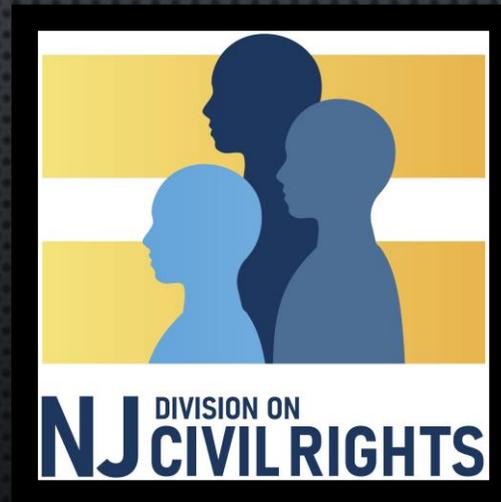


RECOGNIZING AND RESPONDING TO DISCRIMINATION IN THE WORKPLACE

DIVISION ON CIVIL RIGHTS

TRAINERS:

ELISSA ZYLBERSHLAG AND ALEXIS FRANKLIN



NJ CIVIL RIGHTS
DIVISION ON

GOALS

1. TO HELP PARTICIPANTS UNDERSTAND WHAT CONSTITUTES A HOSTILE WORK ENVIRONMENT WITHIN THE SCOPE OF THE LAW AGAINST DISCRIMINATION.
2. TO EXAMINE HOW MICROAGGRESSIONS SHOW UP IN THE WORKPLACE.
3. TO PROVIDE PRACTICAL STRATEGIES TO COMBAT BIAS AND DISCRIMINATION IN THE WORKPLACE.



AGENDA

1. WELCOME AND INTRODUCTIONS
2. DEFINITIONS
3. IDENTITY ASSUMPTIONS
4. HOSTILE WORK ENVIRONMENT
5. MICROAGGRESSIONS
6. MICROINVALIDATIONS
7. HOW MICROAGGRESSIONS CAN LEAD TO MACROAGGRESSIONS
8. RESPONDING TO MICROAGGRESSIONS
9. RECOGNIZING YOUR OWN MICROAGGRESSIONS
10. CLOSING

DEFINITIONS



Stereotype

An oversimplified **idea or assumption** about an entire group of people without regard for individual differences.

All _____ are _____.

POLL #1

Is there such a thing as a good stereotype?

DEFINITIONS



Stereotype

An oversimplified **idea or assumption** about an entire group of people without regard for individual differences.

All _____ are _____.

Prejudice

A **belief or attitude** about a person or a group of people without having enough knowledge to make that judgement.

Discrimination

An **action** based on prejudice and/or stereotyping that excludes people or treats them unfairly.

DEFINITIONS



Bias

A **preference** or **inclination** for or against an individual or group that interferes with impartial judgement

POLL #2

Is there such a thing as a good bias?

DEFINITIONS



Implicit Bias

Ideas or attitudes towards people that happen without our conscious knowledge.

VIDEO #1: PEANUT BUTTER, JELLY AND RACISM



From: <https://www.nytimes.com/video/us/100000004818663/peanut-butter-jelly-and-racism.html>

PEANUT BUTTER, JELLY AND RACISM

CHAT:

What are your reactions to the video?



IDENTITY ASSUMPTIONS

Peanut butter = Jelly
Black men = Violent crime
Poor = Lazy
Disabled = Weak



IDENTITY ASSUMPTIONS

CHAT:

What assumptions have been made about you?



IDENTITY ASSUMPTIONS

CHAT:

What was the impact for you of these assumptions?



PROTECTED CLASSES UNDER THE LAW AGAINST DISCRIMINATION



- NJ State law that prohibits discrimination and harassment
- Enacted in 1945 – first law of its kind in U.S.
- Skeletal framework – designed to shield historically oppressed groups
- Is not a comprehensive list of oppressed groups



PROTECTED CLASSES UNDER THE LAW AGAINST DISCRIMINATION

POLL #3

Have you ever been confused about the difference between race and ethnicity?

Race

Ethnicity

PROTECTED CLASSES UNDER THE LAW AGAINST DISCRIMINATION

Race

a social construct devised to categorize people that connects social and political ideas to certain human features such as skin tone, hair texture, eye shape, etc.

Ethnicity

a group of people who identify with one another culturally through language, food, music, religion, etc.



PROTECTED CLASSES UNDER THE LAW AGAINST DISCRIMINATION



Hispanic

Refers to a group of people who speak Spanish

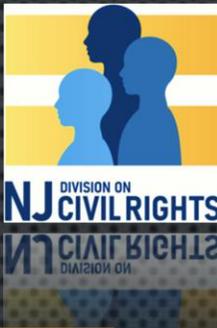
Latino

Refers to people who are from Latin America

Latinx

The gender-neutral term being used today to refer to Latinx people of all genders

PROTECTED CLASSES IN THE LAD



Ancestry, National Origin, Nationality

Marital Status, Domestic Partnership, Civil Union Status

Race or Color

Religion or Creed

Sex, Pregnancy or Breastfeeding

Sexual Orientation

Gender Identity or Expression

Disability

Liability for Military Service

Age

Genetic Information and others...

CHAT:

Other questions
about any of these
protected classes?

PROTECTED CLASSES IN THE LAD



Important to Note:

- Protected under LAD even if protected class is *perceived*
- Protected under LAD because of close associations

HOSTILE WORK ENVIRONMENT



- AN EMPLOYEE IS SUBJECTED TO UNWANTED, HARASSING CONDUCT
- THAT WOULD NOT HAVE OCCURRED **BUT FOR** THE EMPLOYEE'S PROTECTED CHARACTERISTIC (RACE, AGE, SEX, ETC.)
- THE HARASSMENT WAS **SEVERE OR PERVASIVE** ENOUGH TO MAKE A REASONABLE EMPLOYEE OF THE INDIVIDUAL'S SAME PROTECTED CLASS BELIEVE THAT THE CONDITIONS OF EMPLOYMENT WERE ALTERED AND THE WORKING ENVIRONMENT WAS HOSTILE OR ABUSIVE.

THE CONDUCT CAN CONSIST OF A SINGLE, SEVERE INCIDENT OR A CUMULATIVE PATTERN OF MORE SUBTLE INCIDENTS

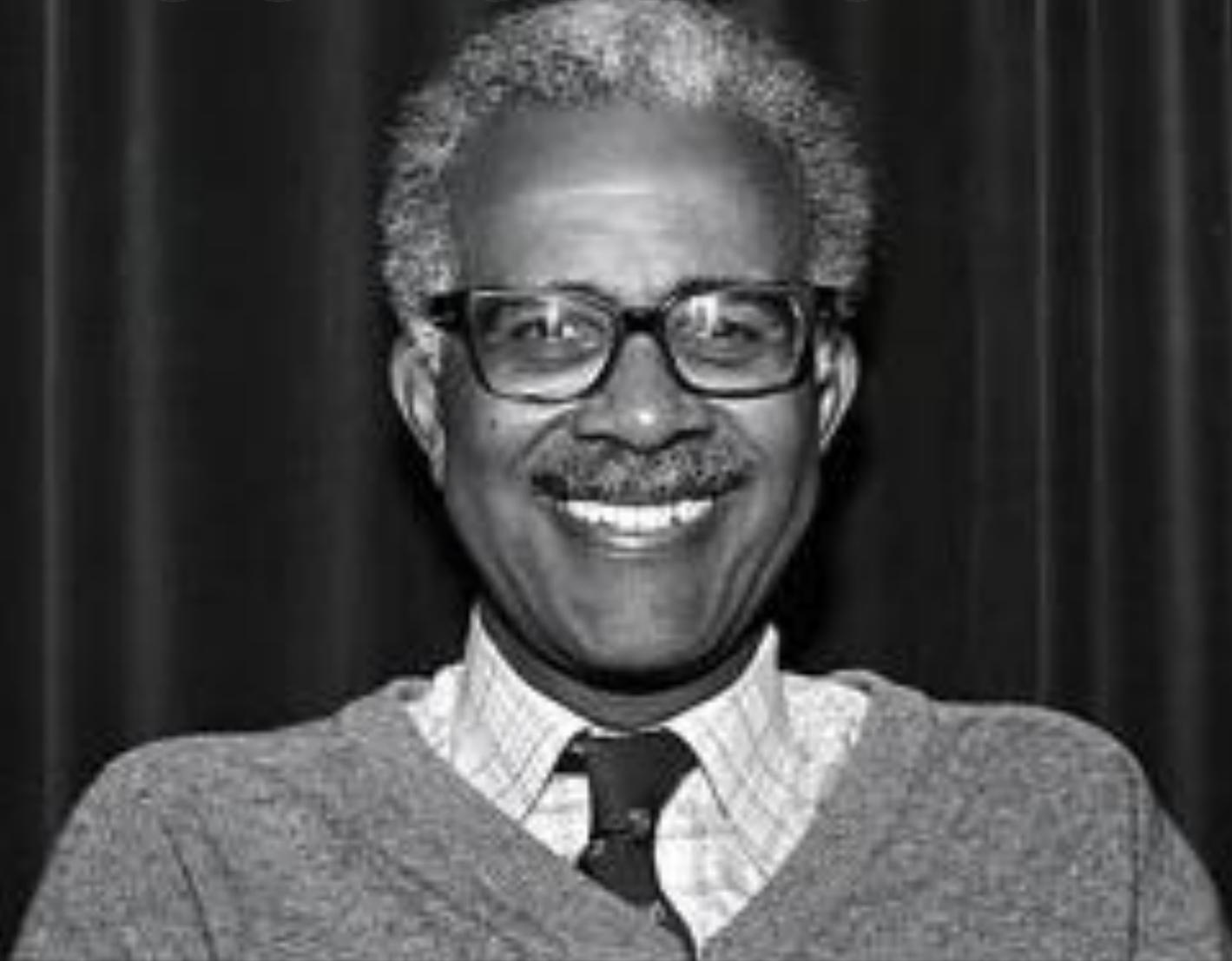
RECOGNIZING A HOSTILE WORK ENVIRONMENT



- “SEVERE” INCIDENTS ARE GENERALLY EASY TO RECOGNIZE AS DISCRIMINATORY BECAUSE THEY ARE OVERT, INTENTIONAL ACTS
- “PERVASIVE” INCIDENTS MAY BE MORE DIFFICULT TO RECOGNIZE BECAUSE THEY ARE MORE SUBTLE AND MAY REQUIRE CONTEXT

THIS PATTERN OF INCIDENTS MAY BE COMPRISED OF MICROAGGRESSIONS.

MICROAGGRESSIONS



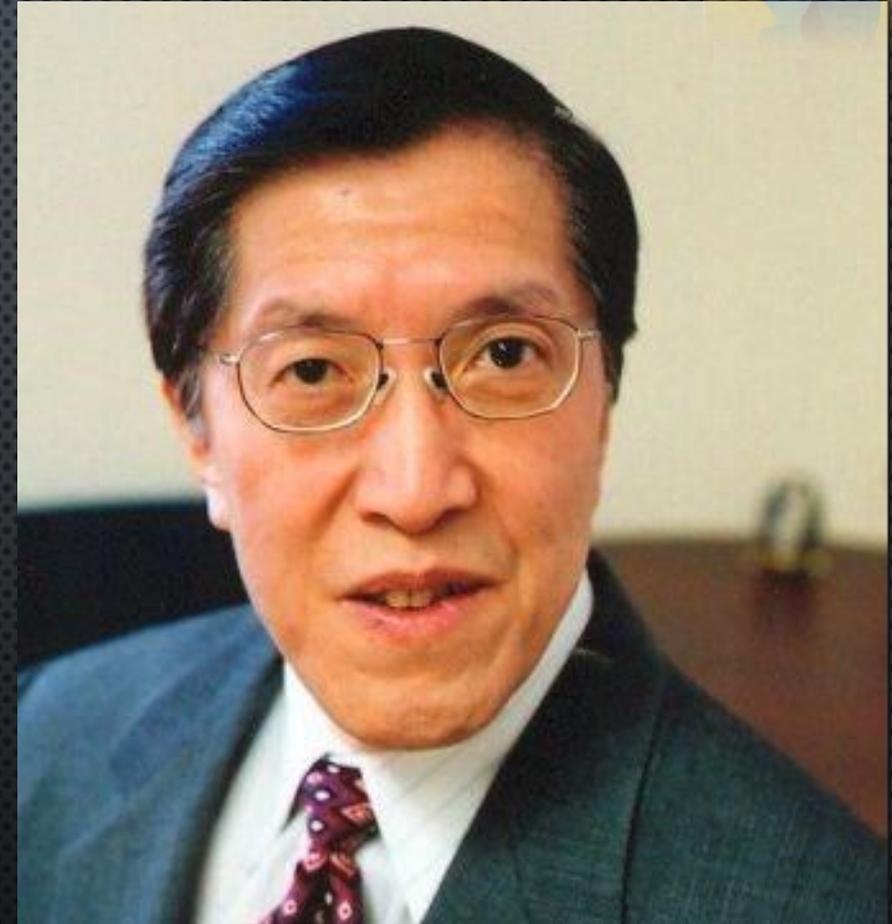
DR. CHESTER PIERCE



Microaggressions Definition

“The everyday slights, indignities, put-downs and insults that people of color, women, LGBT populations and other marginalized people experience in their day-to-day interactions. A microaggression can appear to be a compliment but contains a “metacommunication” or hidden insult to the target group to which it is delivered. They are often outside the level of conscious awareness of the [aggressor], which means they are unintentional. These messages may be sent verbally, nonverbally or environmentally.”

- Dr. Derald Wing Sue, Columbia University Professor, Teachers College



MICROAGGRESSIONS

VIDEO #2

How Microaggressions Are Like Mosquito Bites





EMOTIONAL IMPACT OF MICROAGGRESSIONS

MENTAL ENERGY USED TO DETERMINE:

- The intent of the speaker
- Should the receiver speak up
- What are the repercussions if the receiver does speak up
- Will there be excuses

IMPACT: self-doubt, frustration, isolation, anxiety, anger, fatigue, physical repercussions

MICROINVALIDATIONS



Microinvalidation

Comments or conduct that ignores or dismisses the thoughts, feelings or experiences of a member of an underrepresented community

MICROINVALIDATION EXAMPLES



Amaya's Story

Colorblind

The idea that overlooking racial or ethnic differences promotes harmony

Colorblindness is harmful because:

- Closes our eyes to the cultural heritage, experiences and perspectives of others
- Sends the message that race-based differences don't exist
- Distances us from the racial inequality around us
- Causes us to ignore systemic racism
- Leaves us without language to discuss race and examine our own biases
- Leaves us without tools to fight racism

HOW MICROAGGRESSIONS LEAD TO MACROAGGRESSIONS

- Microaggressions can escalate if not addressed
- DCR Case Study – Maintenance Man
 - Initial Complaint



HOW MICROAGGRESSIONS LEAD TO MACROAGGRESSIONS



POLL #4

Based on our understanding of microaggressions,
is this a microaggression?

HOW MICROAGGRESSIONS LEAD TO MACROAGGRESSIONS

- DCR Case Study – Maintenance Man
 - Additional complaint

CHAT:

What is the insinuation of the term “boy” in this country, when used by a white male to address a Black male?

HOW MICROAGGRESSIONS LEAD TO MACROAGGRESSIONS



- DCR Case Study – Maintenance Man
 - Final complaint

CHAT:

Might all of Complainant's claims combined constitute a hostile work environment?

RESPONDING TO MICROAGGRESSIONS



Two Ways

1. Practical
2. Formal

Strategies to Address Microaggressions



When You Receive or Witness a Microaggression

Self-Care – walk away, take some breaths, tell a friend/family member

Things to consider:

- should you speak up (if so, now or later?)
- regret (will you regret not saying something?)

Invite Dialogue – challenge the assumption, ask a question

- “What do you mean by that?”
- “I think I understood you to say _____. I want to understand why you think that way.”
- Use “I” statements

Stay Calm – if you get too emotional or intense, your attempt at addressing the situation can quickly become ineffective

- Avoid putting person on the defensive

Assume Good Will – avoid aggressive or defensive response by assuming the person is not intending to offend

Behavior, Not Person - make your response about the behavior and not the person

- the speaker may not be a bad person but the comment/action was harmful

When You Commit a Microaggression

Invite Dialogue - listen, be humble and curious, feelings may change once dialogue starts

- Respect the emotional risk and vulnerability that it takes for someone to speak up
- Avoid defensiveness

Intent vs. Impact – when dealing with issues of bias, impact matters more than a person’s intent

- Under the Law Against Discrimination, there is a “similarly situated reasonable person” standard – the standard is if a reasonable person who belonged to that protected class would believe that the conditions of employment had been altered or the work environment had become hostile or abusive

Take Ownership – apologize where appropriate and authentic

- Ownership is not about needing forgiveness from the person but about being more aware
- “I’m sorry you feel that way” is not taking ownership

Be Forgiving of Yourself – we all make mistakes – learn and move on

To file a formal complaint with the Division on Civil Rights use the online reporting tool NJBIAS at <https://bias.njcivilrights.gov/en-US/>

For other inquiries: www.njcivilrights.gov

<https://www.njoag.gov/wp-content/uploads/2021/04/Strategies-to-Address-Microaggressions.pdf>

CLOSING

- Q & A
- Please fill out survey

Thank you!