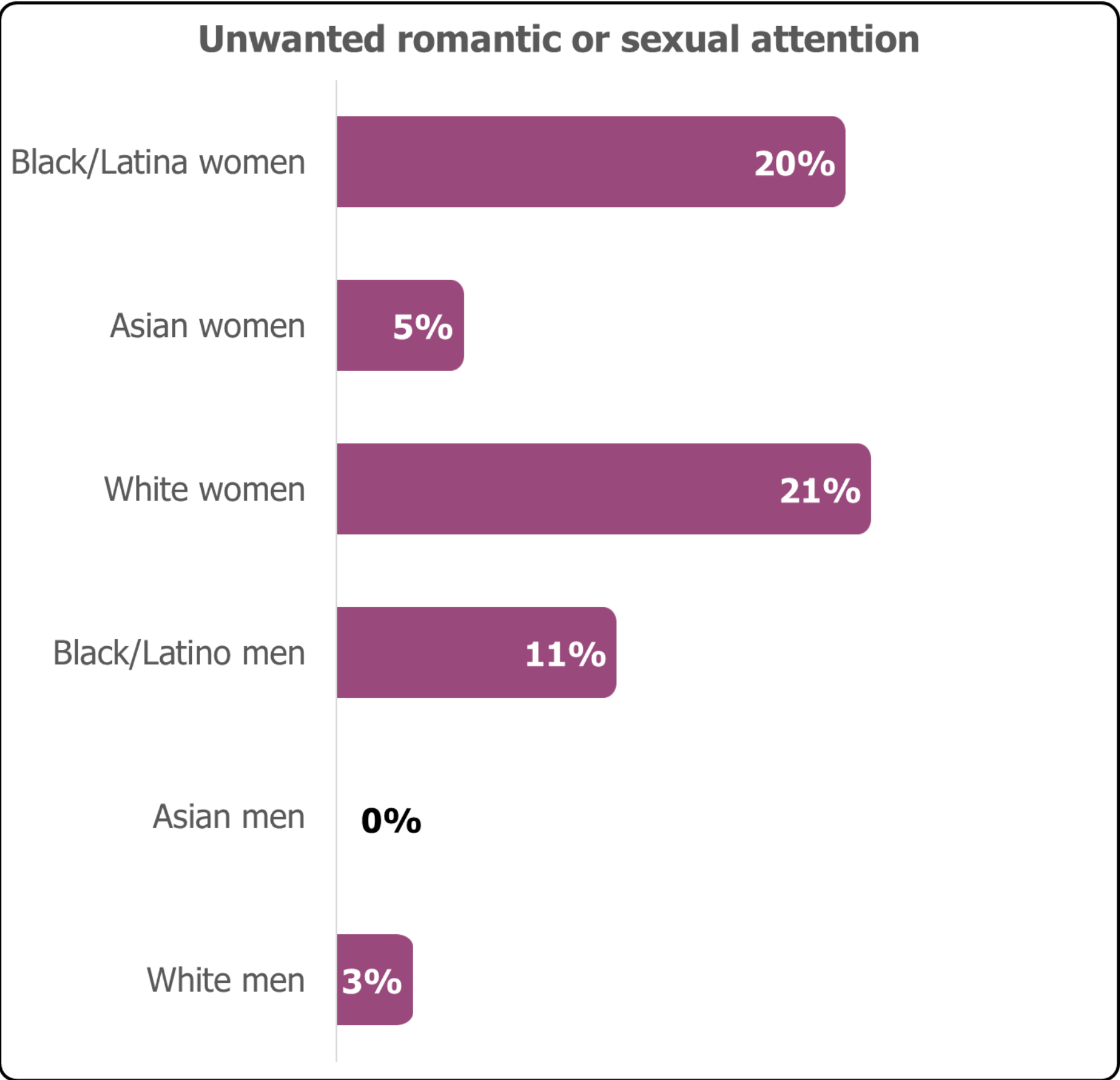
“
I was in a car with 3 other colleagues. One mentioned they were hot, and another said, "she's always hot". It ended there, but clearly everyone else except the speaker felt uncomfortable. – White Man
”



Unwanted attention makes it hard to focus on work

20% of White women and Black and Latina women, and 11% of Black and Latino men, report unwanted romantic or sexual attention in the workplace. This type of attention makes it difficult to focus on work and requires political savvy to handle the situation in ways that don't lead to pushback.

“
Early in my career, I [experienced] sexual harassment from a same-sex supervisor who made many inappropriate jokes. I simply endured the situation, and eventually the supervisor left the company. – White man
”

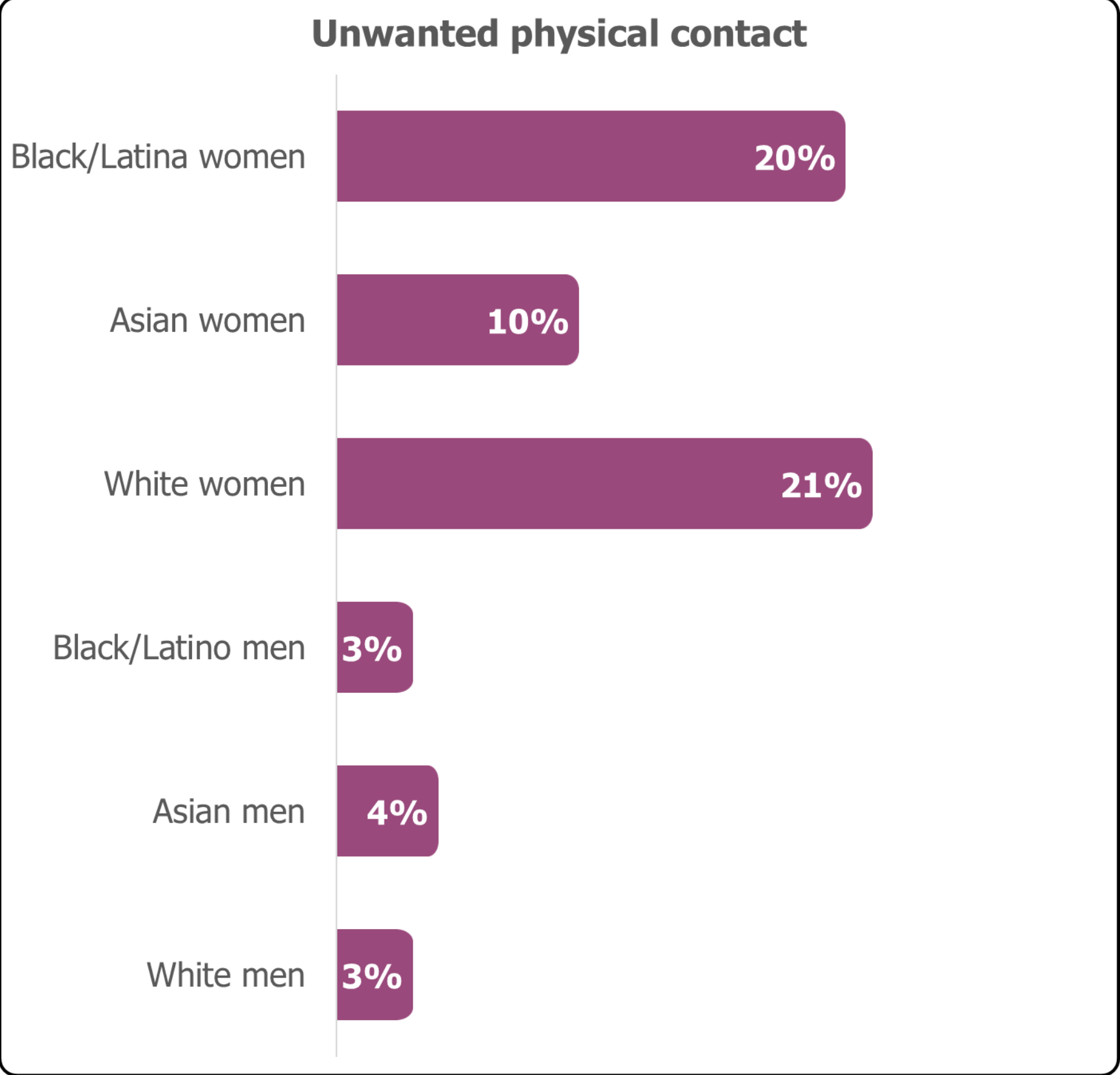


Unwanted physical contact is shockingly common

20% of White and Black and Latina women, along with 10% of Asian women, indicated that they experienced unwanted physical contact in work related settings. 3% of men also report unwanted physical contact. Any instance of unwanted physical contact can have career-defining impacts.

“
[A coworker was] touched inappropriately (ass grabbing - I saw this in person) [and] invited on dates with married consultant (not a direct report). – White woman
”

Previous research finds that 46% of women who have experienced sexual harassment on the job report leaving their job because of the harassment.²⁷



Sexual harassment can lead to lost opportunities

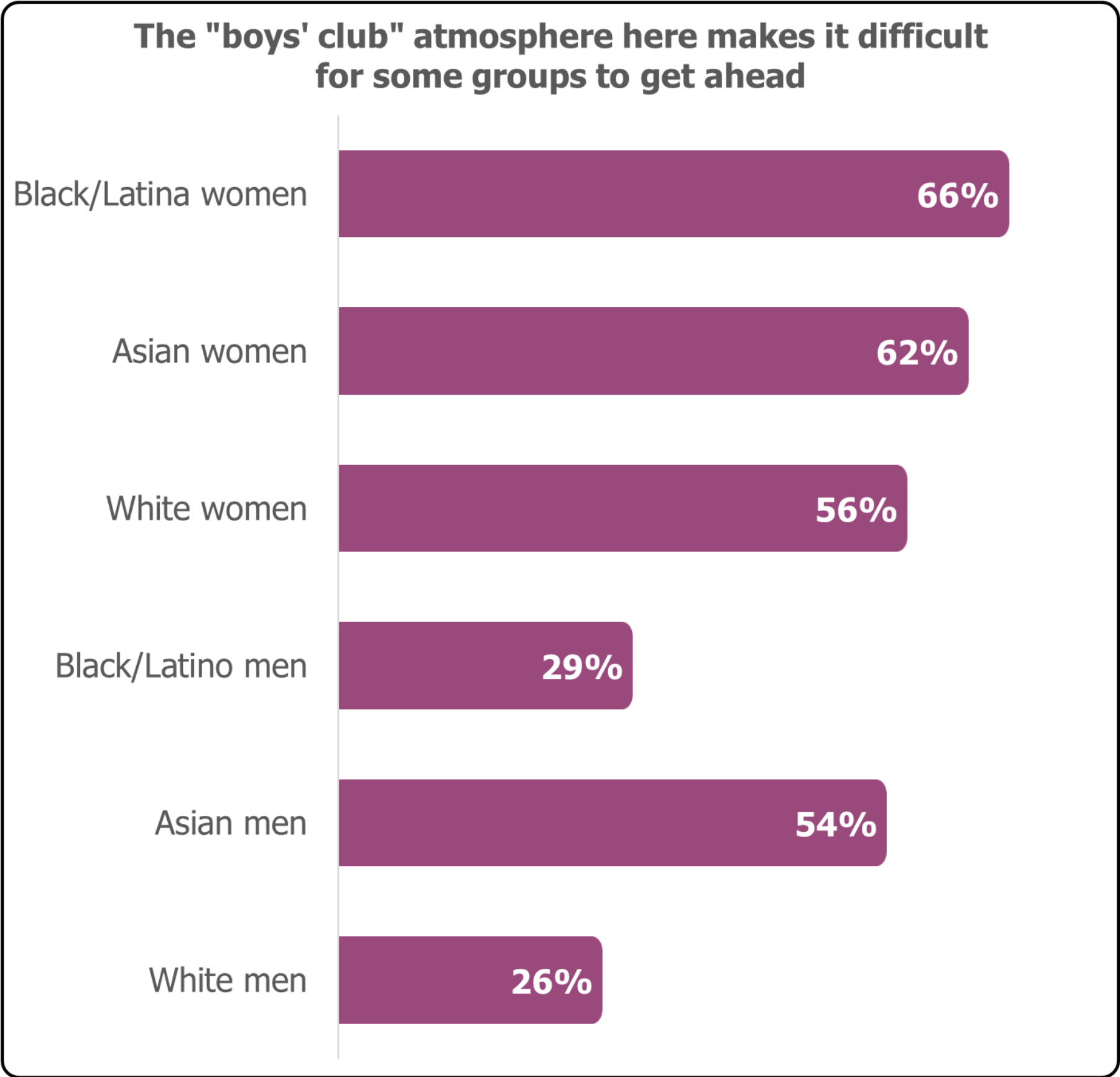
3% of White women and Black and Latino men and women indicated that they lost career opportunities due to rebuffed sexual advances.

“ *[I experienced] several microaggressions that made me not want to work in the office and choose to work remote.* – South Asian woman ”

Lost opportunities range from losing high-profile assignments to being denied raises or promotions, or even having to leave the workplace.

The boys' club

Nearly two-thirds of women of color, and over half of Asian men and White women, report having a hard time getting ahead at work because of the boys' club culture in their firms. When there's a boys' club, not all men are included, but the ones who are tend to be White men of a certain social class.



Masculinity contest cultures harm almost everyone

Male-dominated workplaces sometimes adopt a Masculinity Contest Culture (MCC): to get ahead, one needs to conform to traditional and toxic displays of masculinity.²⁸ There are four distinct subcomponents²⁹ to the MCC scale:

- **Dog eat dog:** fierce competition between employees means only the strongest can survive.
- **Show no weakness:** any sign of weakness means losing the respect of colleagues.
- **Put work first:** work is the highest priority: higher than family, friends, or even personal health.
- **Strength and stamina:** being physically strong is a critical aspect of success.

Other research has linked MCC with more bias and negative workplace outcomes including lower well-being, alienation at work, worse work-life balance, and toxic leadership.³⁰ Importantly, not only are women harmed by MCCs – men are, too.³¹

“

Boys club is definitely present at the firm. I have had several instances where a female colleague has been made uncomfortable or I was uncomfortable for them. – White man

”

In restructuring, we found that a stronger masculinity contest culture was linked to more bias, and worse outcomes: people were less satisfied with their work and more likely to report intending to leave their current workplaces.

“

My current firm spends significant time and energy promoting itself externally as an inclusive culture, but in reality, it is managed and controlled by a few White men who perpetuate the age-old stereotypes and belong to clubs that still exclude women from being members. – White woman

”

Additional types of bias

Age

Our survey did not specifically focus on bias based on age. However, there was still evidence that age plays a role in the experiences of lawyers in the restructuring field. Survey respondents noted this in comments:

There is a lot of age discrimination and little or no value is given for experience. In fact, the opposite is true. The less you know the more you can bill to find out. – White man

Older women need to Prove-it-again (again!)

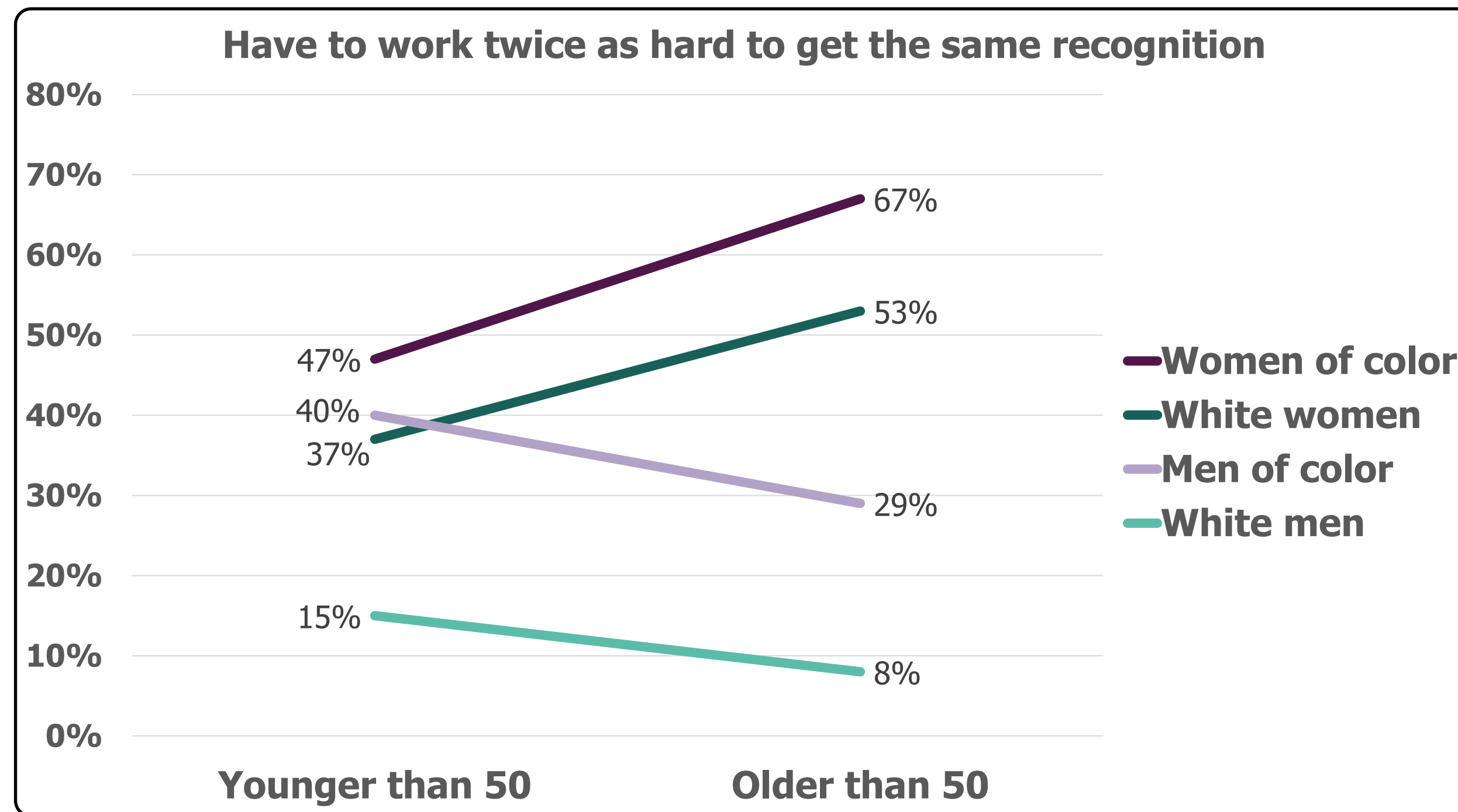
Women over 50 report more Prove-it-again bias than women under 50. Older White women report prove-it-again bias at a level 13 points higher than younger White women, while older women of color report it at a level 11 points higher. And older women of color were 20 points more likely to report having to work twice as hard to get the same level of recognition, while White women at 16 percentage points higher, than their younger same-race counterparts.

Ageism is a problem too, especially for women.
– Woman, race unspecified

I find age bias, as well as gender bias, to be an impediment. It's been hard to be seen as a woman after 55. – White woman

This pattern was reversed for men: older men of all races were less likely than younger same-race men to report having to prove themselves repeatedly (8 percentage points less for White men and 11 for men of color).

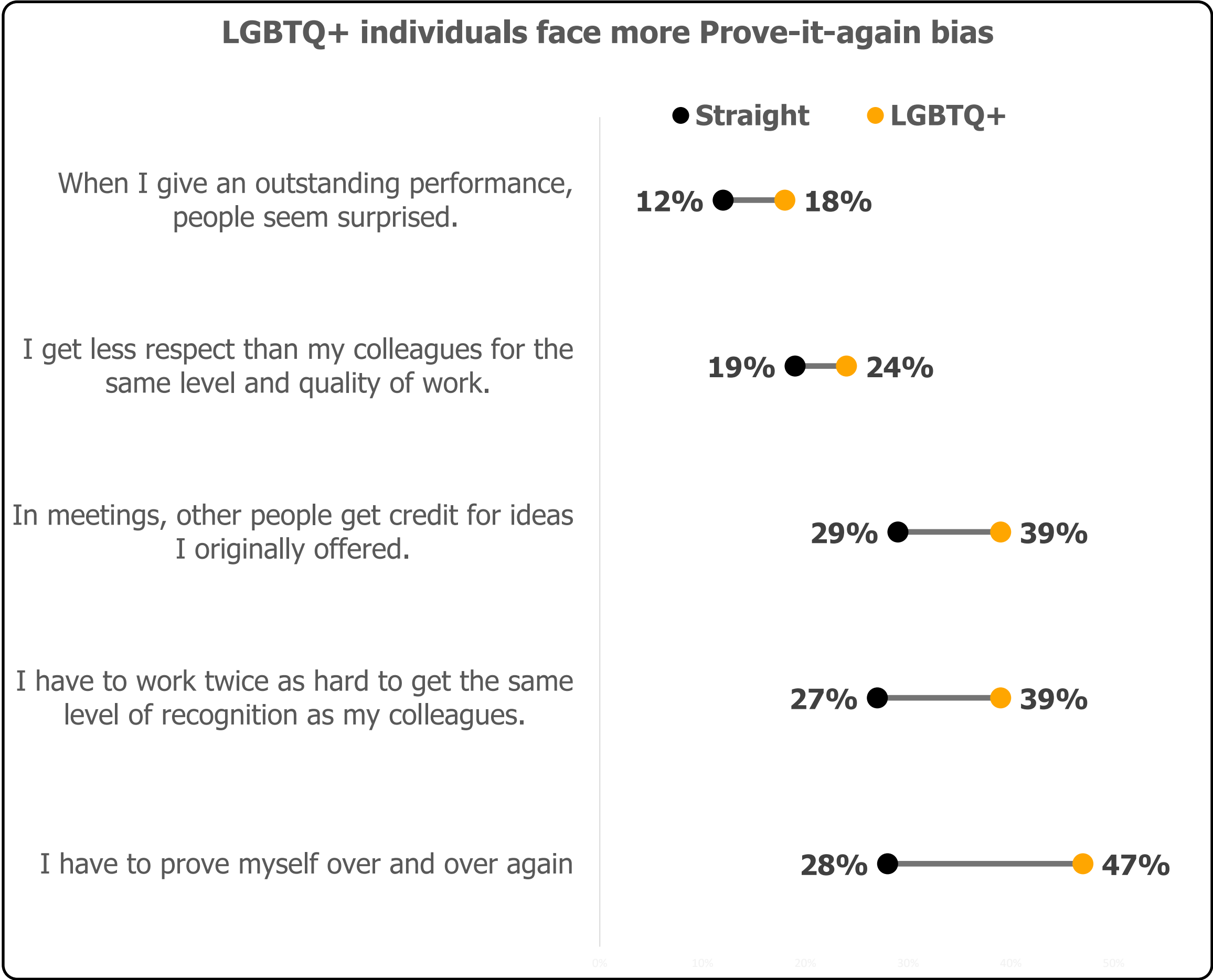
In sum, the already-large gap between White men and women of color when it comes to prove-it-again bias is even larger later in their careers. Older women of color report having to prove themselves at level 41 percentage points higher than older White men and having to work twice as hard for recognition at a level nearly 60 percentage points higher than older White men.



LGBTQ+

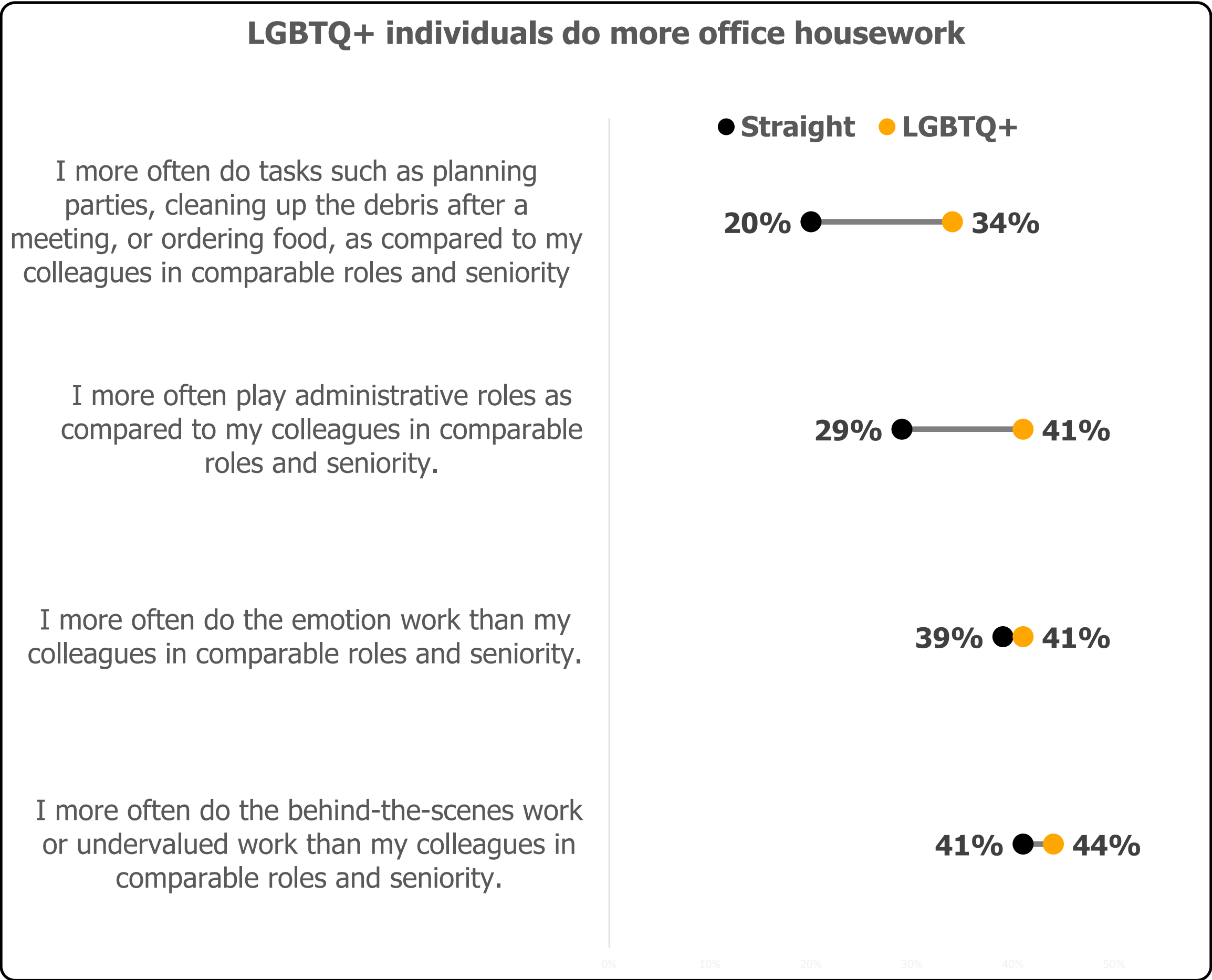
LGBTQ+ employees report facing higher levels of bias than their straight colleagues. Although some of these differences are on the smaller side, many of these individuals hold other marginalized identities as well, which means they are facing an intersection of multiple types of bias.

Around 47% of LGBTQ+ respondents report having to prove themselves over and over again in the workplace, compared to 28% of straight respondents.



Not only do they have to work harder for respect and recognition, but LGBTQ+ respondents also report doing the literal office housework and administrative work 13-14 percentage points higher than straight respondents.

The intersecting identities of parenthood and queerness create an especially difficult landscape for LGBTQ+ parents. LGBTQ+ respondents were 16 percentage points more likely to report that having children changes perceptions of mothers’ competence and commitment than straight respondents.



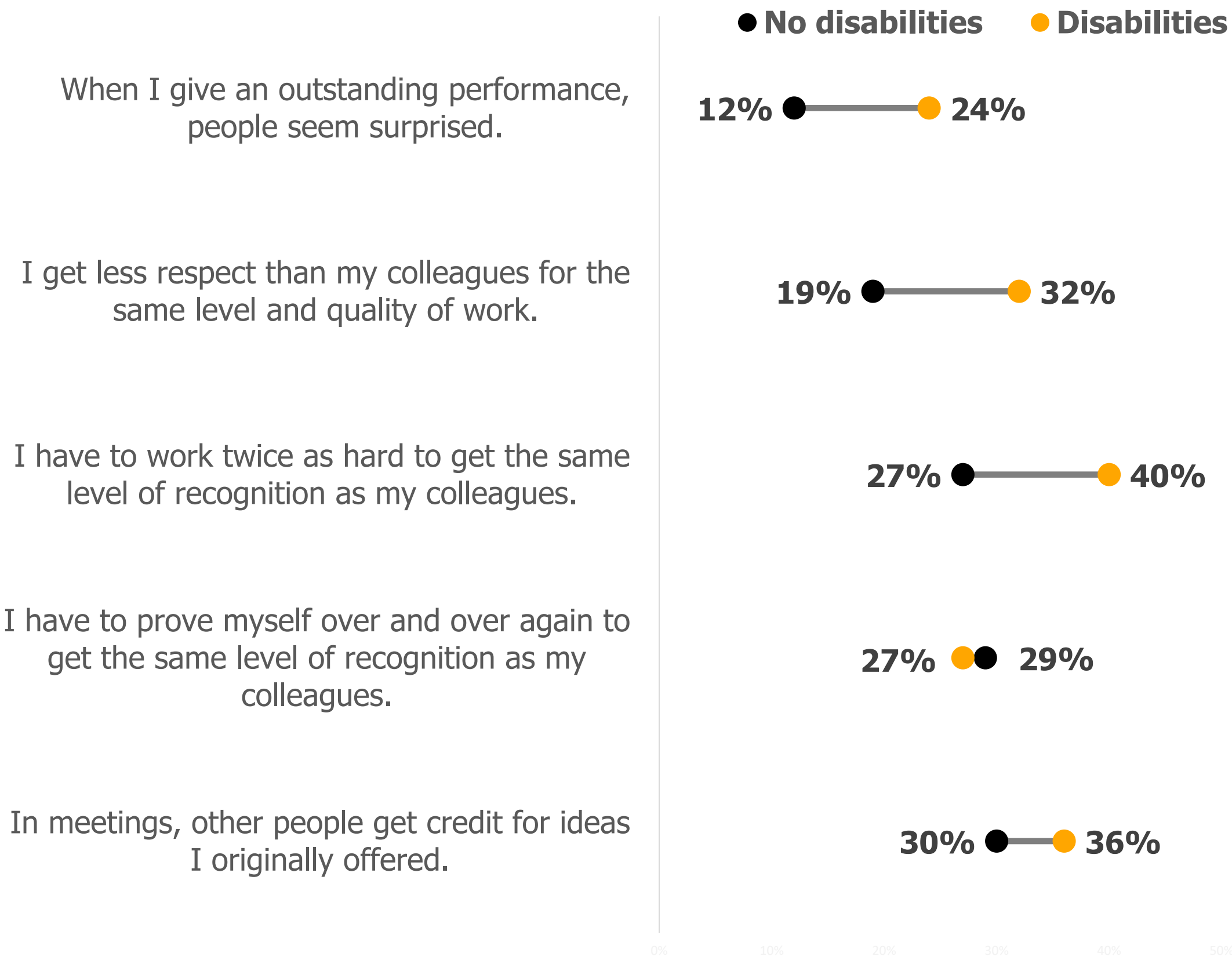
Disability

Research shows that people with disabilities report stereotypes that they will not be able to perform as well at work, and although the stereotypes differ depending on the nature of the disability and the job duties, disabled people report a greater burden when it comes to the workplace.³² Individuals with disabilities who took our survey report higher levels of some of the bias patterns than those without disabilities.

Individuals with disabilities report more Prove-it-again bias

Individuals with disabilities report that others are surprised when they give an outstanding performance at a level 12 percentage points higher than non-disabled individuals. At the same time, they were 13 percentage points more likely to report getting less respect for the same work.

Individuals with disabilities report more Prove-it-Again bias



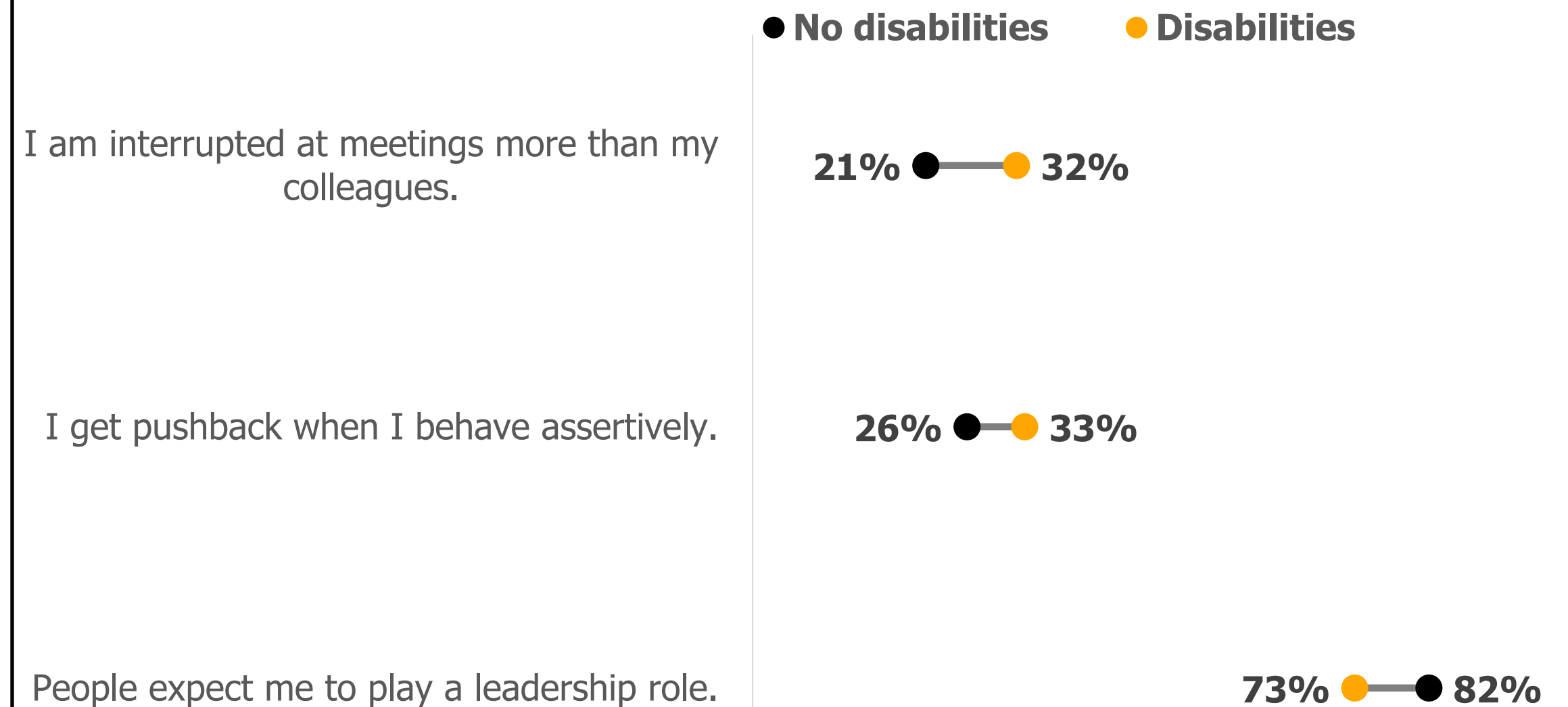
People with disabilities report they are not expected to take a leadership role

Individuals with disabilities report being expected to play a leadership role at a level 9 percentage points lower than their non-disabled counterparts.

People with disabilities report getting less career-enhancing work

Individuals with disabilities were 9 percentage points more likely to report not getting the opportunity to demonstrate their capability, and 12 percentage points less likely to report having opportunities to work on career enhancing assignments.

Individuals with disabilities report more Tightrope bias



Size of restructuring group

Individuals in smaller restructuring groups consistently report more bias and less fair workplace systems. Smaller groups are more likely to rely on informal processes which can create an artificial advantage for the in-group – in most cases, White men.

People of color and White women report more bias in small restructuring groups

Across all patterns of bias and workplace systems, women of color, men of color, and White women report more bias in restructuring groups with under 50 individuals. For example, women of color in small restructuring groups report Tightrope bias at a level 12 percentage points higher than their counterparts in larger groups (over 100), for men of color this was 6 percentage points and for White women 7 percentage points.

Women of color's experiences differ most across restructuring group sizes

This pattern was most dramatic for women of color. Women of color in small restructuring groups report bias an average of 9 percentage points higher than women of color in large restructuring groups. Men of color report bias on average 6 percentage points higher in small restructuring groups than large and White women were 5 percentage points higher.

Firm type

Financial advisory firms versus law firms, investment banks, and other firms

Workplace experiences varied depending on the type of organization. In this section, we make within-group comparisons, comparing people who work in financial advisory firms with those who work in law firms, investment banks, and other firms.

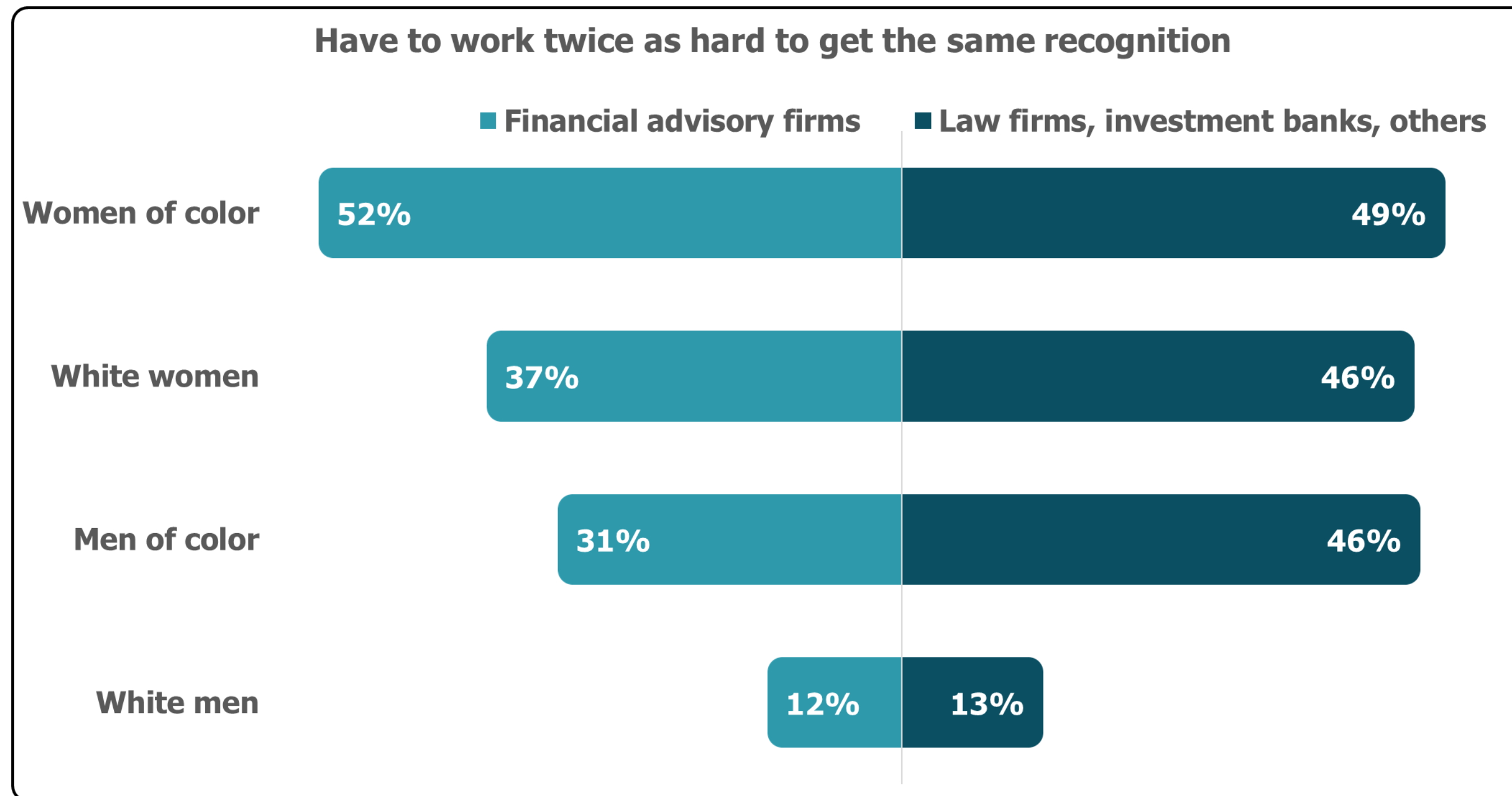
Our sample consists of data from 371 employees in financial advisory firms and 393 employees in law firms, investment banks, and other firms. Given the small numbers of survey respondents from investment banks and other firms, we are unable to report results separately. However, the data we do have showed that workplace experiences in investment banks and other firms were very similar to law firms, so we created a composite category of “law firms, investment banks, and other firms.”⁴ Note though that 70% of the people in this category work in law firms.

In some cases, bias levels are very similar across firm types. However, for the most part, White women and people of color who work in financial advisory firms report less bias than those who work in law firms. White men report similarly lower levels of bias across all firm types.

⁴ For brevity, the “law firms, investment banks, and other firms” category is called simply “law firms” in the titles that follow.

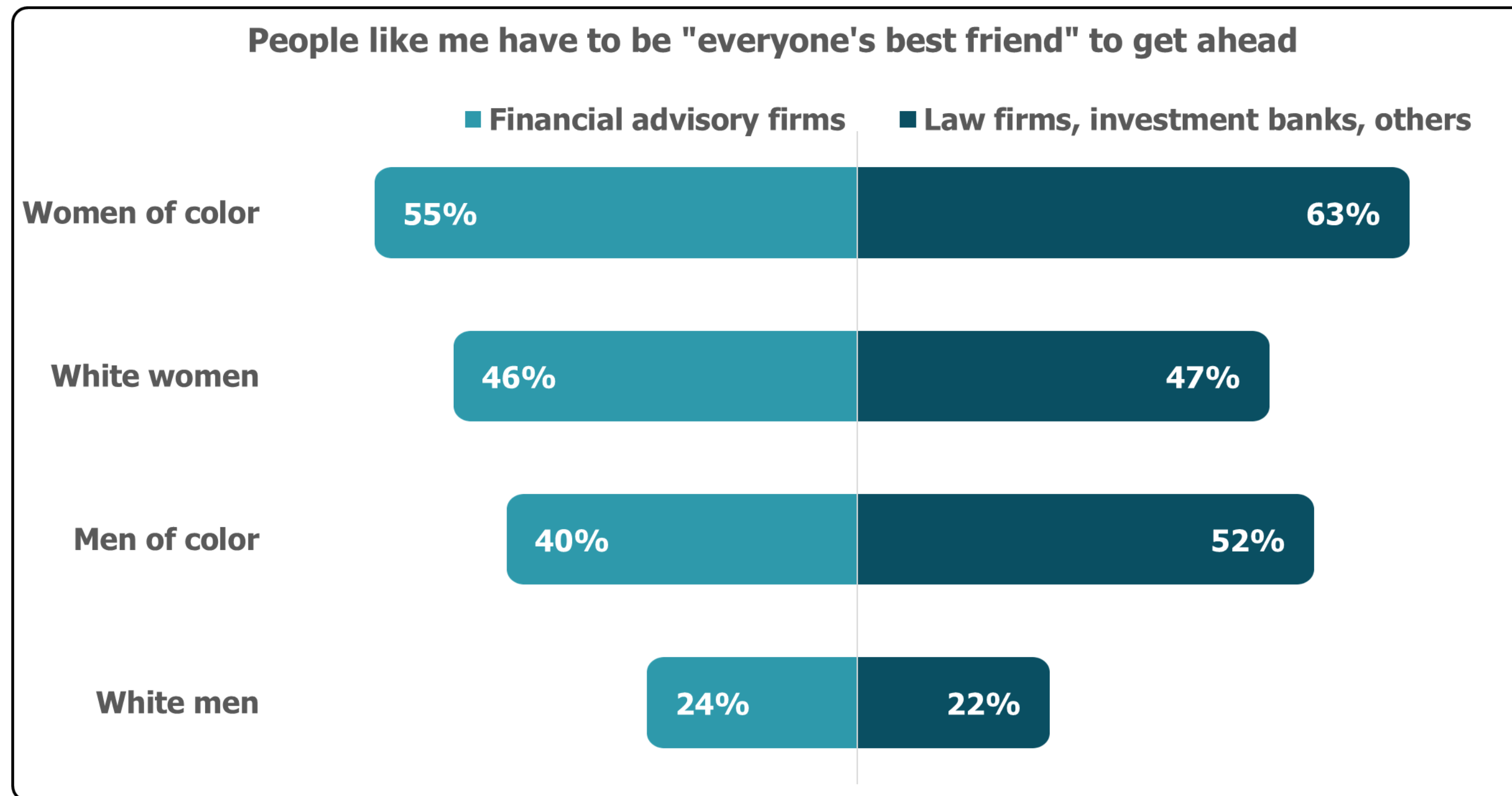
White women and men of color report more Prove-it-again bias at law firms

37% of White women report having to work twice as hard to get recognition in financial advisory firms compared to 46% for law firms. A similar pattern emerges for men of color: 31% report this bias in financial advisory firms compared to 46% at law firms. In all firm types, almost half of women of color report this bias.



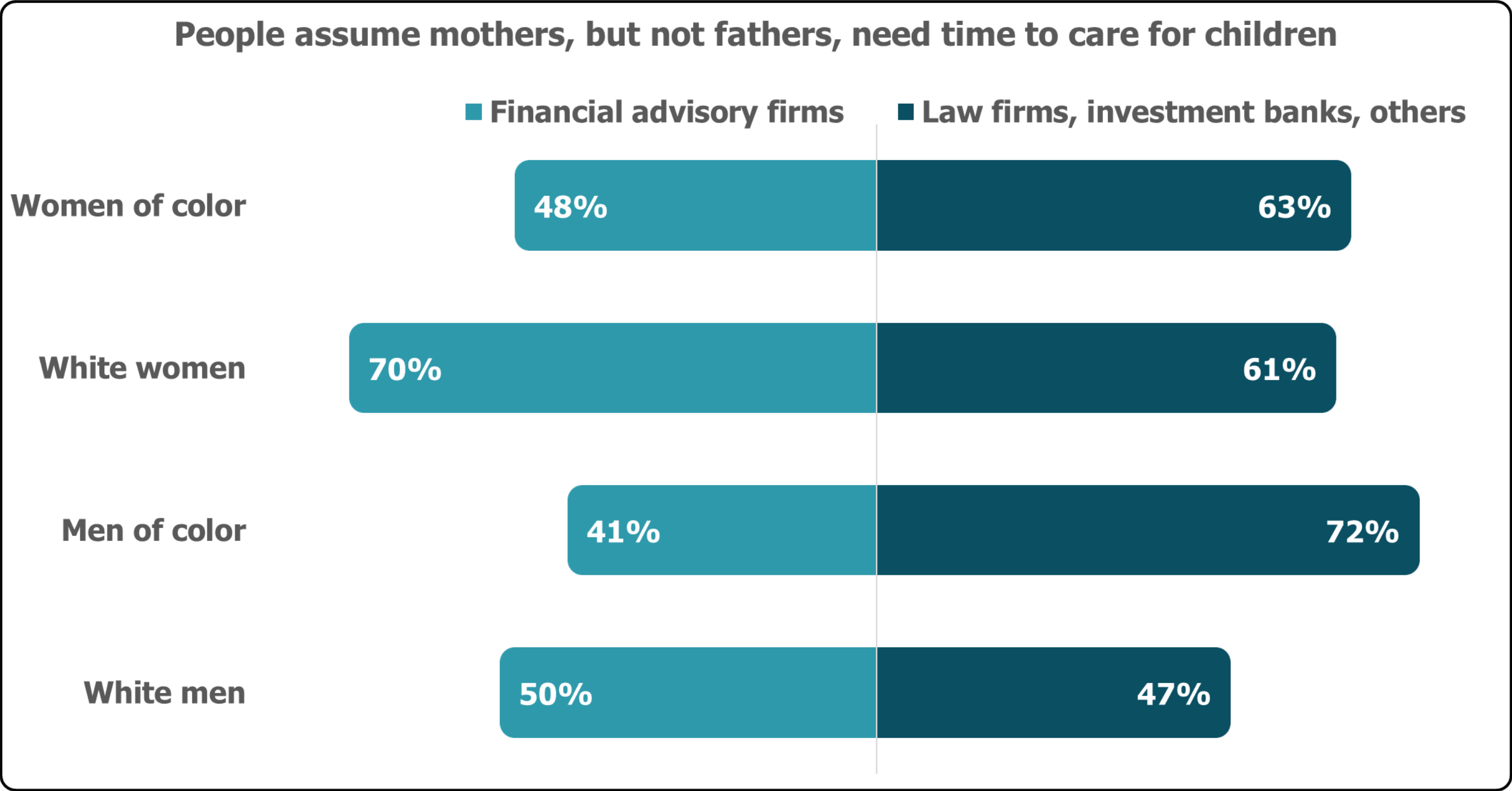
Women of color walk a narrower tightrope at law firms

Women of color are 8 points more likely to report having to be “everyone’s best friend” to get ahead at law firms compared to financial advisory firms. Women of color are also 9 percentage points less likely to report leadership expectations at law firms compared to financial advisory firms.



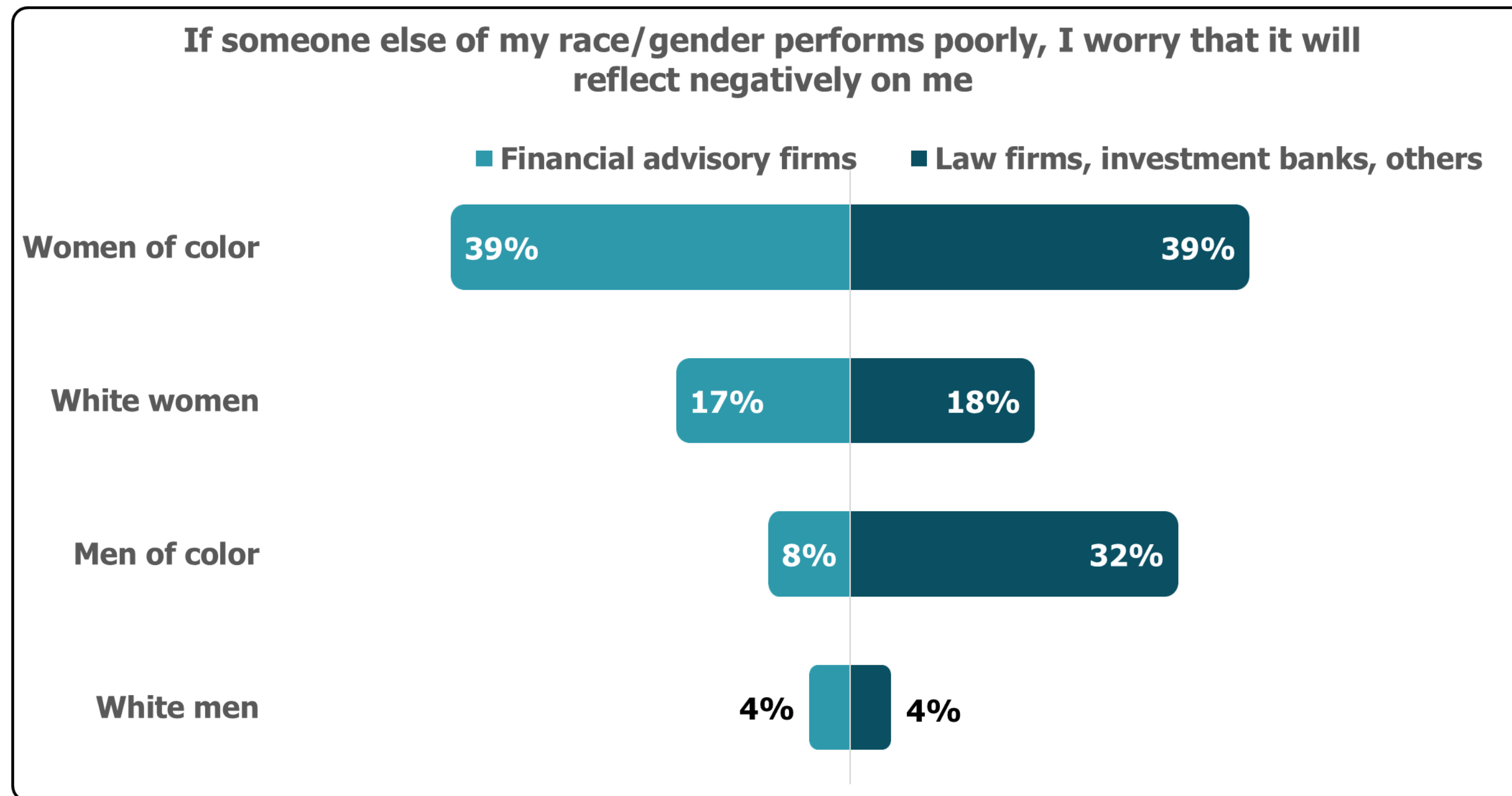
Maternal Wall bias is equally prevalent across all firm types—though this differs for different groups of women

Maternal Wall bias is commonplace in all types of organizations but differs both by group and firm type. Women of color report their competence questioned after motherhood more in financial advisory firms while White women report it more in law firms. Assumptions that mothers will be primary caregivers (and fathers won't) hurts White women more in financial advisory firms but hurts women of color more in law firms. However, the end result is that Maternal Wall bias impacts women across firm types.



Men of color report more Tug of War bias at law firms

Men of color are 4 times less likely to report concerns that poor performance of another group member will reflect poorly on them in financial advisory firms (8%) compared to law firms (32%). Women of color, however, are equally likely to report this Tug of War bias (39%) across all firm types.



Women of color report lower sense of belonging at law firms

While nearly half of women of color (47%) report seeing people similar to themselves succeeding at financial advisory firms, only 18% of women of color in law firms do.



People of color report more racism at law firms

Over one-third (34%) of women of color and 38% of men of color report experiencing racism in law firms compared to 29% of women of color and 19% of men of color in financial advisory firms.



White women report more sexism at law firms

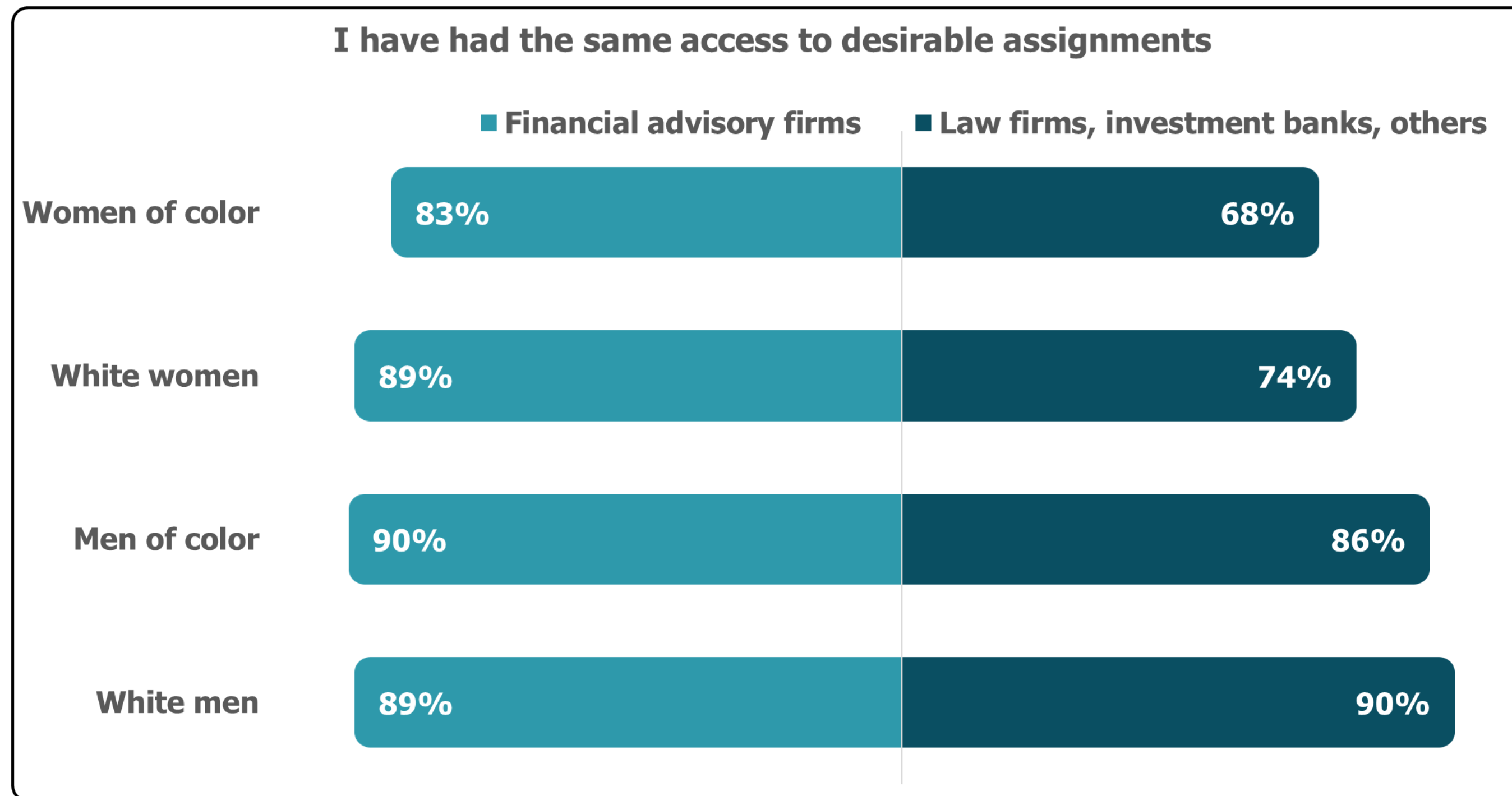
Just over half of White women report sexism in financial advisory firms; this increases to 62% for law firms. However, around half of women of color report sexism in all firm types.



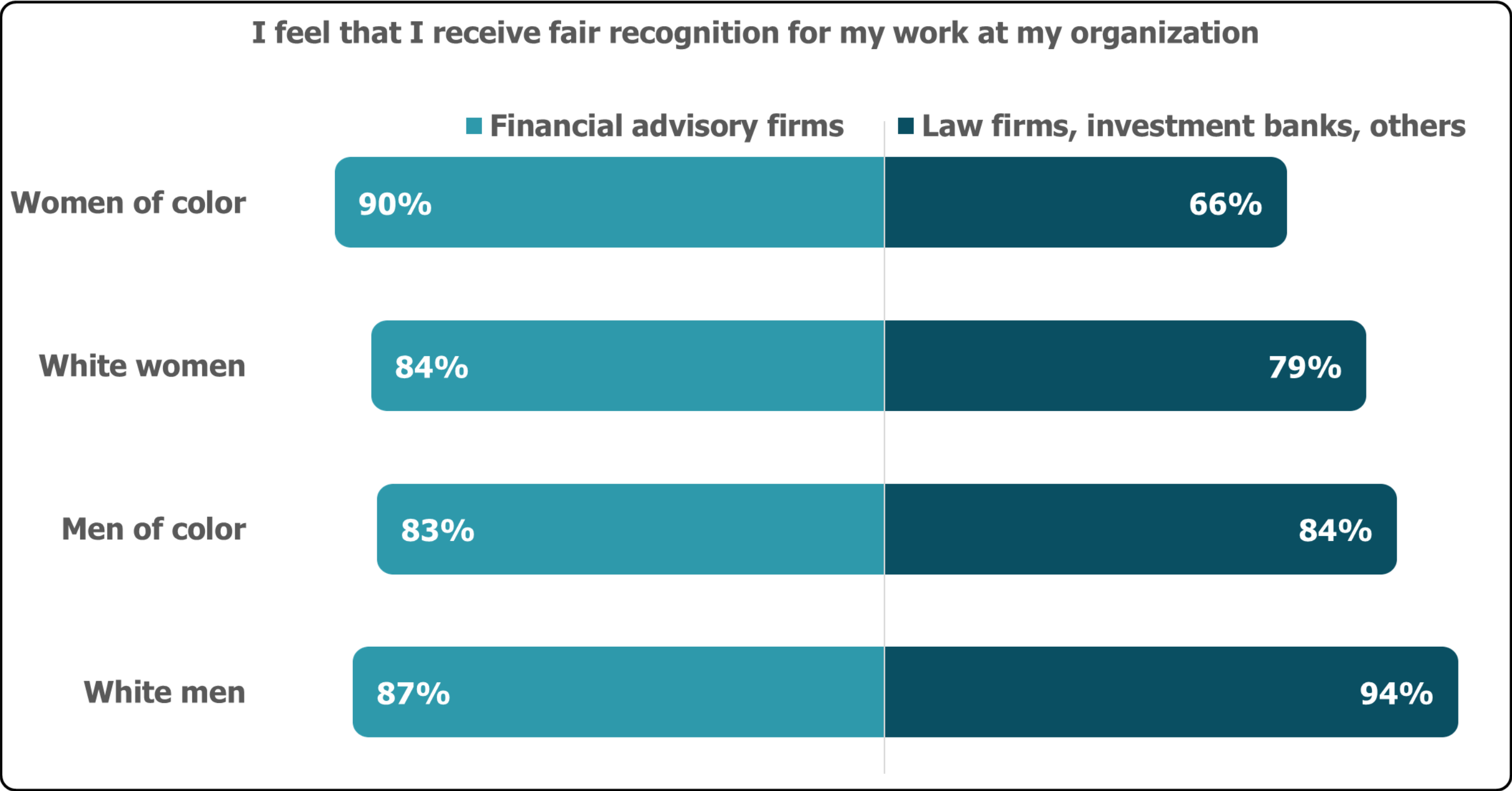
Workplace systems

Women in financial advisory firms report better access to career-enhancing assignments, paths for advancement, less recognition, and more exclusion than at law firms

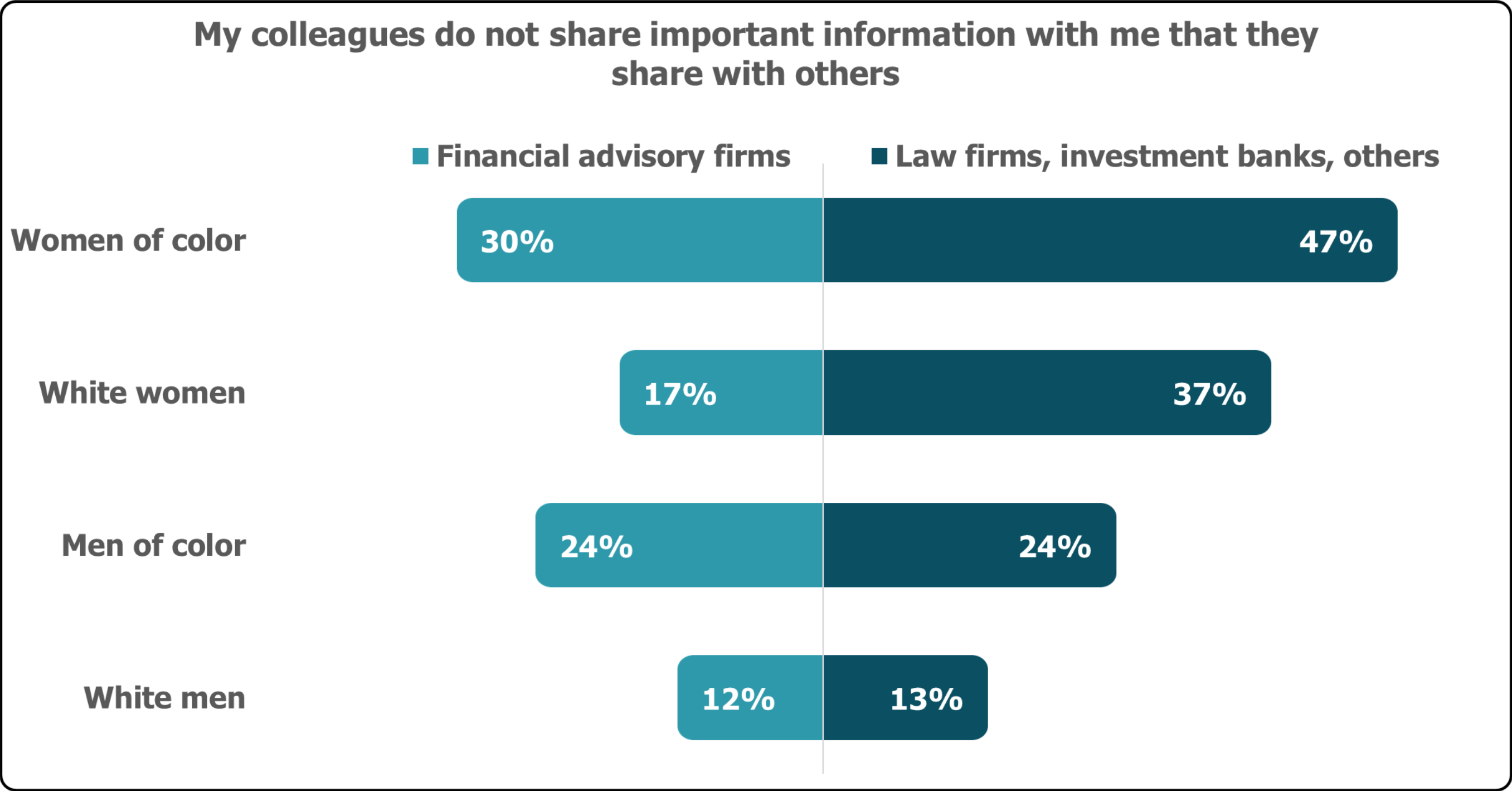
Women of all races report lower access to desirable assignments and less recognition for their work at law firms compared to financial advisory firms. This disparity is particularly stark for women of color who are 15 percentage points less likely to report access to desirable high-profile work.



Women of color were also 24 percentage points less likely to report getting fair recognition for their work at law firms compared to financial advisory firms.



Lack of access to high-profile work is linked to many other outcomes and negative consequences. Women of all races report greater exclusion—things like being left out of important information sharing networks and there being unwritten rules about getting ahead more so at law firms. White women and women of color are also less likely to see a path of advancement for themselves more so in law firms compared to financial advisory firms.



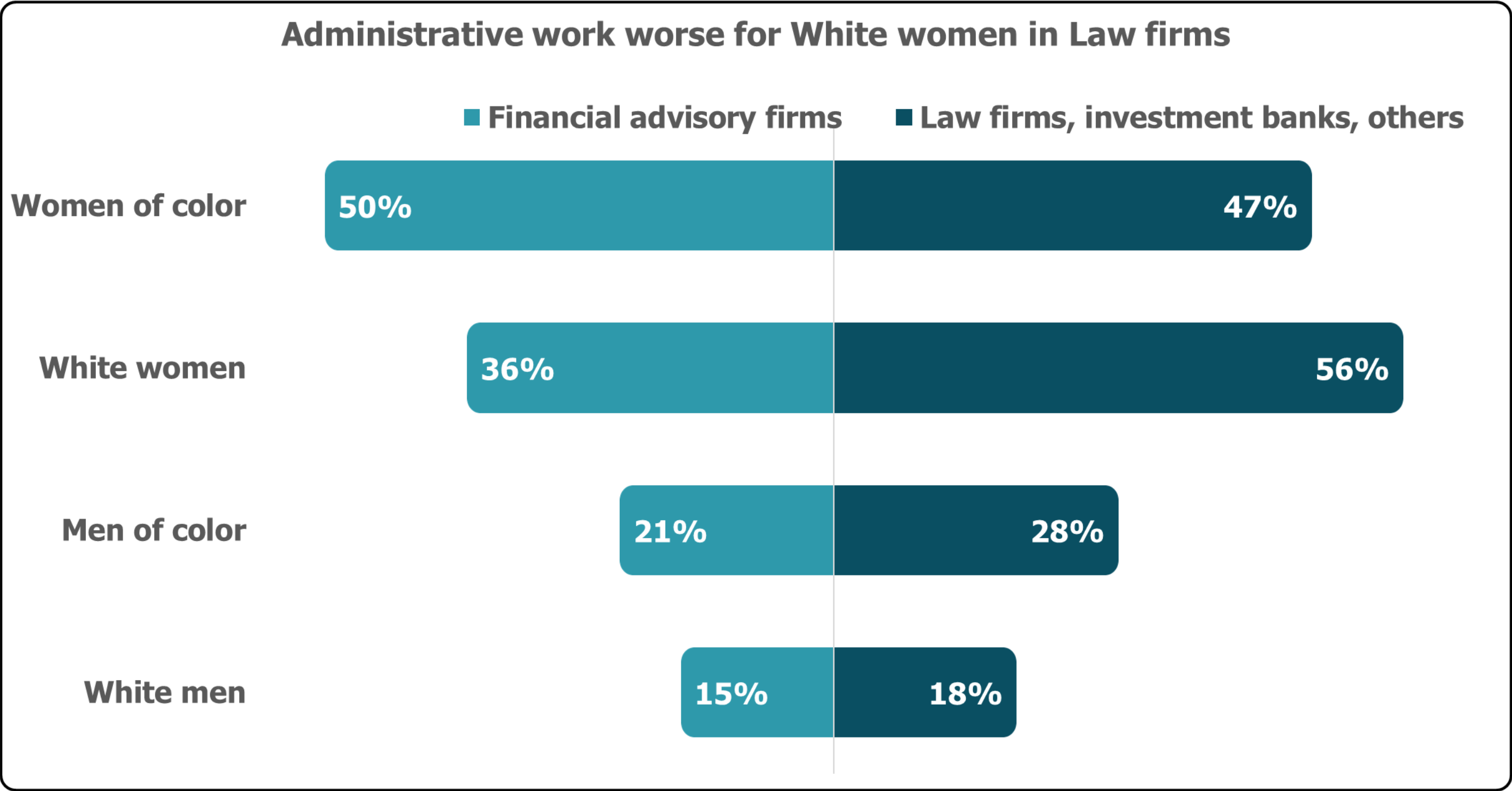
For women of color, in-group favoritism is lower, and access to development opportunities is higher, in financial advisory firms than law firms

Women of color in financial service firms are nearly 20 points less likely than women of color in law firms to report that people who get ahead typically belong to a small homogenous in-group. Women of color in financial advisory firms also are dramatically more likely than those at law firms to report that their firms ensure that a diverse group of professionals has access to meaningful business development opportunities (83% vs. 49%).



White women in financial advisory firms report more equitable burdens of office housework than those at law firms

White women are 20 points more likely to report doing more administrative work than colleagues at law firms as compared with financial advisory firms (56% vs. 36%). However, around half of women of color report this administrative burden at all firm types.



Women in financial advisory firms report less bias in performance evaluations than those at law firms

Women of color 15 percentage points less likely, and White women are 9 percentage points less likely, to get constructive feedback that allows them to advance at law firms compared to financial advisory firms.

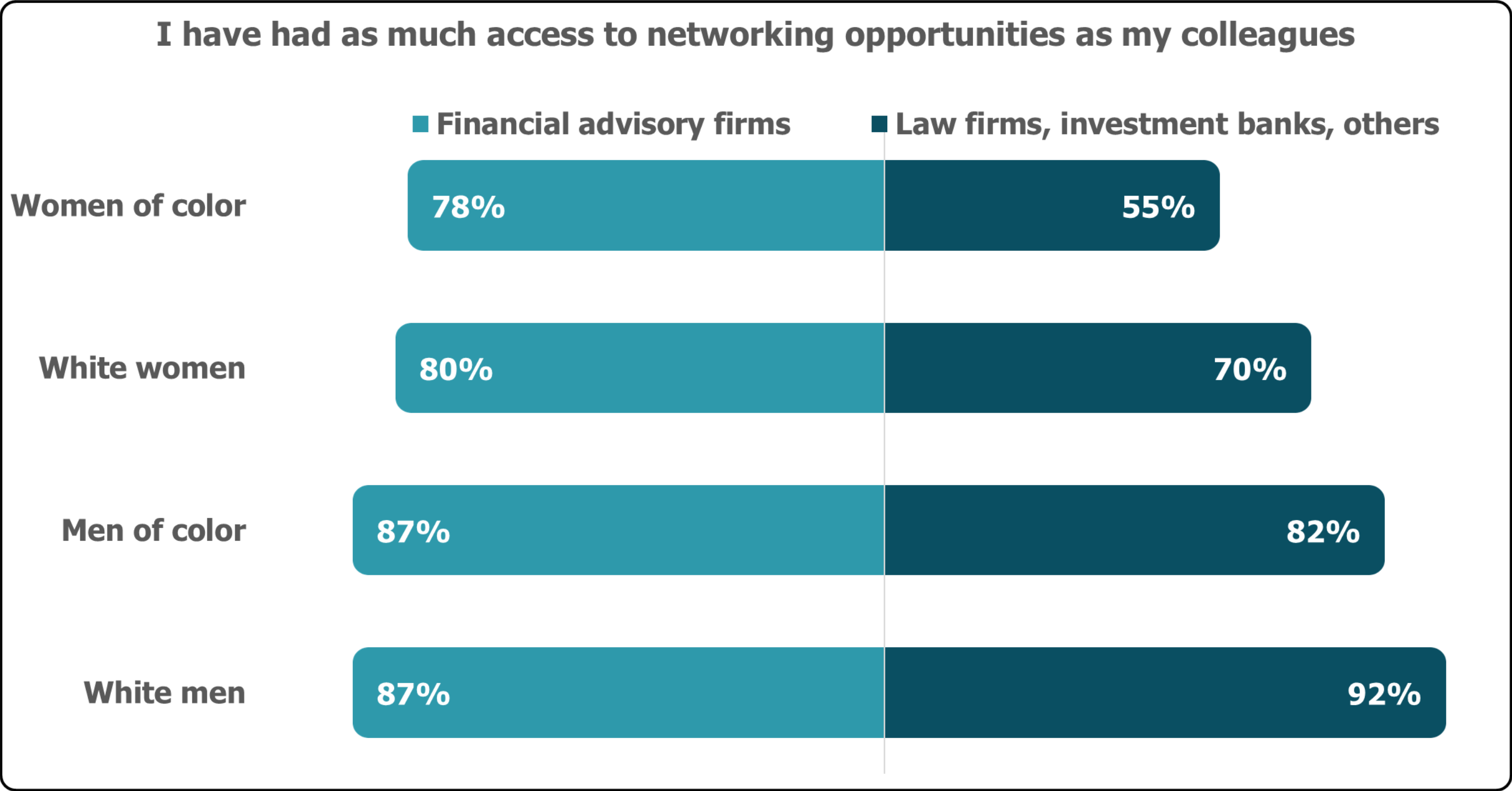


Fully two-thirds (67%) of women of color report receiving personality comments in their performance evaluations law firms compared to 30% at financial advisory firms.



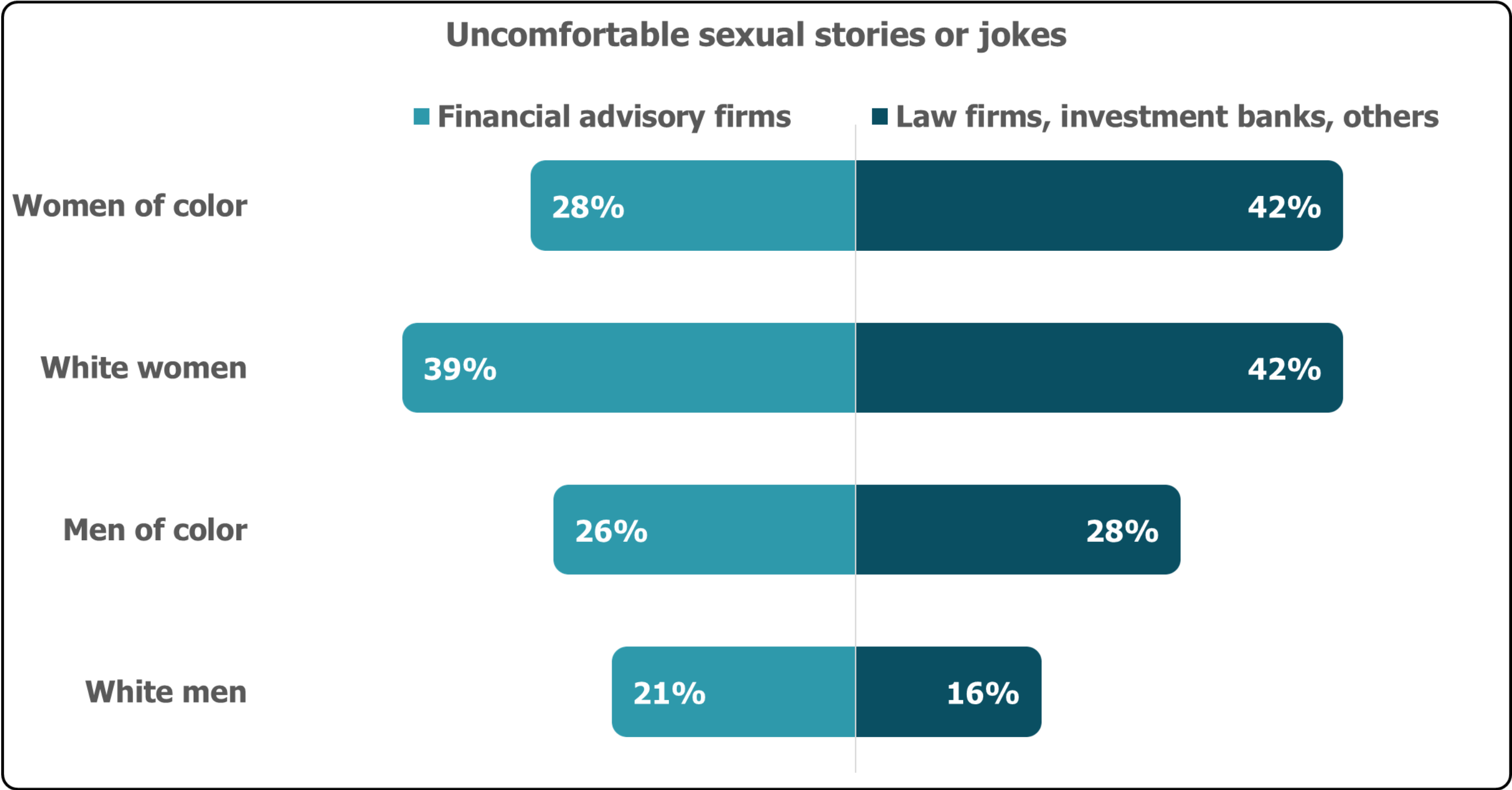
Women in financial advisory firms report fairer access to networking opportunities than those at law firms

While 80% of White women report having equal access to networking opportunities at financial advisory firms, this number falls to 70% at law firms. Similarly, while 78% of women of color report equal access to networking opportunities at financial advisory firms, only 55% of women of color report the same at law firms.



Sexual harassment is a problem in all types of firms – but more so at law firms

Women of all races report getting more sexist comments at law firms compared to financial advisory firms. Women of color also more report more sexually harassing or inappropriate jokes at law firms (42%) compared to financial advisory firms (28%). In addition, almost 25% of White women report unwanted attention and unwanted contact at law firms compared to 15% at financial advisory firms.



Masculinity contest cultures are less prevalent at financial advisory firms

Masculinity contest culture is also more prominent at law firms compared to financial advisory firms. As mentioned earlier, MCC predicts higher bias patterns and more sexual harassment.

Conclusion

Women, and particularly women of color, remain underrepresented in restructuring workplaces for a number of reasons, but bias is a big one. Many firms have faced the frustration of spending a lot of time and money recruiting women, particularly women of color, only to have them leave. Bias plays a key role.

The most consistent finding in our study was that women of color report many different forms of bias at a level much higher than White men; White women and men of color tend to fall in between but typically closer to women of color.

To take action, organizations need to dedicate the same sustained attention to addressing systemic bias that they would devote to solving any major business problem. By following the EAC model—using evidence, action, and commitment—they can start taking steps toward reducing bias. We have curated Toolkits of Bias Interrupters for the Restructuring Industry in the next sections.

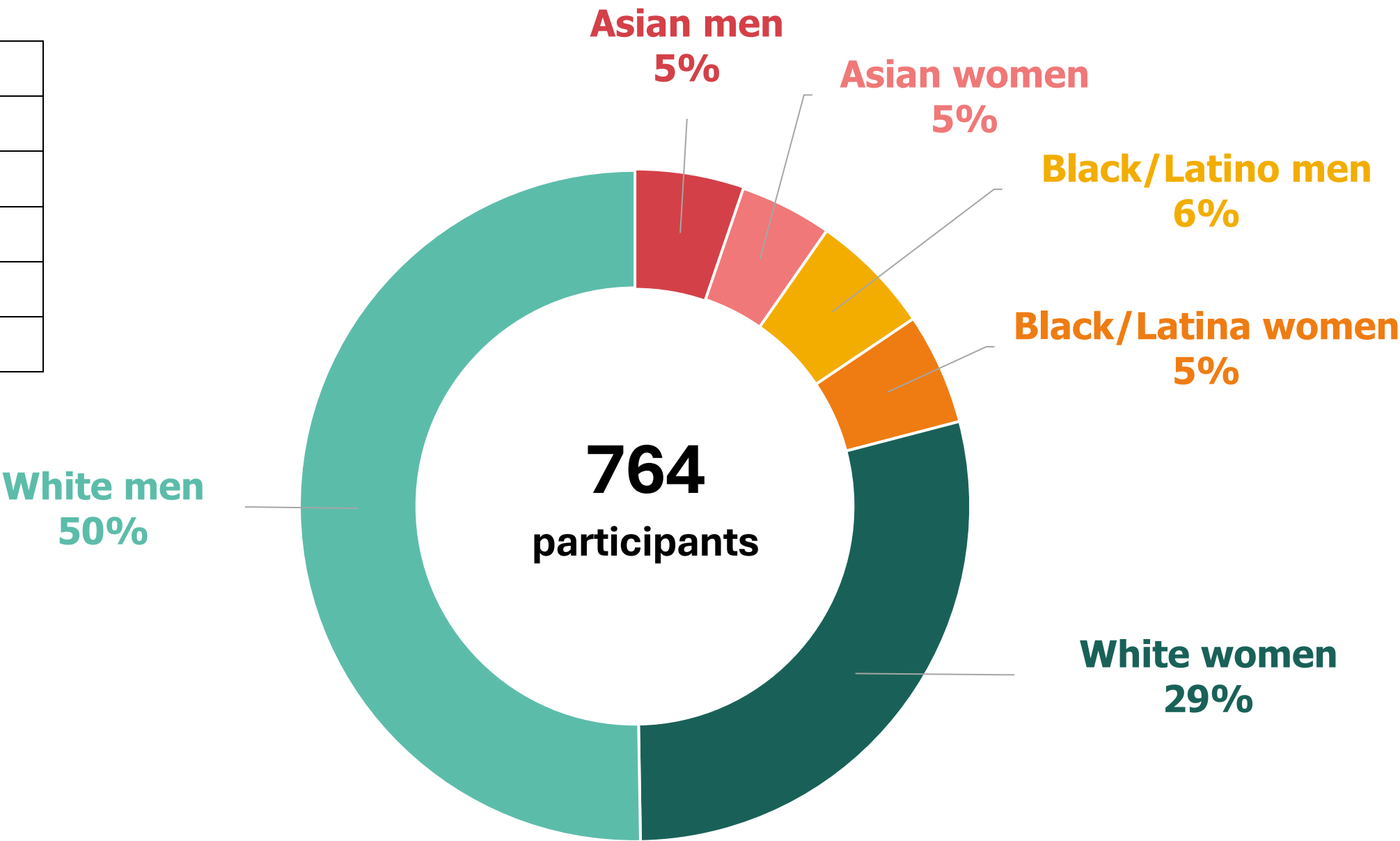
Methodology

Participants

764 individuals in restructuring completed the Workplace Experiences Survey, a 10-minute survey designed to pick up the basic patterns of bias in the workplace. Individuals answered survey questions based on their experiences at their current firms.

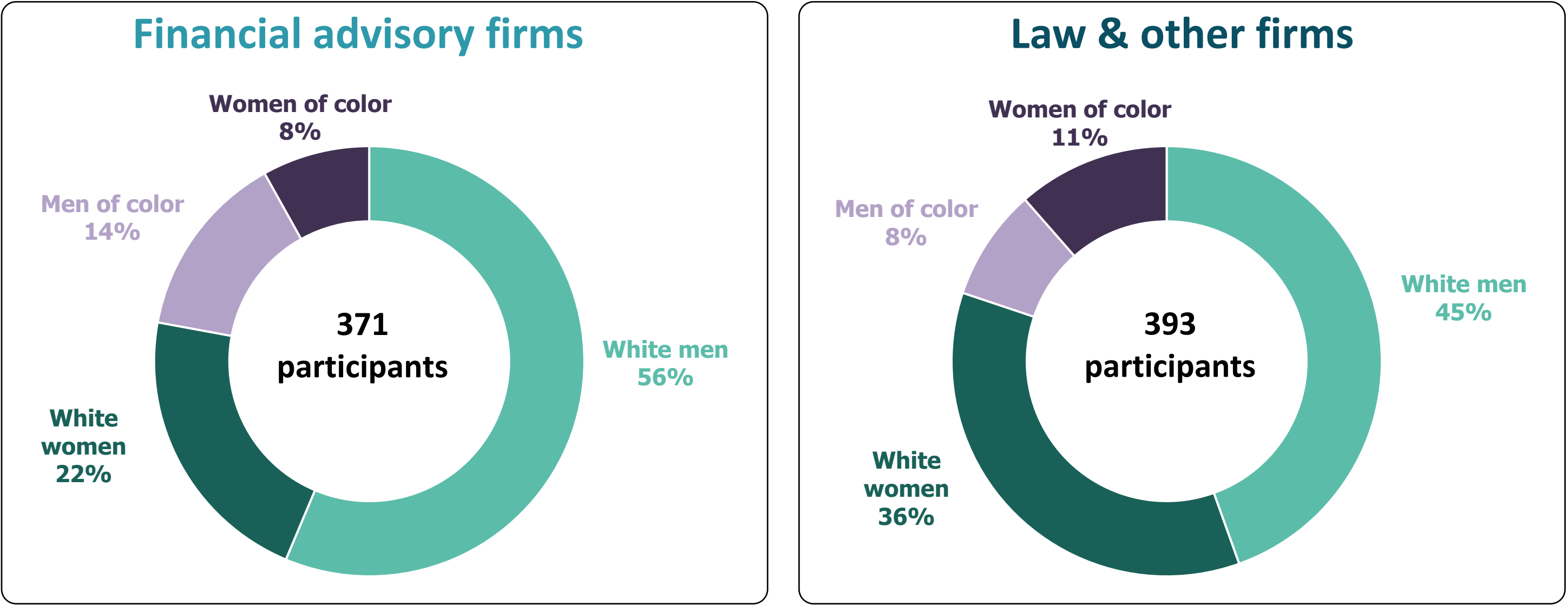
The racial and gender breakdown of the selected identities of our participants was as follows:

White men	384
White women	220
Asian men	40
Asian women	34
Black and Latino men	45
Black and Latina women	41



Firm type breakdown:

White men	Financial advisory firms	209
White women	Financial advisory firms	80
Men of color	Financial advisory firms	52
Women of color	Financial advisory firms	30
White men	Law firms, investment banks, & other firms	175
White women	Law firms, investment banks, & other firms	140
Men of color	Law firms, investment banks, & other firms	33
Women of color	Law firms, investment banks, & other firms	45



Quantitative data

The WES data were collected primarily using a 1-6 Likert scale: strongly agree to strongly disagree. For ease of understanding of our predicted report audience, we present the data in the form of percentages of agreement with each question. Although much of the data was collected on a Likert scale of 1–6, we recalculated percentages by using 1–3 (strongly disagree to slightly disagree) on the Likert scale as “no” and 4–6 (slightly agree to strongly agree) on the scale as “yes.” We report the percentages in the text, but all statistical analyses were conducted on the original Likert scale data.

Scales

The report focuses primarily on the individual day-to-day experiences of bias reported by those in the architecture profession. As such, results are report by question, grouped into sections reflecting the superordinate pattern of bias. However, for some of our statistical analyses, these individual questions were formed into scales. The types of bias we study are multifaceted: For example, Tightrope bias includes expectations about leadership ability, interruptions, pushback for assertive behavior, and more. To fully capture the experiences encompassed in each pattern of bias, we created a composite variable, or scale, that incorporates different questions that address the same central issue (for example, the questions addressing Prove-it-again bias were used to create a Prove-it- again scale). These scales were used in the regression analyses to examine the impacts of bias.

Qualitative data

The survey included two open-ended text boxes for participants to share more information about their experiences. These sources of qualitative data are used throughout the report as quotes to lend nuance and detail to the quantitative data.

Endnotes

¹ Albanese, Rachel E and Cullen D Speckhart. "The Gender Gap in Bankruptcy and Restructuring Practice | Practical Law The Journal | Reuters." February 1, 2023, sec. Legal Industry. <https://www.reuters.com/practical-law-the-journal/legalindustry/gender-gap-bankruptcy-restructuring-practice-2023-02-01/>.

² Institute for Inclusion in the Legal Profession. *IILP Review 2019: The State of Diversity and Inclusion in the Legal Profession*. Chicago: Institute for Inclusion in the Legal Profession, 2019. https://cdn.wildapricot.com/26011/resources/Documents/IILP_2019_FINAL_web.pdf.

³ Bernstein, Michael B, Bernice B Donald, and Angela M Banks. 2021. *Diversity & Inclusion in the Bankruptcy Profession*.

⁴ Bernstein, Michael B, Bernice B Donald, and Angela M Banks. 2021. *Diversity & Inclusion in the Bankruptcy Profession*.

⁵ Bernstein, Michael B, Bernice B Donald, and Angela M Banks. 2021. *Diversity & Inclusion in the Bankruptcy Profession*.

⁶ Institute for Inclusion in the Legal Profession. *IILP Review 2019: The State of Diversity and Inclusion in the Legal Profession*. Chicago: Institute for Inclusion in the Legal Profession, 2019. https://cdn.wildapricot.com/26011/resources/Documents/IILP_2019_FINAL_web.pdf.

⁷ Albanese, Rachel E and Cullen D Speckhart. "The Gender Gap in Bankruptcy and Restructuring Practice | Practical Law The Journal | Reuters." February 1, 2023, sec. Legal Industry. <https://www.reuters.com/practical-law-the-journal/legalindustry/gender-gap-bankruptcy-restructuring-practice-2023-02-01/>.

⁸ Burrell, Gregory. "Eliminating Implicit Bias in the Bankruptcy Process." *American Bankruptcy Institute Journal* 41, no. 11 (November 2022): 28–29.

⁹ Burrell, Gregory. "Eliminating Implicit Bias in the Bankruptcy Process." *American Bankruptcy Institute Journal* 41, no. 11 (November 2022): 28–29.

¹⁰ Burrell, Gregory. "Eliminating Implicit Bias in the Bankruptcy Process." *American Bankruptcy Institute Journal* 41, no. 11 (November 2022): 28–29.

¹¹ Nordell, J. (2021). This is how everyday sexism could stop you from getting that promotion. New York Times. <https://www.nytimes.com/interactive/2021/10/14/opinion/gender-bias.html>

¹² Williams, J. C., & Dempsey, R. W. (2014). *What works for women at work: Four patterns working women should know*. New York, NY: New York University Press. Foschi, M. (2000). Double standards for competence: Theory and research. *Annual Review of Sociology*, 26, 21-42. doi: 10.1146/annurev.soc.26.1.21; Biernat, M., & Kobrynowicz, D. (1997). Gender- and race-based standards of competence: Lower minimum standards but higher ability standards for devalued groups. *Journal of Personality and Social Psychology*, 72(3), 544-557. doi:10.1037/0022-3514.72.3.544; Foschi, M., Lai, L., & Sigerson, K. (1994). Gender and double standards in the assessment of job applicants. *Social Psychology Quarterly*, 326-339.; Foschi, M. (1996). Double standards in the evaluation of men and women. *Social Psychology Quarterly*, 59(3), 237-254. doi: 10.2307/2787021; Ridgeway, C. L. (2011). Framed by gender: How gender inequality persists in the modern world. Oxford University Press.; Williams, J. C., Multhaup, M., Li, S., Korn, R. M. (2018). You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession. American Bar Association & Minority Corporate Counsel Association. Available at: <https://www.americanbar.org/content/dam/aba/administrative/women/you-cant-change-what-you-cant-see-print.pdf>;

¹³ Storage, D., Charlesworth, T. E., Banaji, M. R., & Cimpian, A. (2020). Adults and children implicitly associate brilliance with men more than women. *Journal of Experimental Social Psychology*, 90, 104020.

¹⁴ Williams, J., Korn, R., & Ghani, A. (2022). Pinning down the jellyfish: The workplace experiences of women of color in tech. *The Center for Worklife Law, University of California Hastings Law*.

¹⁵ Burgess, D., & Borgida, E. (1999). Who women are, who women should be: Descriptive and prescriptive gender stereotyping in sex discrimination. *Psychology, Public Policy, and Law*, 5(3), 665. Prentice, D. A., & Carranza, E. (2002). What women and men should be, shouldn't be, are allowed to be, and don't have to be: The content of prescriptive gender stereotypes. *Psychology of Women Quarterly*, 26(4), 269-281. doi: 10.1111/1471-6402.t011-1-00066; Rudman, L. A., Moss-Racusin, C. A., Phelan J. E., & Nauts, S. (2012). Status incongruity and backlash effects: Defending the gender hierarchy motivates prejudice against female leaders. *Journal of Experimental Social Psychology*, 48(1), 165-179. doi: 10.1016/j.jesp.2011.10.008

¹⁶ Williams, J. C., & Dempsey, R. W. (2014). *What works for women at work: Four patterns working women should know*. New York, NY: New York University Press.

¹⁷ Intragroup conflict among women: Derks, B., Van Laar, C., Ellemers, N., & de Groot, K. (2011). Gender-bias primes elicit queen-bee responses among senior policewomen. *Psychological Science*, 22(10), 1243-1249. doi: 10.1177/0956797611417258; Derks, B., Ellemers, N., Van Laar, C., & De Groot, K. (2011). Do sexist organizational cultures create the Queen Bee?. *British Journal of Social Psychology*, 50(3), 519-535.; Duguid, M. (2011). Female tokens in high-prestige work groups: Catalysts or inhibitors of group diversification? *Organizational Behavior and Human Decision Processes*, 116(1), 104-115. doi: 10.1016/j.obhdp.2011.05.009; Duguid, M. M., Loyd, D. L., & Tolbert, P. S. (2012). The impact of categorical status, numeric representation, and work group prestige on preference for demographically similar others: A value threat approach. *Organization Science*, 23(2), 386-401. doi: 10.1287/orsc.1100.0565; Ellemers, N., van den Heuvel, H., de Gilder, D., Maass, A., & Bonvini, A. (2004). The underrepresentation of women in science: Differential commitment or the queen bee syndrome? *British Journal of Social Psychology*, 43(3), 315-338. doi: 10.1348/0144666042037999; Ely, R. J. (1994). The effects of organizational demographics and social identity on relationships among professional women. *Administrative Science Quarterly*, 39(2), 203-238. doi: 10.2307/2393234; Kanter, R. M. (1977). Some effects of proportions on group life: Skewed sex ratios and responses to token women. *American Journal of Sociology*, 82(5), 965-990. doi: 10.1086/226425; Parks-Stamm, E. J., Heilman, M. E., & Hearn, K. A. (2012). Motivated to penalize: women's strategic rejection of successful women. *Personality and Social Psychology Bulletin*, 34(2), 237-245. doi: 10.1177/0146167207310027; Staines, G., Tavis, C., & Jayaratne, T. E. (1974). The queen bee syndrome. *Psychology Today*. 55(7).; Van Laar C., Bleeker D., Ellemers N. and Meijer E. (2014), Ingroup and outgroup support for upward mobility: Divergent responses to ingroup identification in low status groups. *European Journal of Social Psychology*, 44(6), 563-577, doi: 10.1002/ejsp.2046. Intragroup conflict among people of color: Duguid, M. M., Loyd, D. L., & Tolbert, P. S. (2012). The impact of categorical status, numeric representation, and work group prestige on preference for demographically similar others: A value threat approach. *Organization Science*, 23(2), 386-401. doi: 10.1287/orsc.1100.0565; Carbado, D. W., & Gulati, M. (2013). *Acting White?: Rethinking race in post-racial America*. New York, NY: Oxford University Press.;

Opie, T. R., & Phillips, K. W. (2015). Hair penalties: The negative influence of Afrocentric hair on ratings of Black women's dominance and professionalism. *Frontiers in Psychology*, 6, 1311.

¹⁸ Duguid, M. M., Loyd, D. L., & Tolbert, P. S. (2012). The impact of categorical status, numeric representation, and work group prestige on preference for demographically similar others: A value threat approach. *Organization Science*, 23(2), 386-401. doi: 10.1287/orsc.1100.0565

¹⁹ Duguid, M. M., Loyd, D. L., & Tolbert, P. S. (2012). The impact of categorical status, numeric representation, and work group prestige on preference for demographically similar others: A value threat approach. *Organization Science*, 23(2), 386-401. doi: 10.1287/orsc.1100.0565

²⁰ Williams, J.C., Phillips, K.W., & Hall, E.V. (2014). *Double jeopardy? Gender bias against women of color in science*. WorkLife Law, UC Hastings College of the Law. San Francisco, CA. Available at: https://worklifelaw.org/publications/Double-Jeopardy-Report_v6_full_web-sm.pdf

²¹ Brewer, M. B. (1996). In-group favoritism: The subtle side of intergroup discrimination. *Codes of conduct: Behavioral research and business ethics*, 160-171.

²² Williams, J., Korn, R., & Ghani, A. (2022). Pinning down the jellyfish: The workplace experiences of women of color in tech. *The Center for Worklife Law, University of California Hastings Law*.; Williams, J.C., Korn, R.M., & Maas, R. (2021). The Elephant in the Well-Designed Room: A Study of Gender and Racial Bias in the Profession of Architecture Available at: https://worklifelaw.org/wp-content/uploads/2021/12/AIA_An_Investigation_Into_Bias_Study.pdf

²³ Williams, J. C., Multhaup, M., Li, S., Korn, R. M. (2018). You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession. American Bar Association & Minority Corporate Counsel Association. Available at: <https://www.americanbar.org/content/dam/aba/administrative/women/you-cant-change-what-you-cant-see-print.pdf>; Williams, J.C., Li, S., Rincon, R., & Finn, P. (2016). Climate Control: Gender and Racial Bias in Engineering? Center for WorkLife Law. UC Hastings College of the Law. Available at: <https://worklifelaw.org/publications/Climate-Control-Gender-And-Racial-Bias-In-Engineering.pdf>; Snyder, K. (2014, August 26). The abrasiveness trap: High-achieving men and women are described differently in reviews. *Fortune*. Retrieved from <http://fortune.com/2014/08/26/performance-review-gender-bias/>; Monica Biernat et al., *The Language of Performance Evaluations: Gender-Based Shifts in Content and Consistency of Judgment*, 3 SOC. PSYCHOL. & PERSONALITY SCI. 185 (2012).; Jampol, L., & Zayas, V. (2020). Gendered White Lies: Women Are Given Inflated Performance Feedback Compared With Men. *Personality and Social Psychology Bulletin*, 0146167220916622.

²⁴ Carr, E.W., Reece, A., Kellerman, G.R., & Robichaux, A. (2019). The Value of Belonging at Work. *Harvard Business Review*. Retrieved from: <https://hbr.org/2019/12/the-value-of-belonging-at-work>

²⁵ Merhar, C. (2020). Employee Retention – The Real Cost of Losing an Employee. *PeopleKeep*. Retrieved from: <https://www.peoplekeep.com/blog/bid/312123/employee-retention-the-real-cost-of-losing-an-employee>

²⁶ "Bullying and Sexual Harassment in the Legal Profession." Accessed September 27, 2024. <https://www.ibanet.org/bullying-and-sexual-harassment>. Women Lawyers on Guard Action Network, *Still Broken: Sexual Harassment and Misconduct in the Legal Profession* (Women Lawyers on Guard Action Network, July 2020), <https://womenlawyersonguard.org/wp-content/uploads/2020/07/Still-Broken-Full-Report.pdf>.

²⁷ Beras, E. (2018). Poll: Nearly half of the women who experienced sexual harassment leave their jobs or switch careers. Retrieved from: <https://www.marketplace.org/2018/03/09/new-numbers-reflect-lasting-effects-workplace-harassment-women/>

²⁸ Berdahl, J. L., Cooper, M., Glick, P., Livingston, R. W., & Williams, J. C. (2018). Work as a Masculinity Contest. *Journal of Social Issues*, 74(3), 422–448. <https://doi.org/10.1111/josi.12289>

²⁹ Glick, P., Berdahl, J. L., & Alonso, N. M. (2018). Development and Validation of the Masculinity Contest Culture Scale. *Journal of Social Issues*, 74(3), 449–476. <https://doi.org/10.1111/josi.12280>

³⁰ Glick, P., Berdahl, J. L., & Alonso, N. M. (2018). Development and Validation of the Masculinity Contest Culture Scale. *Journal of Social Issues*, 74(3), 449–476. <https://doi.org/10.1111/josi.12280>

³¹ Alonso, N. (2018). Playing to win: Male–male sex-based harassment and the masculinity contest. *Journal of Social Issues*, 74(3), 477-499.

³² Louvet, Eva. (2007). Social Judgment Toward Job Applicants With Disabilities: Perception of Personal Qualities and Competences. *Rehabilitation Psychology*. 52. 297-303. 10.1037/0090-5550.52.3.297. Stone, D., & Colella, A. (1996). A model of factors affecting the treatment of disabled individuals in organizations. *Academy of Management Review*, 21, 352– 401.;Heilman, M. (1983). Sex bias in work settings: The lack of fit model. In L. L. Cummings & B. M. Staw (Eds.), *Research in organizational behaviour* (Vol. 5, pp. 269 –298). Greenwich, CT: JAI Press

Bias Interrupters:

Toolkits for the restructuring industry

Bias Interrupters

Tools for the restructuring industry

Incremental steps can improve diversity in ways that yield well-documented business benefits. Research shows that diverse workgroups perform better and are more committed, innovative, and loyal.¹ Gender diverse workgroups have higher collective intelligence, which improves the performance of both the group and of the individuals in the group, and leads to better financial performance results.² Racially diverse workgroups consider a broader range of alternatives, make better decisions, and are better at solving problems.³ Bias, if unchecked, affects many different groups: modest or introverted men, LGBTQ+ people, individuals with disabilities, professionals from nonprofessional backgrounds (class migrants), women, and people of color. We've distilled the huge literature on bias into simple steps that help you and your firm perform better.

We know now that workplaces that view themselves as being highly meritocratic often are *more* biased than other organizations.⁴ Research also shows that the usual responses—one-shot diversity trainings, mentoring, and networking programs—typically don't work.⁵

What holds more promise is a paradigm-changing approach to diversity: Bias Interrupters are tweaks to basic business systems that are data-driven and can produce measurable change. Bias Interrupters change systems, not people.

Bias Interrupters apply to every organization, regardless of size, geographic location, or employee demographics – but there isn't a one-size-fits-all fix. Each toolkit contains a menu of Bias Interrupters to pick and choose from, depending on the needs of your firm.

Next is our Bias Interrupters toolkit with information about how to interrupt bias in the following business systems:

- 1. Hiring and recruitment**
- 2. Access to opportunities**
- 3. Performance evaluations**
- 4. Meetings**
- 5. Family leave**
- 6. Workplace flexibility**
- 7. Partner compensation**
- 8. Retention**

For additional worksheets and information visit BiasInterrupters.org.

Our toolkits take a three-step approach:

- 1. Evidence.** Develop metrics to pinpoint exactly where bias is playing out and establish baselines so you can measure progress.
- 2. Action.** Implement evidence-based Bias Interrupters into existing business systems.
- 3. Commitment.** Measure progress, implement stronger Bias Interrupters until metrics improve.

Interrupting Bias in Hiring and Recruitment

The Challenge

Matched-resume studies, in which researchers send identical resumes except for one factor (such as the applicant's name or membership in an organization that signals something about their identity) provide objective evidence that bias drives decision making. Despite identical qualifications:

- **Race/ethnicity:** "Jamal" needed eight additional years of experiences to be considered as qualified as "Greg."⁶
- **Gender:** "Jennifer" was offered \$4,000 less in starting salary than "John."⁷
- **Sexual orientation:** Holding a leadership position in an LGBTQ organization made a queer woman receive 30% fewer callbacks⁸ and a gay man receive 40% fewer callbacks than their heterosexual peers.⁹
- **Parenthood status:** Membership in the Parent-Teacher Association made a mother 79% less likely to be hired than a non-mother and offered \$11,000 less in starting salary.¹⁰
- **Social class:** A candidate that listed elite hobbies: "polo, sailing, and classical music" was 12 times more likely to get a callback than a candidate that listed "pickup soccer, country music, and mentoring other first-gen students."¹¹

You can't tap the full talent pool unless you control for bias in hiring. To truly see results, you will need to interrupt bias at every stage from the initial job posting to the final offer letter.

Bias Interrupters work!

At one manufacturing firm company, men and women of color's share of the job offers increased 5-6% after they implemented Bias Interrupters tools and ran a simple workshop on interrupting bias in hiring and recruitment.

[Read more here](#)

The Solution

1. Consider the Metrics

Organizations should keep metrics by: 1) individual supervisor; 2) department; 3) location if relevant; and 4) the organization as a whole and:

- Anonymously track the demography of the candidate pool through the entire hiring process: from the initial pool of candidates considered, to who survives resume review, who gets invited to interview, who survives the interview process, who gets job offers, who accepts those offers, and who doesn't. Break down the demography by under-represented groups: women, people of color, people with disabilities, veterans, members of the LGBTQ+ community, etc. and pinpoint which stage(s) of the hiring process are disproportionately weeding out candidates from those groups.
- Track interviewers' reviews and/or recommendations to ensure they are not consistently rating majority candidates higher than others.

Collecting data

It's very likely that your organization is already tracking applicants through the hiring process, but you will need to pull this data in a way that allows you to analyze the demographic breakdown of the entire hiring funnel.

You are looking for two types of data that may be stored in different places:

Demographic data of applicants:

Race/Ethnicity: This is likely collected from applicants when they are filling out applications online.

Gender identity: This is likely collected from applicants when they are filling out applications online.

Hiring process data:

- Online applicant
- Referral
- Resume Review
- Interview/Skills assessment
- Offer

Some organizations use more specific categories, tracking whether interviews have been scheduled but not yet completed, background check paperwork, or other information that might be relevant. If your organization uses many categories, it will be helpful for you to condense the data to only the 5 above.

Ratings data (if applicable): Some organizations require candidates to be rated using numerical scores or labels (for example, strong hire, do not hire, etc.). If you have ratings data, definitely include it!

Interpreting data

Tracking your diversity metrics across the hiring funnel will help you pinpoint where to intervene and implement the most impactful tweaks.

Looking at the demographic breakdown of the candidate pool across the hiring funnel will give you a path forward.

Look across the entire process

- Is one group increasing its share of the candidate pool in stage after stage? This may mean they are being artificially advantaged (often called the “invisible escalator” for white men).
- Changes in the demography of the pool from stage to stage are good indicators that different groups are having different experiences in the hiring process.

Look at the ratings

- Compare the ratings of different groups. Are some groups hired with lower average ratings than other groups? If so, they are being held to different standards.
- If a group has lower ratings but an ever-increasing portion of the candidate pool, they may be getting an artificial advantage.
- If a group has higher ratings but an ever-decreasing proportion of the candidate pool, they may be facing an artificial disadvantage.

Applications and referrals

- Compare applications with referrals.
- Are some groups artificially advantaged because they are more likely to come into the process through referrals?
- Is your original application pool diverse or overly homogeneous? If you don’t start out with a diverse pool, you won’t end up with diversity.

Acting on data

Depending on the pattern(s) you see in the pre-intervention data, you will choose one or more areas of focus for your structural intervention:

- Applications
- Referral hiring
- Resume review
- Interviews/skills assessment

We have curated a menu of Bias Interrupters below for each area of focus. Which options are best for your organization? Many organizations are drawn to particular strategies because they fit well with other initiatives or the company culture.

Interpreting post-intervention data

After implementing your chosen interventions, you will want to examine the impact of your changes. There are a few key indicators you should be looking for:

Changes to the new applicant or referral pools: Compare your pre-intervention results to the post-intervention results. Are you closer to your goals? Where might you still need to act?

More level playing field across stages: Compare your pre-intervention results to the post-intervention results.

- Have the differences between groups diminished? That is a good indicator that your intervention was impactful.
- Is your hiring funnel showing the same issues as before? That is a good indicator that you need to add more Bias Interrupters.
- Is your hiring funnel showing different issues than before? The changes you made may have pushed problems to a different stage of the hiring funnel. Interrupting bias is an iterative process – you may need to make several rounds of changes.

Ratings: Compare your pre-intervention results to the post-intervention results.

- Are you closer to equal ratings for different groups at each stage? That is a good indicator that your intervention was impactful.

- Are you seeing the same issues as before? That is a good indicator that you need to add more Bias Interrupters.
- Are you seeing more, or different issues than before? The changes you made may have pushed problems to a different stage of the hiring funnel. Interrupting bias is an iterative process – you may need to make several rounds of changes.

Consider the menu of options below and decide whether you want to add more Bias Interrupters to different parts of the hiring process.

2. **Empower people involved in the hiring process to spot and interrupt bias** by using our [Identifying Bias in Hiring Guide](#). Read and distribute.
3. **Appoint Bias Interrupters** — HR professionals or team members trained to spot bias and involve them at every step of the hiring process.
4. **Go through the menu below** to learn more about how to interrupt bias during each step of the hiring process.

Applications

The application process is the first level of the hiring process. Working to ensure you have a diverse candidate pool in the application process will help your organization build a strong pipeline of top talent. Below are a few strategies to help encourage diversity in an applicant pool.

1. **Insist on a diverse pool.** If the initial pool is largely homogenous, it is statistically unlikely that you will hire a candidate from a historically excluded group. In one study, the odds of hiring a woman were 79 times greater if there were at least two women in the finalist pool; the odds of hiring a person of color were 194 times greater.¹²
2. **Tap diverse networks.** If your existing organization is not diverse, hiring from your current employees' social networks will replicate the lack of diversity. Instead, tap into diverse networks. Identify job fairs, affinity networks, conferences and training programs that are aimed at historically excluded communities in your field and send recruiters.
3. **Getting the word out.** Let people know that your company is a great place to work. One company offers public talks by women at their company and writes blog posts, and social media articles highlighting the women who work there. If you don't currently have the diversity to create that kind of content, face it head on with an article about your organization's interest in hiring more people of color, women, members of the LGBTQIA+ community, first-generation professionals — and your development plan to support new hires.

4. **Change the wording of your job postings.** Take another look at your job ads to make sure you are asking for what you really want.

- a. **Encourage applicants to apply even if they don't meet 100% of the criteria** — research has found that men tend to apply when they meet only 60% of the criteria whereas women only apply if they meet 100%.¹³
- b. **Select job-relevant criteria.** Sometimes job ads include requirements that aren't really requirements at all — such as desk jobs that require applicants to be able to lift 25 pounds. This kind of language may weed out applicants with disabilities.
- c. **Choose your words thoughtfully.** Using masculine-coded words like "leader" and "competitive" will tend to reduce the number of women who apply;¹⁴ using words like "responsible" and "conscientious" will attract more women, and men too. Research shows that gender-neutral job postings result in more applications overall.¹⁵ Tech alternatives (see: Textio or the SAP Job Analyzer for Recruiting)¹⁶ can help you craft job postings that ensure you attract top talent without discouraging women.
- d. **Avoid making statements about innate abilities.** Gender stereotypes about "innate" cognitive abilities emerge early with research showing that girls stay away from games designed for "really, really, smart" people.¹⁷ This may also extend to terms like "analytical mindset", more stereotypically associated with men than women.

- e. **Review job ads for extreme language** like “customer-obsessed” or “aggressive expectations.” It may be best to avoid using “extreme” language. Given equal performance on average, men are more likely than women to be overconfident about their performance and to self-promote more than women.¹⁸
- f. **Add information about family leave policies to job ads.** This simple fix could help draw in a more diverse pool of applicants.
- g. **List salary ranges.** Pay transparency can increase a company’s number of applicants. Asking applicants for their salary expectations can perpetuate pay discrimination from job to job. Women also tend to ask for lower salaries than their male counterparts, and women and minorities fear negotiation backlash to a greater extent than their white, male peers. If negotiation is expected, make that clear to candidates upfront.

Referral Hiring

Referrals present opportunities if done thoughtfully, but substantial risks if done incorrectly. Below are a few ideas to consider when utilizing referral hiring to promote diversity.

Opportunities

1. **Tap diverse networks.** Tapping into diverse networks through job fairs, affinity networks, conferences and training programs that are aimed at historically excluded communities in your field can help you reach qualified applicants that are not as well connected.
2. **Work with recruitment partners.** Finding recruitment partners that specialize in matching candidates from historically excluded groups with companies can help with the finding and recruitment of candidates. Additionally, these partners may be able to provide support for promoting inclusive hiring efforts more generally.¹⁹
3. **Create a strong pool.** Having a pool of well-qualified leads means you won’t have to spend as much time recruiting when a new position opens up.²⁰
4. **Better retention rate.** Referred employees tend to stick with the organization for longer. One study found that 46% of referrals are retained at the one-year mark, compared to 33% from career sites.

Risks

1. **Replicating or magnifying a current lack of diversity.** If your existing organization is not diverse, hiring from your current employees' social networks will replicate the lack of diversity. One study showed that "women and racial minorities may be at a disadvantage specifically because they are less likely to have networks upon entry into the organization."²¹

To head off this risk, keep careful metrics of the demography of your referrals pool. Make sure the pool reflects the diversity you want to see in your organization. If it doesn't, take action quickly to change things.
2. **Applying looser standards to referrals.** Since referrals are entering the system in a different way than other candidates, it is important to make sure you have a standardized review process. Referred candidates should meet the same job-related criteria as all other applicants. Make sure you're not giving a pass to these candidates just because they already know someone in the organization.

Resume Review

When recruiters are reviewing resumes, it helps to have objective metrics that they can rely on to pick out the top candidates for each role. Here are some tips for setting those metrics:

1. **Distribute the Identifying Bias in Hiring Guide.** Before resumes are reviewed, have reviewers read our guide so that they are aware of the common forms of bias that can affect the hiring process.
2. **Pre-commit to what's important—and require accountability.** Pre-commit in writing to what qualifications are important, both in entry-level and in lateral hiring. When qualifications are waived for a specific candidate, require an explanation of why they are no longer important—and keep track to see if there's a pattern among waiver recipients.²²
3. **Ensure resumes are graded on the same scale.** Establish clear grading rubrics and ensure that everyone grades on the same scale. Consider having each resume reviewed by two different managers and averaging the score.
4. **Redact extra-curricular activities from resumes.** Including extra-curricular activities on resumes can artificially disadvantage first-generation professionals. As mentioned above, one study found that law firms were less likely to hire a candidate whose interests included "country music" and "pick-up soccer" rather than "classical music" and "sailing"—even though the work and educational experience was exactly the same.²³ Because most people aren't as aware of class-based bias,

communicate why you are removing extracurricular activities from resumes.

5. **Don't count resume gaps as an automatic negative.** Don't count "gaps in a resume" as an automatic negative. Instead, give the candidates an opportunity to explain gaps by asking about them directly during the interview stage.²⁴ There are many, many reasons people may take time off from paid work (including to care for children or elderly parents or to take care of their own health). Don't infer that if someone has taken time off for family caregiving responsibilities that they will be less committed to the job they are applying for now.
6. **Consider candidates from multiple tiers of schools.** Don't limit your search to candidates from Ivy League and other top-tier schools. Using graduation from a narrow range of elite schools as a proxy for intelligence and future success disadvantages first-generation students, the majority of whom are people of color.²⁵ Studies show that top students from lower ranked schools are often just as successful.²⁶ Whenever possible, use skills tests to gauge qualification and preparedness for the role.
7. **Try using "blind auditions"** where the evaluators don't know who they are reviewing. If women and candidates of color are dropping out of the pool at the resume review stage, consider removing names or other demographic-signaling info from resumes before review. This way, candidates can be evaluated based solely on their qualifications.

Interviews

During the interview process, clear rubrics and rating scales are essential to make sure all candidates are receiving fair reviews. Below are a few strategies to help structure an equitable interview process.

To understand the research and rationale behind the suggested Bias Interrupters, read our [Identifying Bias in Hiring Guide](#) which summarizes numerous studies.

1. **Distribute this [interview toolkit](#) to everyone involved in your interview process.** The law firm Ice Miller LLP created this [Attorney Interview toolkit](#) to interrupt common forms of bias in their interview process. The toolkit equips interviewers with materials to evaluate candidates based on their knowledge, skills and abilities pertaining to the position and minimizes the risks of unexamined bias influencing their decision-making. This toolkit sets interviewers up for success because it determines consistent criteria upon which to evaluate candidates in advance. The rubrics ensure that every person is rated on the same scale.
2. **Conduct interviews using an interview rubric.** A rubric clearly defines what a "good" candidate is, helping to standardize scoring for each interviewee and reduce potential bias. In contrast to a structured interview, unstructured interviews are "among the worst predictors of actual on-the-job performance."²⁷

3. **Develop a consistent rating scale and discount outliers.**

Candidate's answers (or skills-based assessments) should be rated on a consistent scale and backed up by evidence. Average the scores granted on each relevant criterion and discount outliers.²⁸

4. **Use structured interviews.** Ask the same list of questions to every person who is interviewed. Ask questions that are directly relevant to the job the candidate is applying for.²⁹

5. **Ask performance-based questions & use skills-based assessments.** Performance-based questions ("tell me about a time you had too many things to do and had to prioritize") provide concrete information about job-relevant skills.³⁰ If applicable, ask candidates to take a skills-based assessment. For example, if part of the job is analyzing data sets and making recommendations, ask the candidate to do that.

6. **Try behavioral interviewing.**³¹ Ask questions that reveal how candidates have dealt with prior work experiences, as research shows that structured behavioral interviews can more accurately predict the future performance of a candidate than unstructured interviews.³² Instead of asking, "How do you deal with problems with your manager?" ask them to "Describe a time you had a conflict at work with your manager and how you handled it." When evaluating answers, a good model to follow is the STAR³³ model: the candidate should describe the Situation they faced, the Task that they had to handle, the Action they took to deal with the situation, and the Result.

7. **If "culture fit" is a criterion for hiring, provide a specific definition.** Culture fit can be important but when it's misused, it can disadvantage people of color, first-generation professionals, and women.³⁴ Culture fit should not mean the "lunch test" (who you would like to have lunch with.) Instead, make it clear what the hiring criteria is to evaluators and candidates. One good example of a work-relevant definition of culture fit is "Googleness," which Laszlo Block, Google's former SVP of People Operations defined as "Attributes like enjoying fun (who doesn't), a certain dose of intellectual humility (it's hard to learn if you can't admit that you might be wrong), a strong measure of conscientiousness (we want owners, not employees), comfort with ambiguity (we don't know how our business will evolve, and navigating Google internally requires dealing with a lot of ambiguity), and evidence that you've taken some courageous or interesting paths in your life."³⁵

8. **Address resume gaps head on.** Give candidates an opportunity to explain gaps by asking about it explicitly during the interview stage. Women fare better in interviews if they are able to provide information upfront, rather than having to avoid the issue.

9. **Send a memo to candidates prior to their interview detailing expectations.** Develop an interview protocol sheet that explains to candidates what is expected from them during an interview. This can level the playing field for first-generation professionals, Asian Americans, women, and introverts — groups that are more likely to feel pressure to be modest or self-effacing. Setting expectations clearly allows them to make the best case for themselves.

Here's a [sample memo](#) as well as a checklist of what to include:

- Outline the interview process with as many details as possible. If you're planning on giving them a skills assessment, say so. If it's not clear in the assessment instructions, let them know what you're looking to learn from the assessment – "We will be evaluating your ability to use Adobe Creative Suite by asking you to make social media graphic for a fictional event."
- Qualities your organization values because they better the work environment. Think: "culture fit."
- Skill sets required for the position.
- Any additional qualifications your hiring team thinks are important, cross-check with your interview evaluation form.

Interrupting Bias in Access to Opportunities

The Challenge

Every workplace has high-profile assignments that are career-enhancing (“glamour work”) and low-profile assignments that are beneficial to the organization but not the individual’s career. Research shows that women do more “office housework”³⁶ than men.³⁷ This includes literal housework (ordering lunch), administrative work (scheduling a time to meet), emotion work (“she’s upset; comfort her”) and keeping-the-trains-running work. Too often diversity work is treated as undervalued office housework. Among women at the manager level and above, Black women, LGBTQ+ women, and women with disabilities are up to twice as likely as women overall to spend a substantial amount of time promoting DEI.³⁸ The common practice of assigning large loads of diversity advocacy to these groups further jeopardizes their advancement as they will have to *literally* work more hours than majority men if they want to get ahead.

In industry after industry, women and professionals of color report less access to desirable assignments than white men do.³⁹ In our study of lawyers:⁴⁰

- **Career-enhancing work.** More than 80% of white men, but only 53% of women of color, 59% of white women, and 63% of men of color, reported the same access to desirable assignments as their colleagues.
- **Office housework.** Almost 50% of white women and 43% of women of color reported that at work they more often play administrative roles such as taking notes for a meeting compared to their colleagues. Only 26% of white men and 20% of men of color reported this.

In law firms, when lawyers become “overburdened” with office housework, it reduces the amount of billable time that they can report, which can hurt their compensation and their career.⁴¹

Diversity at the top can only occur when diverse employees at all levels of the organization have access to assignments that let them take risks and develop new skills. If the career-enhancing work and the office housework aren't distributed evenly, you won't be tapping into the full potential of your workforce. Most law firms that use an informal "hey, you!" assignment system end up distributing assignments based on factors other than experience and talent.

If women and people of color keep getting stuck with the same low-profile assignments, they will be more likely to be dissatisfied and to search for opportunities elsewhere.⁴² The attrition rates for women and especially women of color in law firms are already extremely high, and research suggests that the cost to the firm of attrition per associate is up to \$400,000.⁴³ Law firms cannot afford to fail to address the inequality in assignments.

To learn more about how assignments may be holding back your star players, read our [*Harvard Business Review*](#) article.

Bias Interrupters work!

At one energy company, the disparity in who had access to the career-enhancing technical work dropped from 13 percentage points to zero after they implemented Bias Interrupters tools and ran a simple workshop on ensuring fair access to opportunities.

[Read more here](#)

THE SOLUTION

Fair allocation of the career-enhancing work and the office housework are two separate problems. Some organizations will want to solve the office housework problem before tackling the career-enhancing work; others will want to address both problems simultaneously.

1. Identify and track your organization's issue(s) regarding assignments.

Collecting data

Tracking the allocation of opportunities in your organization is a four-step process:

1. **Survey** the pilot group to find out who is doing the “non-promotable” work like planning parties and taking notes at a meeting. See [Office Housework Survey](#).
2. **Assignment typology.** Develop a typology identifying the high- and low-profile opportunities at your company (or the pilot group). See the [Assignment Typology Worksheet](#), which will help you start thinking about high-profile assignments. The goal is to identify the types of assignments that lead to promotion at your company. You will probably want to consult with some savvy managers to help you identify the type of opportunities that lead to promotion.
3. **Create tasking tool.** [See example tasking tool](#).

4. **Have managers use tasking tool** for 2-3 months to gather baseline data. This should take no more than 5 to 10 minutes a month.

After implementing intervention(s), participating managers will fill out the tool every month for 3-4 months, and you will send the [Office Housework Survey](#) one more time.

Interpreting data

The [Office Housework Survey](#) gives you insight into whether certain groups at your workplace are spending more time than peers on non-promotable work. First, look at the time spent and perceptions of peer time broken down by demographic groups. If you see differences, that is evidence that the non-promotable work is spread unevenly.

If your numbers are high enough, you can examine the data for subgroups of people of color, but we recommend not analyzing the data if there are fewer than 20 people in a given group – this can lead to problems.

Using the Tasking Tool data to examine the demographic breakdown of access to opportunities will help you determine whether there is a pattern of group differences in your assignment allocation systems. Examine the results for men of color, women of color, white women and white men.

You will be looking at two key indicators of access to opportunities:

- **Percentage of individuals** from each group who are given at least one opportunity over the data collection period, broken down into the different categories of high- and low-profile work.
- The **average number of opportunities** of each type obtained by each demographic group.

For both the percentages and the average numbers of opportunities, start by comparing across groups:

- Are some groups getting more of certain types of opportunities?
- Are some groups getting more of ALL opportunities?
- Are some groups more likely to get at least one shot at a type of opportunity, while others aren't?

If you see differences, that is an indicator that you aren't tapping into your top talent. It's also a clue if you're seeing issues when it comes time for promotions – you need to be making sure that everybody has access to the opportunities they need to get promoted.

If you see that some groups are getting more of every type of opportunity, you should evaluate whether other company initiatives might be playing a role. It's important that everybody has access to the high-profile work, but it shouldn't be the case that certain groups are stuck with more work overall. If you see this pattern, it's important to spread the non-promotable work to a wider group.

After you have a few months of Tasking Tool data, you can compare the Office Housework Survey results to the reports of managers.

If you're seeing the same patterns, managers will be well-placed to make changes to the way non-promotable work is allocated.

If managers aren't reporting the same issues as their direct reports, they may need to see some data in order to understand the magnitude of the problem.

Acting on data

Depending on the pattern(s) you see in the pre-intervention tasking tool data, you will choose one or more areas of focus for your structural intervention:

- Diversity work
- Office housework
- Career-enhancing work

We've curated a drop-down menu of Bias Interrupters below for each area of focus. Additionally, an effective workshop teaching managers how to equalize access to opportunities is typically part of every successful intervention. Learn more [here](#).

You should choose which options are best for your organization. Many organizations are drawn to particular strategies because they fit well with other initiatives or the company culture.

Interpreting Post-intervention Data

You will want to examine the impact of the tasking tool and implemented Bias Interrupters. There are four key indicators you should be looking for:

- **Percentage of individuals** from each group who are given at least one opportunity over the data collection period, broken down into the different categories of high- and low-profile work.
- The **average number of opportunities** of each type obtained by each demographic group.
- The **amount of time spent on non-promotable work** by each demographic group.
- The **perceptions of time spent on non-promotable work** compared to peers by each demographic group.

Are you closer to equal numbers for groups? That is a good indicator that your intervention was impactful.

Are you seeing the same issues as before? That is a good indicator that you need to add more Bias Interrupters.

Are you seeing more, or different issues than before? Interrupting bias is an iterative process – you may need to make several rounds of changes.

2. Implement Bias Interrupters in career-enhancing work, office housework, and diversity work, detailed in the menu below.

Bias Interrupters for career-enhancing Work

- **Provide a bounceback.** If you have individual assigners whose career-enhancing work allocation is lop-sided, hold a meeting to bring the problem to their attention. Work with them to figure out if either, a) the available pool for career-enhancing work assignments is diverse but is not being tapped fully or whether b) only a few people have the requisite skills for career-enhancing work assignments. Read our [Responses to Common Pushback](#) and [Identifying Bias in Assignments Guide](#) to prepare.

If a diverse pool has the requisite skills...

- **Have the supervisor implement a rotation** to ensure fair access to plum assignments.
- **Formalize the pool and institute accountability.** Write down the list of people with the requisite skills and make it visible to the supervisor. Sometimes just being reminded of the pool can help. Have the supervisor track their allocation of career-enhancing work going forward to measure progress. Research shows that accountability matters.⁴⁴

If the pool is not diverse...

- **Re-visit your assumption** that only one (or very few) employees can handle this assignment: is that true or is the supervisor in question just more comfortable working with those few people?

- **Analyze how the pool was assembled.** Does the supervisor allocate the career-enhancing work by relying on self-promotion or volunteers? If so, that will often disadvantage women and people of color. Shift to more objective measures to create the pool based on skills and qualifications.

If the above aren't relevant or don't solve your problem, then it's time to expand the pool:

- **Development plan.** Identify what skills or competencies an employee needs to be eligible for the high-profile assignments work and develop a plan to help the employee develop the requisite skills.
- **Leverage existing HR policies.** If your organization uses a competency-based system, or has a Talent Development Committee or equivalent, that's a resource to help develop competencies so that career-enhancing assignments can be allocated more fairly.
- **Succession planning.** Remember that having "bench strength" is important so that your department won't be left scrambling if someone unexpectedly leaves the company.
- **Shadowing and mentoring.** Have a more-junior person shadow a more-experienced person during the high-profile assignment. Establish a mentoring program to help a broader range of junior people gain access to valued skills.

If you can't expand your pool, re-frame the assignment so that more people could participate in it. Could you break up the assignment into discrete pieces, so more people get the experiences they need?

Bias Interrupters for office housework

- **Don't ask for volunteers.** Women and people of color are more likely to volunteer because they are under subtle but powerful pressures to do so.⁴⁵
- **Establish a rotation.** A rotation is also helpful for many administrative tasks (e.g. taking notes, scheduling meetings, sending Zoom links). Rotating housework tasks like ordering lunch and planning parties is also an option if admins are unavailable.
- **Hold everyone equally accountable.** “I give it to women because they do it well and the men don't,” is a common sentiment. This dynamic reflects an environment in which men suffer few consequences for doing a poor job on office housework, but women who do a poor job are seen as “prima donnas” or “not team players.”
- **Use admins.** If possible, assign office housework tasks to admins, e.g. planning birthday parties, scheduling meetings, ordering lunch.
- **Try the “plus one” system.** Have a more junior person shadow someone more senior to develop new skills— and make sure they take notes.

Bias Interrupters for diversity work

- **Don't assume** employees who hold historically excluded identities can or would like to take on DEI work on top of their technical roles.
- **Consider hiring a DEI director** whose sole job function is to do the DEI work.
- **Make it clear that this is valued work.** Sometimes organizations say they highly value this kind of work— but they don't. When it comes time for performance evaluations and promotion decisions, make sure that mentoring and DEI work are recognized and that employees are compensated for the extra time they spend on this work.
- **Provide administrative support and adequate funding** for people running diversity initiatives and Employee Resource Groups (ERGs).

Interrupting Bias in Performance Evaluations

The Challenge

A study of performance evaluations in tech found that 66% of women's performance reviews contained at least one negative personality criticism ("You come off as abrasive") whereas only 1% of men's reviews did.⁴⁶ In Equality Action Center's performance evaluation audit at a law firm, we found that people of color and white women were far more likely to have their personality mentioned in their evaluations (including negative personality traits). What's optional for white men (getting along with others), appears to be necessary for white women and people of color. Case in point: 83% of Black men were praised for having a "good attitude" vs. 46% of white men, and 27% of white women were praised for being "friendly and warm" vs. 10% of white men.⁴⁷

Research also shows that white men tend to be judged on their potential while "Prove-it-again groups" (women, people of color, individuals with disabilities,⁴⁸ members of the LGBTQ+ community,⁴⁹ older employees,⁵⁰ and first-generation professionals) are judged (or scrutinized) on their performance. Small biases can have large effects: According to one study, women received significantly lower "potential" ratings despite higher job performance ratings, and this accounted for 30-50% of the gender promotion gap.⁵¹

Bias Interrupters work!

At one consumer goods organization company, there was a 52-percentage point increase in evidence-based feedback in performance evaluations-for all groups-after they implemented Bias Interrupters tools and ran a simple workshop on writing fair evaluations.

[Read more here](#)

The Solution

1. Use Metrics

Data and metrics help you spot problems—and assess the effectiveness of the measures you’ve taken. Businesses use metrics to help them achieve any strategic goal.

Key metrics:

- Do your performance evaluations show consistently higher ratings for majority men than for women, people of color, or other relevant groups?
- Do your performance evaluations show consistently higher ratings for in-person workers than remote and hybrid workers?
- Do women’s ratings fall after they have children? Do employees’ ratings fall after they take parental leave or adopt flexible work arrangements?
- Do the same performance ratings result in different promotion or compensation rates for different groups?

Keep metrics by: 1) individual supervisor; 2) department; and 3) the organization as a whole.

Collecting Data

Your organization already collects performance evaluations from managers, but you will need to pull this data in a way that allows you to analyze the demographic breakdown of the data.

Keep in mind that your performance evaluation system data may be stored in a different location than demographic information (which typically is collected in HR records created when someone is first hired):

Demographic data of employees:

- Race/Ethnicity: This is likely collected from employees when they first apply to work at your organization.
- Gender identity: Again, this is likely collected from employees when they first apply to work at your organization.

Performance evaluations data:

- Quantitative ratings: All quantitative ratings that are tracked.
- Narrative answers: Answers to all open-ended questions.

Interpreting Data

Examining the demographic breakdown of quantitative ratings will help you determine whether there is a pattern of group differences in your performance evaluations.

Looking at the indicators of bias will help you understand precisely how bias is playing out at your organization and provide a path forward.

Quantitative ratings: In an organization where bias is not playing out in performance evaluations, we would expect the average ratings for each demographic group to be roughly equal. If the ratings at your company differ across groups, that could be evidence of bias.

Narrative data: What managers write in evaluations is also important. For example, in a company with prove-it-again bias, we would expect to see white men being described as valuable assets to the company even when they had lower ratings than women or people of color. A company with tightrope bias would see more personality comments for women and people of color, while white men would be more likely to receive praise for leadership skills.

As you interpret your qualitative data, it is important to keep in mind that the objective is not to call out specific managers or even to spot bias in individual evaluations. Instead, we look for patterns that typically only become evident when we read a group of evaluations together.

Acting on Data

Depending on the pattern(s) you see in the pre-intervention data, there are two key areas of focus for your structural intervention:

- Revising the written materials connected to performance evaluation
- Providing training to help people combat bias

If your process includes the following, we have Bias Interrupters for them, too:

- Self-evaluations
- Calibration meetings

We have curated Bias Interrupters for each area of focus. Read through the menu below to determine which Bias Interrupters should be implemented at your organization.

Interpreting Post-Intervention Data

After implementing your chosen interventions, you will want to examine the impact of the changes you have made. There are a few key indicators you should be looking for:

Ratings: Compare your pre-intervention ratings to the post-intervention ratings.

- Are you closer to equal ratings for groups? That is a good indicator that your intervention was impactful.
- Are you seeing the same issues as before? That is a good indicator that you need to add more Bias Interrupters.
- Are you seeing more, or different issues than before? Interrupting bias is an iterative process – you may need to make several rounds of changes. Consider the menu of options below and decide whether you want to add in more Bias Interrupters to different parts of the performance evaluation process.

More level playing field across groups: Compare your pre-intervention narrative results to the post-intervention narrative results.

- Are you closer to equal numbers for groups? That is a good indicator that your intervention was impactful.
- Are you seeing the same issues as before? That is a good indicator that you need to add more Bias Interrupters.

- Are you seeing more, or different issues than before? Interrupting bias is an iterative process – you may need to make several rounds of changes. Consider the menu of options below and decide whether you want to add in more Bias Interrupters to different parts of the performance evaluations process.

2. Implement Bias Interrupters

Designing the Performance Evaluation Form

- **Add an expected character or word count to text boxes.** This helps managers understand how much they should be writing for each employee and makes sure everyone gets around the same amount of feedback. Without it, managers have to guess how much they should be writing, leading them to write more for some rather than others.
- **Begin with clear and specific performance criteria directly related to job requirements.** Try: “She writes well under strict deadlines, and communicates well with clients to gather requirements,” instead of: “She’s a great lawyer.”
- **Require evidence from the evaluation period that justifies the rating.** Try: “This year, he did a great job in helping us win X project, writing a clear client proposal that defined a tight scope and communicated our fee structure in a way that was carefully and strategically considered.” instead of: “He’s great at helping us win projects.”
- **Consider performance and potential separately for each candidate.** Given the tendency for majority men to be judged on their potential while others are judged on their performance, the two criteria should be evaluated separately.
- **Separate personality issues from skill sets for each candidate.** Personal style should be appraised separately from skills because a narrower

range of behavior often is accepted from women and people of color. For example, women may be labeled “difficult” for doing things that are accepted in majority men.

A Quick Fix

Equality Action Center conducted an experiment with Dr. Monica Biernat at the University of Kansas examining the effects of reading our [Identifying Bias in Performance Evaluations Guide](#). Participants completed reviews for hypothetical employees. Half of the participants were randomly assigned to a group that read the Bias Guide and listened to a brief audio recording summarizing the main messages; the other half received no further instructions.

Our findings indicate that reading the toolkit leads participants to give higher ratings, monetary bonuses, and promotion recommendations for both women and Black workers.

Before the next round of performance evaluations, have everyone on your team watch this short [2 minute video](#) and read the [Identifying Bias in Performance Evaluations Guide](#).

Controlling for Bias in the Process of Filling out Form

- **Don't eliminate your performance appraisal system.** Eliminating formal performance evaluation systems and replacing them with feedback-on-the-fly creates conditions for bias to flourish.
- **Don't accept global ratings without back-up.** Require evidence from the evaluation period that justifies the rating. Try: "In March, she gave X presentation in front of Y client on Z project, answered his questions effectively, and was successful in making the sale," instead of: "She's quick on her feet."
 - *In the [performance evaluation experiment at a law firm](#) (described above), we redesigned the form to focus on specific competencies that mattered to the organization and required that evaluators list 3 pieces of evidence to accompany every numerical rating. Doing so minimized the "halo-horns effect:" where white men are artificially advantaged by global ratings because they get halos (one strength is generalized into an overall high rating) whereas other groups get horns (one mistake is generalized into an overall low rating).*
- **Combat in-person favoritism.** With more companies transitioning to hybrid models of work, it is important to ensure that "face time" in the office doesn't translate to higher ratings on performance evaluations, quicker promotions, and increased compensation. Instead, when assessing employee performance, be sure to use output-based evaluation.

- **Evaluations for remote/hybrid workers should be done through video conference or in-person.** To prevent any potential misunderstandings, it is important to have context such as facial expressions.
- **Equip yourself and others involved in the evaluation** process by keeping a copy of our [Performance Evaluation Checklist](#) nearby when writing and reviewing performance evaluations.
- **Provide a bounceback.** Managers whose performance evaluations show persistent bias should receive a bounceback (i.e. someone should talk through the evidence with them)

What's a bounceback?

An example: in one organization, when a supervisor's ratings of an underrepresented group deviate dramatically from the mean, the evaluations are returned to the supervisor with the message: either you have an undiagnosed performance problem that requires a Performance Improvement Plan (PIP), or you need to take another look at your evaluations as a group. The organization found that a few people were put on PIPs— but that over time supervisors' ratings of underrepresented groups converged with those of majority men. The organization that used this found that all groups found performance evaluations equally fair.

Calibration Meetings

In many organizations, managers meet to produce a target distribution of ratings or cross-calibrate rankings. Adding structure to these meetings can help you avoid common pitfalls detailed in our [Harvard Business Review article](#).

- Have managers read our [Identifying Bias in Performance Evaluations Guide](#) before they meet.
- **Pre-commit.** Require all managers to fill out and submit their evaluations before they walk into the room. Registering responses in this way ensures that all managers feel empowered to speak up, and opinions won't be swayed based on the evaluation of whoever speaks first.
- **Use a consistent rubric.** Establishing key competency criteria will ensure that you evaluate each employee on the same job-relevant dimensions.
- **Stick to it.** If the conversation strays away from the established competency criteria, steer everyone back to what is relevant. For example, if an employee's personality is brought up, you can say "is this relevant to the rubric?"
- **Have Bias Interrupters play an active role.** Have a trained Bias Interrupter in the room who can take responsibility for ensuring that the conversation sticks to the established criteria.

Writing an Effective Self-Evaluation

Some people feel more comfortable with self-promotion than others. This partly depends on how you were raised: some people were taught to be forthcoming about their accomplishments. Others grew up with the "modesty mandate"—to be self-effacing and underplay their accomplishments.

Individuals can

- **Self-promote effectively** by using our [Writing an Effective Self Evaluation Guide](#), and handing it out to your reports (if you have them).

Managers and organizations can

- **Level the playing field** with respect to self-promotion by ensuring everyone knows they're expected to do so and that they know how. Distribute our Writing an Effective Self-Evaluation Guide to help.
- **Offer alternatives to self-promotion.** Encourage or require managers to set up more formal systems for sharing successes, such as a monthly email that lists employees' accomplishments.

Interrupting Bias in Meetings

The Challenge

Having expertise increases men’s influence—but decreases women’s.⁵² This is just one way subtle biases play out in meetings.

Research also shows that men interrupt women, more than vice versa.⁵³ And across industries, women in our studies consistently report that someone has gotten the credit for an idea they originally posed. In our survey of architects, half of women of color and white women reported having their ideas stolen, compared to less than a third of white men and men of color. Multiracial women reported an even worse experience: Almost two-thirds reported that they had an idea stolen.⁵⁴

If companies don’t prevent bias from playing out in meetings, they may lose the talent and insight they pay for—or even encounter safety risks. We heard from one scientist in a workplace that handled dangerous materials that she was sharply criticized as aggressive when she brought up a flaw in a male colleague’s analysis. After that, she took to “bringing in baked goods and being agreeable” — but at what cost?

In addition, bias within in-person meetings may also translate to and be exacerbated by virtual meetings.⁵⁵

The Solution

1. Identify the Source of Bias

Options for finding out whether you have a problem are listed from least to most time-consuming.

1. **Employ new technologies:** Zoom can provide a summary of participant's total speaking time in a meeting.
2. **Use our [free 2-minute downloadable survey](#)** to assess bias issues.
3. **Appoint a Bias Interrupter** to gather metrics over the course of several meetings. Metrics to gather:
 - **Floor Time:** Who mostly speaks at meetings? Is it representative of who attends?
 - **Interruptions:** Is there a culture of interrupting in your meetings? If so, is there a demographic pattern in who does the interrupting and who gets interrupted?
 - **Stolen Idea:** Research shows that women and people of color report that others get credit for ideas they originally offered much more than white men do.⁵⁶ Keep track of who gets credit for ideas offered and who originated them.
 - **Attendees:** Are the right people getting invited? Be sure everyone who has a part to play is at the meeting.

- **Ideas:** Whose contributions get lauded or implemented?
- **Office housework:** Track who takes the notes, who keeps the minutes, who gets coffee, and other office housework tasks.
- **Meeting scheduling:** Are meetings scheduled at times or at locations that make it difficult or impossible for parents and caregivers to attend?

2. **Implement Bias Interrupters** in both in-person and virtual meetings, detailed in the menu below. To better understand the research and rationale behind the suggested Bias Interrupters, read our [Identifying Bias in Meetings Guide](#) which summarizes numerous studies and encourage other team members to read it too.

- **Rotate office housework tasks.** Women are more likely to be asked to do the “office housework” tasks for meetings: taking notes, scheduling the conference rooms, ordering lunch/snacks, cleaning up afterwards. If admins are available to do these tasks, use them. If not, don’t ask for volunteers. Instead, figure out a fair way to spread the housework tasks evenly by rotating based on arbitrary criteria (birthday, astrological sign, seniority, etc.) For more Bias Interrupters about office housework, see [Bias Interrupters Toolkit for Assignments](#).
- **Mind the “stolen idea.”** Make sure people get credit for ideas they offered. When you see ideas get stolen, you can say: “Great point, Eric, I’ve been thinking about that ever since Pam first said it. Pam, what’s the next step?” If the person doesn’t get it, take them aside later in private.
- **Don’t give interrupters free reign.** If a few people are dominating the conversation, address it directly. A calm, “Please let her finish her point” should send the message to most. If more is needed, take them aside and explain that your workplace employs a broad range of people because you need to hear a broad range of viewpoints. Some may not even realize they’re frequent interrupters. Create and enforce an overall policy for interruptions. One option is a no-interruptions policy, where you make it clear that

interruptions are not to be tolerated, and ding people when they interrupt. A gentler policy is to keep track of who is continually interrupting and getting interrupted, and talk about the problem.

- **Schedule meetings appropriately.** Schedule meetings in the office, not at the golf course. For an off-site, schedule lunch or afternoon coffee. Overall, stick to working hours and professional locations for work meetings.
- **Do your best to not schedule meetings at drop-off or pick-up time.** Sure, an early meeting may be unavoidable at times. But on the whole, if you respect people’s non-work obligations (driving their kids to school, relieving their parent’s elder caregiver at the end of the day or taking their “furry children” (pets) for a walk), they will be more committed in the long run. Be mindful of time zones as well.
- **Make a seat for everyone at the table.** When there is an inner- and outer-circle of chairs it can create hierarchy.⁵⁷ Pay attention: do all the men sit in the inner circle and the women sit in the outer circle, or is race playing a role? If this happens routinely, have everyone trade places with the person in front of them, or better yet, rearrange chairs so there is only one circle.
- **Signal everyone’s role.** Let your team know what everyone in the meeting brings to the table.⁵⁸ “Monique has five years of legal experience and I’m excited to have her on this project,” or “Sam managed a similar portfolio last spring, and we’d like him to run point with the client.” When people know the reason behind everyone’s inclusion on the project, and their role, it’s much easier to have productive and inclusive conversations about the tasks at hand — people are more likely to listen to their ideas and respect their

airtime. If you're not sure everyone with influence understands why you've tapped someone into a meeting, be sure to mention it explicitly beforehand.

- **Use gender neutral terms.** When addressing a diverse group, it is best to not use gendered terms such as "ladies and gentlemen" or "you guys." Address a diverse group such as "you all," "folks," "individuals," "people" and so forth. Encourage the use of pronouns when introducing each other.
- **Establish ground rules for diverse groups.** When meetings are diverse, people may fail to speak up for fear of not being politically correct. To combat this, simply state at the beginning of the meeting that because people can sometimes get offended, everyone should try their best to speak in a way that's "politically correct" (aka respectful). Research shows that this simple statement can decrease uncertainty and increase creativity from participants.⁵⁹
- **Ask people to speak up and encourage risk takers.** Women and people of color often face social pressure to speak in a tentative, deferential manner and decades of research have shown that women face social pressures to hedge and use softeners. Additionally, both women and people of color may face double standards for speaking in a direct and assertive manner.⁶⁰ If someone isn't speaking up, ask them to weigh in.⁶¹ "Reagan, you have experience here, what are we missing?" This strategy can also help first-generation professionals and introverts feel included. It's also tough to speak up against a majority opinion — especially for someone who's not in the majority group.⁶² Research shows that people are more likely to voice minority opinions when at least one other person expresses a minority

opinion — even if the minority opinions don't agree with each other.⁶³ Some ways to make it easier to voice minority opinions:

- State explicitly at the beginning of meetings that you *want* to hear devil's advocate ideas.
- Support people who diverge from the majority. If someone starts to voice an opinion and senses that nobody wants to hear it, they will likely pipe down. If you see this happening, say "Let's hear this idea out."
- **Send the meeting agenda in advance or forewarn people that you plan to call on them.** Introverts and anyone who grew up with a modesty mandate may be more reluctant to speak on the fly or speak up at all. Sending the agenda or giving them a heads-up that you plan to call on them will give them a chance to jot down their thoughts in advance.

Virtual Meetings:

Bias within in-person meetings may also translate to and be exacerbated by virtual meetings.⁶⁴ However, if handled properly, virtual meetings can mitigate many of the patterns of bias mentioned above. Afterall, everyone has a "seat at the table" on Zoom. Here are some best practices to keep in mind to reduce bias and increase participation:

- **Go all-virtual or all-in person.** Having some team members meet in-person while remote workers dial- in can discourage participation from remote workers and give on-site workers an unfair advantage. To avoid this, schedule meetings for either all in-person or all-remote. When this

isn't possible, create a buddy/avatar system; for every remote worker, assign an in-person worker who holds space for them during the meeting.⁶⁵ The in-person buddy can help the remote employee jump into the conversation.

- **Chronic interrupters? Have people “raise their hand.”** Assign one person to lead the meeting and call on people as they use the “raise hand” function to minimize interruptions and equalize speaking turns.
- **Can't get a word in? Encourage people to use the chat box.** Whereas in in-person meetings, it may be difficult for some people to get a word in edgewise, in virtual meetings the chat box allows anyone to participate in real-time.
- **Make cameras-on optional.** Allowing people to make their own choices about being on camera will not only help with Zoom fatigue, but also allow employees a sense of privacy if they do not have private office spaces in their homes. Virtual backgrounds are another option.
- **Make meetings accessible and inclusive.** Review and encourage your team to read this list of best practices for selecting a meeting platform and settings that can enable individuals with visual, hearing or mobility issues to participate fully in meetings.⁶⁶
- **Normalize adding pronouns to usernames.** Do not assume an individual's gender based off their name or appearance, encourage (or require) employees to list pronouns on their screen handles.⁶⁷

Designing Fair and Effective Family Leave

The Challenge

According to a report by Better Life Lab at New America, nearly half of parents didn't take two days off work after the birth or adoption of a child.⁶⁸ Studies show that paid parental leave can reduce infant mortality rates and improve long-term child and maternal health.⁶⁹

Family leave is not just about children. While 30% of Americans say they anticipate needing to take leave to care for a new child, twice as many (60%) say they anticipate needing to take at least some family leave in the future (including caring for ill, disabled, or aging family members).⁷⁰ In fact, one-sixth of Americans spend an average of 20 hours a week caring for a sick or elderly family member.⁷¹

The need for family leave policies is already here, and with a rapidly aging population, these needs are only growing.⁷² In order to retain the best workers, companies need to step up and create comprehensive leave and work/life balance policies that work. While employers are expected to comply with all applicable Federal, State, and local laws regarding leaves of absence, employers can and should do more to truly support and retain a diverse workforce with caregiving responsibilities.

Family & Medical Leave Act

FMLA requires employees to give their employer 30 days' notice prior to leave that is foreseeable. Ideally, your employees who can foresee their need for leave will notify you at the same time that they notify their larger network of friends. By creating a workplace culture that is welcoming and encouraging of taking leave, employees will be more likely to give you notice earlier in the process. Consider adding this model policy into your employee handbook and reference leave availability and your leave transition process in employee onboarding trainings to set the right tone from the start.

The Solution

1. **If you offer disability leave, you need also to offer it for childbirth** (otherwise, that's pregnancy discrimination). Typically, this means that six weeks of leave will be covered by your disability policy for a vaginal birth; eight weeks for the cesarean section.
2. **Determine the maximum paid parental leave your organization can afford.** Keep in mind that typically few employees will have children in any given year, but that without paid leave you will often lose one employee after another when they have children. Don't assume you will only lose women; increasingly, we hear from men who insist on taking parental leave and walk away from companies that don't provide it (although men often don't tell the companies they're leaving for this reason). Some states have paid laws to help cover the company's costs and extend the available paid leave time.⁷³
3. **Offer equal parental (not "primary caregiver") leave and allow intermittent leave.** So-called "primary caregiver" leave reflects a breadwinner/homemaker model that does not fit most families today and opens an organization up to potential liability if someone openly states that primary caregivers are expected to be women, not men. Determine the amount of time your organization can afford to offer equal parental leave to all parents, regardless of gender, and adoptive as well as birth parents. Also, allow leave to be taken in small chunks rather than all at once; leave takers can work with their supervisors to create schedules that work for their teams.
4. **Offer equal leave for everyone, including hourly workers (who are typically less able to afford replacement care).** Again, paid parental leave is critical for helping families balance work and caregiving responsibilities, and is tied to better maternal and child health.
5. **Offer leave for all types of caregiving responsibilities.** Offering leave only to parents risks breeding resentment on the part of those who need to care for elders, or a family member with a disability or illness. If your organization is worried that non-birth-related caregiving leave will be abused, require permission from HR or supervisors to ensure substantial caregiving responsibilities exist.
6. **Set strong norms that everyone is expected to take their entire paid leave for childbirth/adoption.** Leaders need to send a strong message that employees are expected to take the full amount of paid leave available to them, and that taking additional unpaid leave will not count against them. The best way to do this is to celebrate a pregnancy/adoption announcement (for employees of all gender identities) by offering a company-logo onesie and group announcement signaling that children are something to be celebrated, not hidden. Once that norm is set, pregnancy/adoption announcements can be followed by having HR (or supervisors, if they are on-message)

tell men as well as women that they are expected to take their full leave. Supervisors may need training to do this effectively. If there is a cultural expectation to come back early, then that is exactly what most employees will do. If men are not taking leave, your messaging is not effective, and men who want work-life balance are likely leaving your company for this reason.

7. **Eliminate the flexibility stigma.** Effective policies depend on cultural shifts in your organization. If you tell employees—and you should—that taking leave won’t undercut their progress in the organization, then walk the talk. Make sure to plan for leaves effectively so that employees don’t feel slighted when they return, and their colleagues don’t feel like they are taking on undue burdens.

8. **Don’t violate the Family and Medical Leave Act.** It is illegal to interfere with or discourage any employee, regardless of gender, from taking leave under the FMLA. Although employers are not completely forbidden from contacting employees while they are on leave, these calls should be limited to brief, necessary business-related calls. Communications to return to work early, weekly status checks, or calls to perform work while on leave can make an employer liable for interference with FMLA rights.⁷⁴ Calls to employees out on leave should be managed through Human Resources. It is illegal to penalize employees for requesting or taking leave, either before or after they do so.

9. **Use a three-meeting model for off-ramping.** Effective on- and off-ramping is vital, both to ensure smooth transitions and to eliminate the flexibility stigma.

1. After a pregnancy announcement, the employee’s supervisor should ask for a meeting, congratulate the future parent, hand out the company onesie (see #6 above), and say: “We expect everyone to take their full paid leave—and the entire amount of unpaid leave available to them if they wish. We will develop a transition plan that works for you.” At the initial meeting, assign a leave liaison if you have that program (see. #12 below).

If your employee is an adopting or foster parent, or if your employee is taking family leave for elder care or medical reasons, the two meetings may be on an accelerated schedule.

2. Three months before the leave is set to start, the employee’s supervisor should schedule a meeting, saying: “Come prepared with a list of all your ongoing projects and who you think might be a good fit to take them while you’re on leave. If no one comes to mind, don’t worry. We can figure it out together at the meeting, even if we need to hire temporary help—your list is just a jumping off point.”

3. Shortly before the expected leave date arrives, meet again to finalize the plan for transitioning job duties. The supervisor should ask about the employee’s thoughts about post leave (understanding that plans may change). Are they thinking about returning on a part-time or flex schedule? For equity and legal

reasons, make sure everyone taking family leave, regardless of gender, is asked the same questions.

10. **Don't forget to ramp up when they return.** Often women return for maternity leave and find it is very difficult to gradually work up to their previous workload due to assumptions that they have limited time, and perhaps limited commitment, to work. That's why it's important to schedule a meeting immediately when someone returns, with at least two weekly check-ins thereafter, to ensure that an employee returning from leave isn't being sidelined for projects because colleagues are benevolently (or not so benevolently) concerned about the returned employee's workload. Doing this helps avoid attrition—and helps prevent maternal wall bias from becoming a legal problem.

11. **The best practice is a gradual-return-to-work policy.** The best way to ensure that employees do not return to an overwhelming wall of work, and end up leaving the company, is a gradual return-to-work policy. Typically, these start with a 50% schedule and gradually build back to full-time. Without a formal policy, companies often find that some supervisors handle the return-to-work well, but that others do so poorly, resulting in high attrition.

12. **Designate leave liaisons.** Create a workplace mentorship program that links leave-takers with mentor colleagues. Mentors then act as guides on issues like off- and on-ramping and the transition into parenthood. Some organizations expand these programs by offering

employees outside coaching sessions or classes for new parents and paid travel expenses for care support, enabling parents to bring their children on work-related travel.

13. **Broaden the scope of support.** Organizations can continue to support all employees beyond leave by offering family caregiving benefits. To start, here are some ideas:

- Flexible and part-time schedules.
- Get your employees a membership for regular or back-up childcare through providers like [Care@Work](#), or better yet, offer on-site childcare.
- You can also offer eldercare services through providers like [Bright Horizons](#).
- Help employees navigate pregnancy and postpartum with platforms like [Mahmee](#) or [Maven](#).
- Offer a travel allowance for caregivers on work-related travel and breastmilk overnight mailing services.

14. **Schedule the time to review your family leave and work/life balance policies.** Like anything else that's a priority, add discussions on these policies to your strategic plan and budget meetings.

Designing Fair and Effective Workplace Flexibility

The Challenge

Surveys show time and time again that employees want more flexibility at work, with one finding that 96% of white-collar professionals say they need flexibility.⁷⁵ Workers value workplaces that value them. In one study, attrition was cut in half when workers went remote, and telecommuting employees took fewer sick days and less time off.⁷⁶

There is ample evidence that women professionals do have more caregiving responsibilities than male professionals as a group,⁷⁷ although increasing numbers of younger men are equal caregivers and are willing to leave their employers for reasons of work-life balance.⁷⁸ So, it is in the employers' best interest to retain not only women but all young people by providing time flexibility in the workplace.

When workplaces rely on an outdated model of a breadwinner who is always available for work, not only do they exclude most people working today, they also hurt the company's bottom line. According to Cisco, their mobile or remote employees have a voluntary attrition rate a third the size of their office-based employees.⁷⁹ Cisco credits this lower attrition rate with \$75 million in annual savings for recruiting, hiring, and training replacements.⁸⁰ Other studies have found sharp gains in productivity when workplaces move to telework or build-your-own schedules.⁸¹

Building a flexible workplace enables employers to promote people based on their talent instead of their schedule.

The Solution

1. **Recognize the difference between crisis work and full-time/part-time telework.** Working remotely in the midst of a crisis like the COVID-19 pandemic is not the same as telework during normal times. The first steps to successful telework are childcare and a place to work. Organizations designing a permanent telework scheme typically will balance the productivity gains of telework with the innovation gains of in-office work. For tips on creating a telework policy that works for your organization visit [here](#).⁸²
2. **Allow for flex time.** Flex times allows employees to start and end work at times of their own choosing, often within limits (e.g., start times between 7-11 a.m.). Don't assume hourly employees can't participate: having one receptionist work 8-5 and another work 9-6, for example, often benefits an organization.
3. **Use reduced schedules to expand your talent pool.** Offer reduced scheduling to employees without compromising career advancement opportunities by offering proportional pay, benefits, and advancement. This strategy has been used successfully in law firms, enabling part-time attorneys to become partners. Only 18.2% of professional women and less than one-third of men work more than 40 hours per week, so if your workplace isn't offering a reduced schedule with advancement opportunities, you're missing out.⁸³
4. **Consider offering a wider range of work arrangements.** Are you able to make some positions project-based? This enables employees to take on as much or as little work as they want, giving the company their best on select projects. Elite part-time track programs that continue to offer career-enhancing work assignments to employees with lower hours help level the playing field and ensure that the plum work opportunities continue going to the best-suited for the job. What makes these programs effective is that employees are still able to transition into more senior roles within the organization.
5. **Eliminate the flexibility stigma.** Don't stigmatize people based on schedule. Message clearly and often that promotion depends on talent and work, not on "face time" at the office—and practice what you preach.
6. **Don't overvalue overwork.** Encouraging your employees to regularly burn the midnight oil hurts more than it helps. Studies dating back to WWI find that chronic overwork (more than 40 hours a week) hurts productivity and more recent studies find that working less than 40 hours a week can increase productivity.⁸⁴ In one study, managers couldn't tell the difference between employees who actually worked 80 hours a week and those who pretended to.⁸⁵ Pay attention to what an employee's efforts lead to, not how many hours it takes them to get there.

7. **Your benefits send a message; make sure it's the one you want.** Look again at your work culture and employee benefits. Do they match up with the work-life balance values your company claims? Having a power-napping room, dry-cleaning, and free dinner for those who work after 8 p.m. are great, but if those are your only employee benefits, you are sending a strong message that you only value a certain group of employees. Offer a range of benefits that will appeal to employees from different demographics if that's what you want to attract and retain.

Interrupting Bias in Partner Compensation

The Challenge

The gender pay gap in law firms has been extensively documented for decades. The 2020 Partner Compensation Survey found a 44% pay gap between male and female law firm partners.⁸⁶ Although this is a 9% improvement over the numbers from 2018, there are still several complicated factors that must be addressed to achieve parity:

- One study found that even when women partners originated similar levels of business as men, they still earned less.⁸⁷
- Another study found that 32% of white women income partners and 36% of women partners of color reported that they had been intimidated, threatened, or bullied out of origination credit.⁸⁸
- The same study found that more than 80% of women partners reported being denied their fair share of origination credit in the previous three years.⁸⁹
- Doesn't everyone think their compensation is unfair? Not to the same degree: a recent survey of lawyers found that male lawyers were about 20% more likely than white women lawyers and 30% more likely than women lawyers of color to say that their pay was comparable to their colleagues of similar experience.⁹⁰

The Solution

1. Use Metrics

Businesses use metrics to assess their progress toward any strategic goal. Metrics can help you pinpoint where bias exists and assess the effectiveness of the measures you've taken. (Whether metrics are made public will vary from firm to firm and from metric to metric.)

For each metric, examine:

- Do patterned differences exist between majority men, majority women, men of color, and women partners of color? (Include any other underrepresented group that your firm tracks, such as military veterans or LGBTQ+ people.)
- Are partners disadvantaged for taking parental leave? Are parents or others with caregiving responsibilities excluded from future opportunities?
- Do part-time lawyers receive less than proportionate pay for proportionate work? Are they excluded from future opportunities?

Important metrics to analyze:

- **Compare compensation with a variety of lenses and look for patterns.** Lenses include relationship enhancement, hours and working time revenues, and so forth. Do separate analyses for equity and income partners.
- **Succession.** Analyze who inherits compensation credit and client relationships and how and when the credit moves.
- **Origination and other important forms of credit.** Analyze who gets origination and other important forms of credit, how often it is split, and who does (and does not) split it. If your firm does not provide credit for relationship enhancement, analyze how that rule affects different demographic groups—and consider changing it.
- **Comp adjustments.** Analyze how quickly compensation falls, and by what percentage during a lean period and how quickly compensation rises during times of growth. (When partners lose key clients, majority men often are given more of a runway to recover than other groups.)
- **De-equitization.** Analyze who gets de-equitized.
- **Pitch credit.** Analyze who has opportunities to go on pitches, who plays a speaking role, and who receives origination and other forms of credit from pitches.
- **Lateral partners.** Analyze whether laterals are paid more in relation to their metrics. This is a major factor in defeating diversity efforts at some firms.

Keep metrics by (1) individual supervising lawyer; (2) department; (3) country, if relevant; and (4) the firm as a whole.

2. Implement Bias Interrupters

To understand the research and rationale behind the suggested Bias Interrupters, read the [Identifying Bias in Partner Compensation Worksheet](#).

A. Find out what drives compensation—and be transparent about what you find

- **Commission an analysis.** Although firms may say they value a broad range of factors, many experts agree that origination and billable hours account for almost all variance in compensation.⁹¹ Hire a law firm compensation consultant or statistician to find out what factors determine compensation at your firm.
- **Be transparent about what drives compensation.** This is a vital first step to empowering women and people of color to refuse work that does not enhance their compensation and focus on work that positions them to receive higher compensation. Studies show that reducing ambiguity reduces gender bias in negotiations—and law firm compensation often involves negotiation among partners.⁹² If only those “in the know” understand what’s really valued, that will benefit a small in group that typically reflects the demography of your existing equity partnership.
- **Value everything that’s valuable.** Give credit for nonbillable work that is vital to sustaining the long-term health of the firm—including relationship enhancement credit, credit for lawyers who actually do the client’s work, and talent management. If the firm says it values mentoring and greater diversity but does not in fact do so, this will disadvantage women and lawyers of color.

B. Establish clear, public rules

- **Establish clear rules governing granting and splitting origination and other valuable forms of credit.** Research suggests that men are more likely to split origination credit with men than with women and that women may get less origination credit than men even when they do a similar amount of work to bring in the client.⁹³ Set clear, public rules addressing how origination credit should be split by publishing and publicizing a memo that details how partners should split credit under common scenarios.
- **Establish a formal system of succession planning.** If your firm allows origination credit to be inherited, institute a formal succession planning process. Otherwise, in-group favoritism means that your current pattern of origination credit will be replicated over and over again, with negative consequences for diversity.
- **Pitch credit.** Women attorneys and attorneys of color often report being used as “eye candy”—brought to pitches but then not given a fair share of credit or work that results. Establish rules to ensure this does not occur. The best practice is that if someone does the work for the pitch, he or she should be recognized with credit that accurately reflects his or her role in doing and winning the work.
- **Parental leave.** Counting billables and other metrics as “zero” for the months women (or men) are on parental leave is a violation of the Family and Medical Leave Act, where applicable, and is unfair even where it is not illegal. Instead, annualize based on the average of the months the attorney was at work, allowing for a ramp-up and ramp-down period.

- **Part-time partners.** Compensation for part-time partners should be proportional. Specifics on how to enact proportional compensation depends on which compensation system a law firm uses.

C. Establish procedures to ensure the perception and reality of fairness

- **Institute a low-risk way partners can receive help in disputes over credit.** Set up a way to settle disputes over origination and other forms of credit that lawyers can use without raising eyebrows.
- **Provide templates for partner comp memos—and prohibit pushback.** Some firms provide opportunities for partners and associates to make their case to the compensation committee by writing a compensation memo. If your firm does this, set rules and norms to ensure that women and minorities are not penalized for self-promotion. If not, give partners the opportunity to provide evidence about their work: research shows that women's successes tend to be discounted and their mistakes remembered longer than men's.
- **Institute quality control over how compensation is communicated to partners.** Design a structured system for communicating with partners to explain what factors went into determining their compensation.

- **When hiring, don't ask candidates about prior salary.** Asking about prior salary when setting compensation for a new hire can perpetuate the gender pay gap.⁹⁴ (A growing legislative movement prohibits employers from asking prospective employees about their prior salaries.⁹⁵)
- **Have a bias interrupter at meetings where compensation is set.** This is a person who has been trained to spot the kinds of bias that commonly arise.
- **Training.** Make sure that your compensation committee, and anyone else involved in setting compensation, knows how implicit bias commonly plays out in law firm partner compensation and how to interrupt that bias. Read and distribute the [Identifying Bias in Partner Compensation Worksheet](#).

3. Repeat as Needed

- **Return to your key metrics.** Did the Bias Interrupters produce change?
- **If you don't see change,** you may need to implement stronger Bias Interrupters, or you may be targeting the wrong place in the compensation process.
- **Use an iterative process** until your metrics improve.

Tools for Retention

The law firm Ice Miller LLP employed a data-driven approach to tackling retention issues among their women attorneys. First, they analyzed their attrition and progression data for women overall and women of color to pinpoint at what stage of their employment these groups were falling behind or dropping out altogether.

Then, they created these [interview questions](#) to solicit feedback from both current and former women attorneys on their experiences. The task force offered individual one-on-one interviews to all women attorneys as well as those who had left the law firm in the previous three years. Upon completing the interviews, they coded the interview notes to reveal themes regarding areas of improvement and areas of satisfaction.

With this data in hand, they were able to develop targeted interventions aimed at retaining women attorneys and equalizing their opportunities for advancement.

Your organization can employ a similar approach to solving retention issues.

First, use metrics to determine who is leaving and at what stage of their employment:

- Are women, people of color, or other historically excluded groups leaving your organization at higher rates than majority men? Analyze the data by years of employment at the organization and by role/level.
- Are women, people of color, or other historically excluded groups promoted at lower rates than majority men? Analyze the data by role/level.

Once you've identified which groups are the greatest flight risk or are lagging behind when it comes to promotions, use these [interview questions](#) to gain more information about where your organization can better support the needs of these employees.

Then, implement Bias Interrupters from the toolkits above that address the specific issues revealed through the interview process.

Endnotes

¹ Dahlin, M., Joneborg, N., & Runeson, B. (2005). Stress and depression among medical students: A cross-sectional study. *Medical Education*, 39(6), 594-604. <https://doi.org/10.1111/j.1365-2929.2005.02176.x>; Ely, R. J., & Thomas, D. A. (2001). Cultural diversity at work: The effects of diversity perspectives on work group processes and outcomes. *Administrative Science Quarterly*, 46(2), 229-273. <https://doi.org/10.2307/2667087>; Jehn, K. A., Northcraft, G. B., & Neale, M. A. (1999). Why differences make a difference: A field study of diversity, conflict, and performance in workgroups. *Administrative Science Quarterly*, 44(4), 741-763. <https://doi.org/10.2307/2667054>

² Richard, O. C., Barnett, T., Dwyer, S., & Chadwick, K. (2004). Cultural diversity in management, firm performance, and the moderating role of entrepreneurial orientation dimensions. *Academy of Management Journal*, 47(2), 255-266. doi: 10.5465/20159576; Woolley, A., & Malone, T.W. (2011). What Makes a Team Smarter? More Women. *Harvard Business Review*. Retrieved from: <https://hbr.org/2011/06/defend-your-research-what-makes-a-team-smarter-more-women>; Glass Lewis. (2016). In-Depth: Board Gender Diversity. <http://www.glasslewis.com/wpcontent/uploads/2016/03/2016-In-DepthGenderDiversity.pdf>

³ Phillips, K. W., Northcraft, G. B., & Neale, M. A. (2006). Surface-level diversity and decision-making in groups: When does deep-level similarity help?. *Group Processes & Intergroup Relations*, 9(4), 467-482. doi: 10.1177/1368430206067557; Antonio, A. L., Chang, M. J., Hakuta, K., Kenny, D. A., Levin, S., & Milem, J. F. (2004). Effects of racial diversity on complex thinking in college students. *Psychological Science*, 15(8), 507-510. doi: 10.1111/j.0956-7976.2004.00710.x; Richard, O., McMillan, A., Chadwick, K., & Dwyer, S. (2003). Employing an innovation strategy in racially diverse workforces: Effects on firm performance. *Group & Organization Management*, 28(1), 107-126. doi: 10.1177/1059601102250022

⁴ Castilla, E. J. (2015). Accounting for the gap: A firm study manipulating organizational accountability and transparency in pay decisions. *Organization Science*, 26(2), 311-333. doi: 10.1287/orsc.2014.0950

⁵ Kalev, A., Dobbin, F., & Kelly, E. (2006). Best practices or best guesses? Assessing the efficacy of corporate affirmation action and diversity policies. *American Sociological Review*, 71(4), 589-617. doi: 10.1177/000312240607100404

⁶ Bertrand, M. & Mullainathan, S. (2004). Are Emily and Greg more employable than Lakisha and Jamal? A field experiment on labor market discrimination. *American Economic Review*, 94(4), 991-1013. doi: 10.1257/0002828042002561;

⁷ Moss-Racusin, C. A., Dovidio, J. F., Brescoll, V. L., Graham, M. J., & Handelsman, J. (2012). Science faculty's subtle gender biases favor male students. *Proceedings of the National Academy of Sciences*, 109(41), 16474-16479. doi: 10.1073/pnas.1211286109

⁸ Mishel, E. (2016). Discrimination against queer women in the US workforce: A résumé audit study. *Socius*, 2, 2378023115621316.

⁹ Tilcsik, A. (2011). Pride and prejudice: Employment discrimination against openly gay men in the United States. *American Journal of Sociology*, 117(2), 586-626.

¹⁰Correll, S. J., Benard, S., & Paik, I. (2007). Getting a job: Is there a motherhood penalty? *American Journal of Sociology*, 112(5), 1297- 1338. doi: 10.1086/511799

¹¹ Rivera, L. A., & Tilcsik, A. (2016). Class advantage, commitment penalty: The gendered effect of social class signals in an elite labor market. *American Sociological Review*, 81(6), 1097-1131.

¹² Johnson, S. K., Hekman, D. R., & Chan, E. T. (2016). If there's only one woman in your candidate pool, there's statistically no chance she'll be hired. *Harvard Business Review*, 26(04). Retrieved from: <https://hbr.org/2016/04/if-theres-only-one-woman-in-your-candidate-pool-theres- statistically-no-chance-shell-be-hired>

¹³ Mohr, T.S. (2014). Why Women Don't Apply for Jobs Unless They're 100% Qualified. *Harvard Business Review*. <https://hbr.org/2014/08/why-women-dont-apply-for-jobs-unless-theyre-100-qualified>

¹⁴ Gaucher, D., Friesen, J., & Kay, A. C. (2011). Evidence that gendered wording in job advertisements exists and sustains gender inequality. *Journal of personality and social psychology*, 101(1), 109. 10.1037/a0022530.

¹⁵ LinkedIn, "Language Matters: How Words Impact Men and Women in the Workplace," 2019 [https://business.linkedin.com/content/dam/me/business/en-us/talent-solutions- lodestone/body/pdf/Linkedin Language-Matters-Report- FINAL2.pdf](https://business.linkedin.com/content/dam/me/business/en-us/talent-solutions- lodestone/body/pdf/Linkedin-Language-Matters-Report- FINAL2.pdf); ZipRecruiter, "Removing These Gendered Keywords Gets You More Applicants," ZipRecruiter blog, September 19, 2016, <https://www.ziprecruiter.com/blog/removing-gendered-keywords-gets-you-more-applicants>.

¹⁶ <https://textio.com/>; <https://help.sap.com/viewer/8477193265ea4172a1dda118505ca631/2105/en-US/ca7c906e150d451a942523d387063019.html>.

¹⁷ Bian, L., Leslie, S. J., & Cimpian, A. (2017). Gender stereotypes about intellectual ability emerge early and influence children's interests. *Science*, 355(6323), 389-391.

¹⁸ Exley, C. & Kessler, J. (2019). Why don't Women Self-Promote As Much As Men?. *Harvard Business Review*. <https://hbr.org/2019/12/why- dont-women-self-promote-as-much-as-men>

¹⁹ Sans, N. (2019, December 5). 10 recruiter strategies to improve diversity and inclusion in hiring. *Forbes*. <https://www.forbes.com/sites/forbesbusinesscouncil/2019/12/05/10-recruiter-strategies-to-improve-diversity-and-inclusion-in->

²⁰ <https://www.ere.net/10-compelling-numbers-that-reveal-the-power-of-employee-referrals/>

²¹ Taber, M. E., & Hendricks, W. (2003). The effect of workplace gender and race demographic composition on hiring through employee referrals. *Human Resource Development Quarterly*, 14(3), 303-319. <https://doi.org/10.1002/hrdq.1068>.

²² Norton, M.I., Vandello, J.A., & Darley, J. (2004). Casuistry and social category bias. *Journal of Personality and Social Psychology*, 87, 817- 831. doi: 10.1037/0022-3514.87.6.817; Brewer, M.B. (1996). In-Group Favoritism: The Subtle Side of Intergroup Discrimination. *Behavioral Research and Business Ethics*, 160-170. Russell Sage, New York.; Tetlock, P. E., & Mitchell, G. (2009). Implicit bias and accountability systems: What must organizations do to prevent discrimination?. *Research in organizational behavior*, 29, 3-38.doi: 10.1016/j.riob.2009.10.002

²³ Rivera, L. A., & Tilcsik, A. (2016). How Subtle Class Cues Can Backfire on Your Resume. *Harvard Business Review*: <https://hbr.org/2016/12/research-how-subtle-class-cues-can-backfire-on-your-resume>

²⁴ Joni Hersch, "Opting Out Among Women with Elite Education," *Review of Economics of the Household* 11, no. 4 (2013): 469–506; Hersch, J., & Shinall, J. B. (2016). Something to talk about: Information exchange under employment law. *U. Pa. L. Rev.*, 165, 49.

²⁵ Rivera, L. A. (2016). *Pedigree: How elite students get elite jobs*. Princeton University Press.; Kraus, M., Torrez, B., Park, J. W., & Ghayebi, F. (2019). Evidence for the reproduction of social class in brief speech. *Proceedings of the National Academy of Sciences of the United States of America*. DOI:10.1073/pnas.1900500116; Center for First-generation Student Success. First-generation College Graduates' Transition to Graduate School and Employment. Available at: https://firstgen.naspa.org/files/dmfile/Issue-Brief_final.pdf.

²⁶ Dale, S. B., & Krueger, A. B. (2002). Estimating the payoff to attending a more selective college: An application of selection on observables and unobservables. *The Quarterly Journal of Economics*, 117(4), 491-1527. doi: 10.1162/003355302320935089; Dale, S., & Krueger, A. B. (2014). Estimating the return to college selectivity over the career using administrative earnings data. *Journal of Human Resources*, 49(2), 323-358. doi:10.3368/jhr.49.2.323

²⁷ Bohnet, I. (2016, April 18). How to take the bias out of interviews. *Harvard Business Review*. <https://hbr.org/2016/04/how-to-take-the- bias-out-of-interviews>.

²⁸ Bock, L. (2015). *Work Rules!: Insights from Inside Google That Will Transform How You Live and Lead*. Hodder & Stoughton.; Thorngate, W., Dawes, R., & Foddy, M. (2009). Judging merit. New York, NY, US: Psychology Press.

²⁹ Thorngate, W., Dawes, R., & Foddy, M. (2009). Judging merit. New York, NY, US: Psychology Press.

³⁰ Bock, L. (2015). *Work Rules!: Insights from Inside Google That Will Transform How You Live and Lead*. Hodder & Stoughton.

³¹ Boring, J. (2016). How to Create Behavioral Interview Questions That Don't Give Away The Answer. ERE. <https://www.eremedia.com/ere/how-to-create-behavioral-interview-questions-that-dont-give-away-the-answer/>

³² Torrington, D. (2009). *Fundamentals of human resource management: managing people at work*. Pearson Education.

³³ Doyle, A. (2020). How to Use the STAR Interview Response Method. The Balance Careers. <https://www.thebalance.com/what-is-the-star- interview-response-technique-2061629>

³⁴ Rivera, L. A. (2016). *Pedigree: How elite students get elite jobs*. Princeton University Press.

³⁵ Bock, L. (2015). *Work Rules!: Insights from Inside Google That Will Transform How You Live and Lead*. Hodder & Stoughton

³⁶ Williams, J. C., & Dempsey, R. W. (2014). What works for women at work: Four patterns working women should know. New York, NY: New York University Press

³⁷ Misra, J., Lundquist, J. H., & Templer, A. (2012, June). Gender, Work Time, and Care Responsibilities Among Faculty 1. In *Sociological Forum* (Vol. 27, No. 2, pp. 300-323). Oxford, UK: Blackwell Publishing Ltd. doi: 10.1111/j.1573-7861.2012.01319.x; Mitchell, S. M., & Hesli, V. L. (2013). Women don't ask? Women don't say no? Bargaining and service in the political science profession. *PS: Political Science & Politics*, 46(2), 355-369. doi: 10.1017/S1049096513000073; Porter, S. R. (2007). A closer look at faculty service: What affects participation on committees?. *The Journal of Higher Education*, 78(5), 523-541. <https://doi.org/10.1353/jhe.2007.0027>; Benschop, Y., & Doorewaard, H. (1998). Six of one and half a dozen of the other: the gender subtext of Taylorism and team-based work. *Gender, Work & Organization*, 5(1), 5-18.doi: 10.1111/1468-0432.00042; Ohlott, P. J., Ruderman, M. N., & McCauley, C. D. (1994). Gender differences in managers' developmental job experiences. *Academy of management Journal*, 37(1), 46-67. doi: 10.5465/256769; De Pater, I. E., Van Vianen, A. E., & Bechtoldt, M. N. (2010). Gender differences in job challenge: A matter of task allocation. *Gender, Work & Organization*, 17(4), 433-453.doi: 10.1111/j.1468- 0432.2009.00477.x

³⁸ Cooper, M. (2021). Research: Women Leaders Took on Even More Invisible Work During the Pandemic. *Harvard Business Review*. <https://hbr.org/2021/10/research-women-took-on-even-more-invisible-work-during-the-pandemic>

³⁹ Williams, J.C., Li, S., Rincon, R., & Finn, P. (2016). Climate Control: Gender and Racial Bias in Engineering? Center for WorkLife Law. UC Hastings College of the Law. Available at: <https://worklifelaw.org/publications/Climate-Control- Gender-And-Racial-Bias-InEngineering.pdf>; Williams, J.C., Korn, R. M., Rincon, R., Finn, P. (2018) Walking the Tightrope: An Examination of Bias in India's Engineering Workplace. Center for WorkLife Law. UC Hastings College of the Law. Available at: <https://worklifelaw.org/wpcontent/uploads/2018/10/Walking-the-Tightrope- Bias-Indias-Engineering- Workplace.pdf>; Williams, J. C., Multhaup, M., Li, S., Korn, R. M. (2018). You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession. American Bar Association & Minority Corporate Counsel Association. <https://www.americanbar.org/content/dam/aba/administrative/women/you-cant-change-what-you-cant- see-print.pdf>; Williams, J.C., Korn, R., & Maas, R. (2021). The Elephant in the Well-Designed Room: An Investigation Into Bias in the Architecture Profession.

⁴⁰ Williams, J. C., Multhaup, M., Li, S., Korn, R. M. (2018).

⁴¹Jaffe, A., Chediak, E., Douglas, R., & Tudor, S. (2016). *Women in law hackathon report*. Stanford Center on the Legal Profession.

⁴² Babcock, L., Recalde, M. P., Vesterlund, L., & Weingart, L. (2017). Gender differences in accepting and receiving requests for tasks with low promotability. *American Economic Review*, 107(3), 714-47. doi: 10.1257/aer.20141734

⁴³Epstein, C. F., Saute, R., Oglensky, B., & Gever, M. (1995). *Glass ceilings and open doors: Women's advancement in the legal profession*. Fordham University Press.

⁴⁴ Tetlock, P. E. (1983). Accountability and complexity of thought. *Journal of personality and social psychology*, 45(1), 74.doi: 10.1037/0022- 3514.45.1.74; Tetlock, P. E., & Mitchell, G. (2009). Implicit bias and accountability systems: What must organizations do to prevent discrimination?. *Research in organizational behavior*, 29, 3-38.doi: 10.1016/j.riob.2009.10.002

⁴⁵ Heilman M. E., & Chen J. J. (2005). Same behavior, different consequences: Reactions to men's and women's altruistic citizenship. *Behavior Journal of Applied Psychology*, 90(3), 431– 441 doi: 10.1037/0021-9010.90.3.431; Allen, T. D. (2006). Rewarding good citizens: The relationship between citizenship

behavior, gender, and organizational rewards. *Journal of Applied Social Psychology*, 36(1), 120-143. doi: 10.1111/j.0021-9029.2006.00006.x; Babcock, L., Recalde, M. P., Vesterlund, L., & Weingart, L. (2017). Gender differences in accepting and receiving requests for tasks with low promotability. *American Economic Review*, 107(3), 714-47. doi: 10.1257/aer.20141734; Williams, J. C., & Dempsey, R. W. (2014); Berdahl, J. L., & Min, J. A. (2012). Prescriptive stereotypes and workplace consequences for East Asians in North America. *Cultural Diversity and Ethnic Minority Psychology*, 18(2), 141-152. doi: [10.1037/a0027692](https://doi.org/10.1037/a0027692)

⁴⁶ Snyder, K. (2014, August 26). The abrasiveness trap: High-achieving men and women are described differently in reviews. *Fortune*. Retrieved from <http://fortune.com/2014/08/26/performance-review-gender-bias/>

⁴⁷ Williams, J.C., Lewin Loyd, D., Boginsky, M., & Armas-Edwards, F. (2021). How One Company Worked to Root Out Bias from Performance Reviews. *Harvard Business Review*. <https://hbr.org/2021/04/how-one-company-worked-to-root-out-bias-from-performance-reviews>

⁴⁸ Ameri, M., Schur, L., Adya, M., Bentley, F. S., McKay, P., & Kruse, D. (2018). The disability employment puzzle: A field experiment on employer hiring behavior. *ILR Review*, 71(2), 329-364. doi: 10.1177/0019793917717474

⁴⁹ Pride and prejudice: Employment discrimination against openly gay men in the United States. *American Journal of Sociology*, 117(2), 586-626. doi: [10.1086/661653](https://doi.org/10.1086/661653)

⁵⁰ Cuddy, A. J. C., Norton, M. I., Fiske, S. T. (2005). This old stereotype: The pervasiveness and persistence of the elderly stereotype. *Journal of Social Issues*, 61(2), 265-283. doi: 10.1111/j.1540-4560.2005.00405.x

⁵¹ Benson, A., Li, D., Shue, K. (2021). "Potential and the Gender Promotion Gap." Working Paper.

⁵² Thomas-Hunt, M. C., & Phillips, K. W. (2004). When what you know is not enough: Expertise and gender dynamics in task groups. *Personality and Social Psychology Bulletin*, 30(12), 1585-1598. doi: [10.1177/0146167204271186](https://doi.org/10.1177/0146167204271186)

⁵³ Cecilia L. Ridgeway and Joseph Berger, "Expectations, Legitimation, and Dominance Behavior in Task Groups," *American Sociological Review* (1986): 603–617

⁵⁴ Williams, J.C., Korn, R. M. & Maas, R. (2021). "The Elephant in the (Well-Designed) Room: An Investigation into Bias in the Architecture Profession," *The Center for WorkLife Law*. UC Hastings College of the Law.

⁵⁵ Dhawan, N., Carnes, M., Byars-Winston, A., & Duma, N. (2021). Videoconferencing Etiquette: Promoting Gender Equity During Virtual Meetings. *Journal of Women's Health*, 30(4), 460-465.

⁵⁶ Cecilia L. Ridgeway and Joseph Berger, "Expectations, Legitimation, and Dominance Behavior in Task Groups," *American Sociological Review* (1986): 603–617; Williams, J.C., Li, S., Rincon, R., & Finn, P. (2016). Climate Control: Gender and Racial Bias in Engineering? Center for WorkLife Law. UC Hastings College of the Law. Available at: <https://worklifelaw.org/publications/Climate-Control-Gender-And-Racial-Bias-In-Engineering.pdf>; Williams, J. C., Multhaup, M., Li, S., Korn, R. M. (2018). You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession. American Bar Association & Minority Corporate Counsel Association.

⁵⁷ Sandberg, S. (2013). *Lean in: Women, work, and the will to lead*. New York, NY, US: Alfred A. Knopf.

⁵⁸ Loyd, D. L. (2019). *Tug of War: Understanding dynamics among number minorities*. Presentation at the Women's Leadership Edge: Cutting Edge Conference Workshop, San Francisco.; RajECKi, D. W., De Graaf-Kaser, R., & Rasmussen, J. L. (1992). New impressions and more discrimination: Effects of individuation on gender-label stereotypes. *Sex Roles*, 27(3-4), 171-185

⁵⁹ Goncalo, J. A., Chatman, J. A., Duguid, M. M., & Kennedy, J. A. (2015). Creativity from constraint? How the political correctness norm influences creativity in mixed-sex work groups. *Administrative Science Quarterly*, 60(1), 1-30. doi: [10.1177/0001839214563975](https://doi.org/10.1177/0001839214563975)

⁶⁰ For representative studies, see Haselhuhn & Kray, 2012; Heilman & Taylor, 1981; Livingston, Rosette, & Washington, 2012; Berdahl & Min, 2012; Williams et al., 2016; Williams et al., 2018. A thorough bibliography of this body of research is available in *Climate Control: Gender & Racial Bias in Engineering*, Williams et al., 2016, available at worklifelaw.org

⁶¹ Kim, S., Phillips, K. W., Thomas-Hunt, M. C., & Cabrera, S. F. (Forthcoming). Giving her the floor: How solicitation helps female experts be more influential.; Ridgeway, C. L., & Nakagawa, S. (2017). Is deference the price of being seen as reasonable? How status hierarchies incentivize acceptance of low status. *Social Psychology Quarterly*, 80(2), 132-152. doi: [10.1177/0190272517695213](https://doi.org/10.1177/0190272517695213)

⁶² Asch, S. E. (1956). Studies of independence and conformity: A minority of one against a unanimous majority. *Psychological Monographs: General and Applied*, 70(9), 1-70. doi: 10.1037/h0093718

⁶³ Asch, S. E. (1956). Studies of independence and conformity: A minority of one against a unanimous majority. *Psychological Monographs: General and Applied*, 70(9), 1-70. doi: 10.1037/h0093718

⁶⁴ Dhawan, N., Carnes, M., Byars-Winston, A., & Duma, N. (2021). Videoconferencing Etiquette: Promoting Gender Equity During Virtual Meetings. *Journal of Women's Health*, 30(4), 460-465.

⁶⁵ Frisch, B. & Greene, C. (2021). What it Takes to Run a Great Hybrid Meeting. *Harvard Business Review*. Retrieved from: <https://hbr.org/2021/06/what-it-takes-to-run-a-great-hybrid-meeting>.

⁶⁶ Essential Accessibility. (2021). How to Make Virtual Meetings Accessible. Retrieved from: <https://www.essentialaccessibility.com/blog/how-to-make-virtual-meetings-accessible>

⁶⁷ For instructions on adding pronouns to your Zoom profile, visit: <https://support.zoom.us/hc/en-us/articles/4402698027533-Adding-and-sharing-your-pronouns>.

⁶⁸ A. Lenhart, H. Swenson, & B. Schulte, "Lifting the Barriers to Paid Family and Medical leave for Men in the United States," December 2019. New America: Better Life Lab. <https://www.newamerica.org/better-life-lab/reports/lifting-barriers-paidfamily-and-medical-leave-men-united-states/>

⁶⁹ Arijit Nandi et al. (2018). The Impact of Parental and Medical Leave Policies on Socioeconomic and Health Outcomes in OECD Countries: A Systematic Review of the Empirical Literature, 96 *The Milbank Quarterly* 434–471. <https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-0009.12340>; "Paid Family Leave

Policies And Population Health, " *Health Affairs Health Policy Brief*, March 28, 2019: https://www.healthaffairs.org/doi/10.1377/hpb20190301.484936/full/HPB_2019_RWJF_09_W.pdf

⁷⁰ A. Lenhart, H. Swenson, & B. Schulte, "Lifting the Barriers to Paid Family and Medical leave for Men in the United States," December 2019. New America: Better Life Lab. <https://www.newamerica.org/better-life-lab/reports/lifting-barriers-paidfamily-and-medical-leave-men-united-states/>

⁷¹ Paid Leave US, "Making Caregiving Work for America's Families," https://drive.google.com/file/d/1K_4Eyd6rZi_om8qvRnzAeYiLwmW1WnyI/view

⁷² 10,000 Americans turn 65 every day. — Paid Leave US, "Making Caregiving Work for America's Families," https://drive.google.com/file/d/1K_4Eyd6rZi_om8qvRnzAeYiLwmW1WnyI/view

⁷³ Check out your state's laws by visiting: <https://www.ncsl.org/research/labor-and-employment/state-family-and-medical-leave-laws.aspx>

⁷⁴ Massey-Diez v. Univ. of Iowa Cmty. Med. Servs., 826 F.3d 1149, 1158 (8th Cir. 2016) (some courts have found that "asking or requiring an employee to perform work while on leave can constitute interference.").

⁷⁵ A. Dean & A. Auerbach, "96% of U.S. Professionals Say They Need Flexibility, but Only 47% Have It," June 2018. *Harvard Business Review*, <https://hbr.org/2018/06/96-of-u-s-professionals-say-theyneed-flexibility-but-only-47-have-it>

⁷⁶ S. Mautz, "A 2-Year Stanford Study Shows the Astonishing Productivity Boost of Working From Home," April 2018. Inc., <https://www.inc.com/scottmautz/a-2-year-stanford-study-shows-astonishingproductivity-boost-of-working-from-home.html>

⁷⁷ K. Parkert, "Women more than men adjust their careers for family life," October 2015. Pew Research, <https://www.pewresearch.org/facttank/2015/10/01/women-more-than-men-adjusttheir-careers-for-family-life/>

⁷⁸ A. Keshner, "More American men clamor for paternity leave: 'A father shouldn't have to be lucky to form a bond with his child,'" July 2019. MarketWatch, <https://www.marketwatch.com/story/more-american-men-clamor-for-paternity-leavea-father-shouldnt-have-to-be-lucky-to-form-abond-with-his-child-2019-07-26#:~:text=Some%20high%2Dprofile%20men%20are,afford%20to%20take%20time%20off>.

⁷⁹ P. Leet, "How Telework Helps Cisco Recruit and Retain Employees," June 2013. Cisco Blogs, <https://blogs.cisco.com/ciscoit/how-telework-helps-ciscorecruit-and-retain-employees>.

⁸⁰ P. Leet, "How Telework Helps Cisco Recruit and Retain Employees," June 2013. Cisco Blogs, <https://blogs.cisco.com/ciscoit/how-telework-helps-ciscorecruit-and-retain-employees>.

⁸¹ Shana Lynch, "Why Working from Home is a 'Future-Looking Technology,'" June 2017. Stanford Graduate School of Business, <https://www.gsb.stanford.edu/insights/why-working-home-futurelooking-technology>

⁸² For additional remote work tools: <https://blog.trello.com/topic/remote-work>.

⁸³ Gender Inequality, Work Hours, and the Future of Work; Institute of Women's Policy Research 2019 (<https://www.empowerwomen.org/es/resources/documents/2019/11/gender-inequality-work-hoursand-the-future-of-work?lang=en>)

⁸⁴ Jill Duffy, "What wartime 'munitionettes' can teach us about burnout," September 2019. BBC, <https://www.bbc.com/worklife/article/20190912-what-war-time-munitionettes-can-teach-us-about-burnout>; "The Six-Hour Work Day". Ohio University Online Masters Blogs, <https://onlinemasters.ohio.edu/blog/benefits-of-a-shorter-work-week/>; John McNamara, "Create a culture of working less hours and you'll boost productivity. Here's why," February 2018. Sage, <https://www.sagepeople.com/about-us/news-hub/creating-culture-working-less-boost-productivity/#>

⁸⁵ Sarah Green Carmichael, "The Research is Clear: Long Hours Backfire for People and Companies," August 2015. *Harvard Business Review*, <https://hbr.org/2015/08/the-research-is-clear-long-hours-backfire-for-people-and-for-companies>

⁸⁶ Jeffrey A. Lowe, *2020 Partner Compensation Survey* (Major, Lindsey & Africa Dec. 15, 2020)

⁸⁷ Triedman, J. (2015, December 30). Arms race: Law firms and the litigation funding boom. *The American Lawyer*. <https://www.law.com/americanlawyer/almID/1202745121381/>

⁸⁸ Williams, J.C. & Richardson, V.T. (2010). New millennium, same glass ceiling? The impact of law firm compensation systems on women. *The American Bar Association's Commission on Women, the Minority Corporate Counsel Association, and the Center for WorkLife Law*. 201. Available at: <https://worklifelaw.org/publications/SameGlassCeiling.pdf>.

⁸⁹ Williams, J.C. & Richardson, V.T. (2010). New millennium, same glass ceiling? The impact of law firm compensation systems on women. *The American Bar Association's Commission on Women, the Minority Corporate Counsel Association, and the Center for WorkLife Law*. 201. Available at: <https://worklifelaw.org/publications/SameGlassCeiling.pdf>.

⁹⁰ American Bar Association, Commission on Women in the Profession. *You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession*. 2017.

⁹¹ Williams, J.C. & Richardson, V.T. (2010). New millennium, same glass ceiling? The impact of law firm compensation systems on women. *The American Bar Association's Commission on Women, the Minority Corporate Counsel Association, and the Center for WorkLife Law*. 201. Available at: <https://worklifelaw.org/publications/SameGlassCeiling.pdf>.

⁹² Bowles, H. R., Babcock, L., & McGinn, K. L. (2005). Constraints and triggers: Situational mechanics of gender in negotiation. *Journal of Personality and Social Psychology*, 89(6), 951-965. doi: 10.1037/0022-3514.89.6.951

⁹³ Williams, J.C. & Richardson, V.T. (2010). New millennium, same glass ceiling? The impact of law firm compensation systems on women. *The American Bar Association's Commission on Women, the Minority Corporate Counsel Association, and the Center for WorkLife Law*. 201. Available at: <https://worklifelaw.org/publications/SameGlassCeiling.pdf>.

⁹⁴ National Women's Law Center. (2017). *Asking for salary history perpetuates discrimination*. <https://nwlc.org/wp-content/uploads/2017/06/Asking-for-Salary-History-Perpetuates-Discrimination.pdf>

⁹⁵ Chin, K. J., & Bastone, S. A. (2024, September 25). *Will New Jersey be next to jump on the (wage history) "ban" wagon?* The National Law Review. <https://www.natlawreview.com/article/will-new-jersey-be-next-to-jump-wage-history-ban-wagon>