COMMENTARY

Rethinking how to manage harassment and discrimination in the workplace

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Hayes et al. (2020) address multiple concerns on the topic of harassment and discrimination training. With our combined backgrounds in industrial and organizational (I-O) psychology, behavioral interventions, and management, we speak to the topics at hand from both academia and practice. The purpose of this commentary is threefold. First, we respond to several issues raised in the focal article from a labor relations perspective. We discuss how compliance trumps development, an accountability climate for reducing intolerance, and enhancing bystander programs. After commenting on the areas mentioned, we shift gears and bring attention to political identification as a likely contributor fueling harassment and discrimination. Last, we conclude our remarks with implications and a future study surrounding discriminatory social media hiring practices.

False dichotomy

We argue compliance first then development. Mixed results may partly be due to narrow framing (Heath & Heath, 2013) rather than a broader holistic perspective. Title VII requires treatment of protected groups to be roughly equivalent to the treatment of majority groups for disparate impact discrimination (specified at 80%) or have a good reason for unequal treatment appearing to be discrimination (*prima facie*). Our reasons for addressing this are threefold. First, Title VII is the basis of our argument that compliance comes first. Second, rather than automatically declaring companies guilty of discrimination, Title VII provides legal defenses for companies to argue for their innocence (BFOQ, business necessity, and job relatedness). Third, Title VII is part of the Civil Rights Act of 1964, which President Johnson used in 1968 to issue an Executive Order prohibiting quid pro quo and hostile work environment sexual harassment.

Leadership key tools

We argue that a simple view of leadership is achieving goals through people. Achieving these goals includes the tools of power and persuasion. Leaders achieve goals with power because followers are required to comply, or these followers face unwanted consequences for their noncompliance (see Pfeffer's *Power* [2010] for outstanding analysis of the topic). Power is the mechanism required to enact compliance with discrimination and harassment laws, thus avoiding losing legal lawsuits. A top HRM priority should be to avoid losing legal lawsuits, making power essential. Although effective for compliance, the exclusive use of power does not produce loyalty, resulting in resistance from members of majority groups (see DiAngelo's *White Fragility* [2018]). Alternatively, persuasion works by convincing voluntary compliance and behaviors beyond mere compliance. Petty and Cacioppo's *Elaboration Likelihood Model of Persuasion* (1986) illustrates two cognitive routes (corresponding with Kahneman's Systems 1 and 2 [2011]) for persuading others. Some

persuasion involves cognitively processing the message (System 2), whereas another persuasion involves changing behavior without cognitively processing the message (System 1). Legal compliance represents the minimum level valuation of diversity—diversity is necessary only because it is required. Diversity as a competitive advantage represents a maximum level valuation of diversity: Diversity is desirable as it increases the likelihood of better quality solutions to complex problems and minimizes the potential of groupthink. Power is required for minimum legal compliance, but persuasion is required for diversity as competitive advantage, illustrating our argument that diversity is an *and* rather than *or* process.

Climate initiatives to reduce intolerance

A key component of a positive workplace environment is a culture that promotes honesty, confidentiality, and the opportunity to voice concerns. To develop such a culture, those in leadership positions are responsible for creating a climate that values the safety and empowerment of their employees (Culwell, 2018). Furthermore, leadership should be intolerant of behaviors and attitudes that lead to potential mental, emotional, or physical harm. By incorporating such elements in a climate foundation, it is more likely that employees can work more positively and productively with each other and form a neighboresque bond. This "neighborly" bond can be created by promoting group activities and events that would increase interaction time, and with it trust and meaningful connection (Markman, 2014). Importantly, fun office gatherings are not enough to put an end to unlawful racial discrimination and sexual harassment; however, using the ties created during them could potentially provide an effective way to decrease such occurrences.

For leadership that is serious about climate change at their organization, we offer several recommendations in response to the focal article's interest in increasing training impact and trainee receptivity. First, we suggest developing an anonymous survey and tailoring it to identify needs and concerns surrounding harassment/discrimination. This should be administered within 90 days of hiring personnel. By obtaining a "voice" from workers via combined qualitative and quantitative data, an appropriate intervention program can be developed. Second, we recommend administering quarterly surveys (starting after preliminary 90-day assessment) to identify and address new issues that may arise. Insights from the surveys can help leadership maintain a pulse on a company policy that may need revisions or adjustments. Third, we recommend mandatory participation to include educational videos related to unlawful racial discrimination and sexual harassment. Using appropriate media can aid in perspective taking and empathy. The process of stepping into another's shoes to understand their feelings and beliefs is defined as perspective taking and is a very effective training method (LeBlanc et al., 2003). Empathy can be a powerful training tool, as it typically builds connections and increases compassion, which in turn can aid in changing the behavior of potential offenders (Madera et al., 2011). Our fourth suggestion is for HR and managers to consider sensitivity skills training as part of a cultural diversity enhancement program. Ideally, participants should undergo this training two or three times per year in a group format that is no more than 45–60 minutes. We believe multiple sessions should be available, along with recorded videos (accessible from HR) if a participant is unable to attend. Last, we suggest an accountability program in conjunction with the survey and training videos. Such a program would most likely lead to increased employee interaction while instilling a sense of loyalty and protectiveness of each other. Arguably, when employees feel as if they are part of a community, the effectiveness of bystander interventions can increase (Schulte, 2018).

Capitalizing on bystander programs with skills training

Is skills training becoming diminished while bystander programs proliferate? We believe this is occurring and hindering the inclusiveness of organizational diversity. As social norms change,

employees remain challenged to identify what constitutes unlawful harassment and discrimination. Tippett (2018) shared a similar concern with her legal research interpretation. This being so, when organizations utilize bystander programs, workers are better positioned to identify such instances. However, individuals may still struggle to intervene because of stereotype bias or anchored heuristics toward protected social class members. Regardless, a bigger problem for individuals is to be calibrated and tempered in how they deal with perceived or actual instances of being wronged or offended, thus we argue for sensitivity skills training.

Individual empowerment utilized in bystander programs is powerful to change cultural, environmental, political, and social elements in an organization. This is by design because bystander programs are rooted in community psychology. In other words, such programs leverage social theory to guide program development while incorporating community input to achieve change. An example is the *We Can* campaign by Williams and Aldred (2011), which subscribed to social cognitive theory and an adapted model of the transtheoretical model of change (TTM) by Prochaska and DiClemente (1986). Similarly, Potter (2012) developed a bystander program called Know Your Power®, which is based on a similar theory and a modified version of the TTM.

In comparison, we believe the power of an individual to stand up for his or her values while using skillfulness to work through situations in a way that enriches diversity is paramount. The type of skills training we are advocating is that discussed in Mary Gentile's book, *Giving Voice to Values* (2010). This approach is based on employees leveraging their intuition and interpersonal skills insomuch to consider a calibrated response and intrinsic motivation in response to an act of transgression (Gentile, 2010). In other words, we recommend sensitivity training to aid workers' awareness of their prejudices and group dynamics. This is especially important from a social identity perspective, where an individual's generation, gender, religion, political views, or race/ethnicity are influential elements in how they interact in society.

To illustrate our position, consider employee behavioral expectations and laws from the 1980s or 1990s, what was acceptable or unacceptable during such time is different in comparison to the present. Because of generational diversity in the workforce, not everyone adopts social and cultural norms at the same pace over time. Fueling this problem is an evolving tendency of workers to use social media to voice their criticism of workplace injustice, especially if someone feels he or she has been a victim of harassment or discrimination. Importantly, workers and managers should first follow policies and procedures to investigate the facts surrounding the instance. We address this concern because of the premature tendencies of some accusers to take to social media without considering how comments may impact work environment dynamics.

A study by Kelly and Wilkinson (2018) found that "97% of respondents agreed workers should formally report harassment on the job site" (p. 3). Although this article contributes to the focal article's call for studies beyond education environments, we support the push for organizational policy for filing "formal" reports. There are litigation and documentation justifications as previously addressed in our compliance position; however, what we have not observed in the literature or much in practice is the utilization of skills-based sensitivity training to work through situations involving harassment/discrimination. We do not disagree that certain behavioral instances should prompt immediate reporting and disciplinary action; arguably, other instances may not constitute actual harassment or discrimination and require further investigation. The bottom line is that change takes time when thinking about belief systems. Furthermore, from a social norms approach, our position is that intolerance is growing stronger and stronger beyond the thresholds of social justice, which creates a flux of what is acceptable or unacceptable behavior relative to the law. As such, we argue in support of sensitivity skills training more now than ever.

Building on our commentary, Katz et al. (2011) raised a concern with programs like "Green Dot" in that such interventions risk the notion of gender neutrality. The literature has well documented that men intervene differently than women, especially in differences of perpetration and victimization between genders (Coker et al., 2017). Importantly, bystander programs

somewhat identify all individuals as potential targets while empowering them as enforcers. This being so, we believe skills-based sensitivity training will enhance and capitalize bystander programs.

The fact remains that people sometimes speak and act in ways that are unhinged, inconsiderate, offensive, or unlawful. Non-actors carry out such behavior intentionally. Regardless of intent, we believe it is important to address a possible lack of understanding concerning the implicit bias of the perpetrator and victim. It is this very thing that we argue that skills training can benefit employees to raise their awareness of unconscious attributions toward social groups.

Political identification and inequality

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." These words begin the Declaration of Independence and denote seven paramount political principles of the United States of America: we, equal, Creator, unalienable rights, life, liberty, pursuit of happiness. These principles are illuminating to our discussion.

Considering the ranking of these core principles provides a political perspective to the under-standing of discrimination and harassment. For conservatives, "freedom" is the indivisible fusion of liberty and property. This means people have the right to live their lives as they see fit (liberty) and have the right to treat their property (Ben Franklin edited to "pursuit of happiness") as they see fit as well. For liberal progressives, "social justice" is the combination of "we" and "equal." "We" specifies who is considered as a citizen, and equal denotes the expected treatment of all citizens. That both political perspectives advocate for different core principles is problematic.

This perspective views discrimination and harassment as a clash of political ideologies. One extreme conservative position could view employment in one's organization as property, so one should be able to decide whom they hire rather than being told by the government whom they have to hire. Requiring persons to subject themselves to sex as a condition of employment, because the organization is one's property, is likewise an extreme interpretation. Title VII of the Civil Rights Act of 1964 (CRA 1964) provided the social justice foundation. The specification of, and protection for, historical minorities as "protected groups" expanded the definition of we. The two-part process for disparate impact discrimination intends to promote "more equal" treatment for protected group members. Subsequently, President Johnson used the authority of the Equal Employment Opportunity Commission (created in law by CRA 1964) to prohibit sexual harassment by executive order. These are government regulations imposed on companies with the intent to promote equality. But these same regulations may be viewed as unjust as they restrict one's property rights.

History merits consideration here as well. After the Civil War and passage of the 13th Amendment, slavery ended. But shortly after the end of Reconstruction, the system of state-sanctioned and state-enforced segregation known as Jim Crow was enacted. Jim Crow did not end until CRA 1964 and Johnson's forceful implementation. Requiring property owners by law to treat others equally was a requirement, not an option amenable to persuasive arguments. This established the "minimum legal compliance" standards. Laws are often reactive, so the need for sexual harassment regulation resulted from bad behavior that had a history in American business.

Implications and future research

The topic of gamification and virtual immersion was raised in the focal article. As a practice implication, we suggest reviewing the work by Tawa (2017) for two reasons. First, his virtual immersion project (VIP) is well documented to replicate as an intervention. Second, the VIP

was designed to study harassment/discrimination using a form of gamification, specifically, virtual immersion. Results found that participants increased in their perspective taking when they posed as avatars different than their gender and race. Although Tawa's study involved students, we believe it, or a variation, is applicable for an organization seeking worker diversity training.

By building on the VIP idea for diversity training while also incorporating sensitivity skills training, we believe a concerning hiring practice can be addressed. It is not uncommon for HR and/or managers to "snoop" and review a job candidate's social media information before or during the hiring process. Arguably, the actor's implicit bias may play more of a role in job hiring than objective qualifications in the job application or the applicant's resumé. This being so, the practice of reviewing social media profiles is a form of discrimination and could be unlawful when interview or hiring decisions involve the "unspoken" physical/biological attributes of a candidate. An explanation for this practice is system justification. This theory argues that people have the interest to maintain a status quo of group justification, which may include race, gender, age, or religion (Jost et al., 2004). Based on this concern, we believe our above recommendations may increase perspective taking and shed light on victim empathy, thus prompting hiring managers to rethink social media practices in the hiring process.

Importantly, we believe the practical hiring implication could make for an insightful study. In particular, Rubin and Hewstone (2004) call for research to "show that people are biased in favor of their social systems" (p. 834). Using system justification as a theoretical basis, investigating pre/post perspective taking of hiring managers in response to the interventions suggested should make for a contribution to the literature.

Concluding thoughts

We admit some of our perspectives may be construed as controversial. It is our intent to provide a message in a way to enrich the scholarly practitioner literature and stimulate new thoughts. May our thoughts prompt a pause when thinking about social norms and the ongoing challenges of how to think about toxic work behavior. Regardless of our perspective to be angled from labor relations and industrial and organizational psychology, cognitive and behavioral change starts within the person. This being so, the organization and its leadership have a valuable role in setting policies and procedures to manage harassment/discrimination effectively.

References

Coker, A. L., Bush, H. M., Cook-Craig, P. G., DeGue, S. A., Clear, E. R., Brancato, C. J., Fisher, B. S., & Recktenwald, E. A. (2017). RCT testing bystander effectiveness to reduce violence. *American Journal of Preventive Medicine*, **52**(5), 566–578. doi: 10.1016/j.amepre.2017.01.020

Culwell, A. C. (2018). How leaders can strengthen their organizational culture. *Stanford Social Innovation Review*. https://ssir.org/articles/entry/how_leaders_can_strengthen_their_organizational_culture

DiAngelo, R. (2018). *White fragility: Why it's so hard for white people to talk about racism.* Boston, MA: Beacon Press.

Gentile, M. C. (2010). *Giving voice to values: How to speak your mind when you know what's right.* New Haven, CT: Yale University Press.

Hayes, T. L., Kaylor, L. E., & Oltman, K. A. (2020). Coffee and controversy: How applied psychology can revitalize sexual harassment and racial discrimination training. *Industrial and Organizational Psychology: Perspectives on Science and Practice*, **13**(2), 117–136. doi: 10.107/iop.2019.84

Heath, C., & Heath, D. (2013). *Decisive: How to make better choices in life and work.* New York, NY: Random House.

Jost, J. T., Banaji, M. R., & Nosek, B. A. (2004). A decade of system justification theory: Accumulated evidence of conscious and unconscious bolstering of the status quo. *Political Psychology*, **25**(6), 881–919. doi: 10.1111/j.1467-9221.2004.00402.x

Kahneman, D. (2011). *Thinking, fast and slow.* New York, NY: Macmillan.

Katz, J., Heisterkamp, H. A., & Fleming, W. M. (2011). The social justice roots of the mentors in violence prevention model and its application in a high school setting. *Violence Against Women*, **17**(6), 684–702. doi: 10.1177/1077801211409725

Kelly, M., & Wilkinson, L. (2018). Implementing the green dot bystander intervention program to promote respectful workplaces in the construction trades in Oregon. NITC-RR1078. Portland, OR: Transportation Research and Education Center (TREC). doi: 10.15760/trec.206

LeBlanc, L. A., Coates, A. M., Daneshvar, S., Charlop-Christy, M. H., Morris, C., & Lancaster, B. M. (2003). Using video modeling and reinforcement to teach perspective-taking skills to children with autism. *Journal of Applied Behavior Analysis*, **36**(2), 253–257. doi: 10.1901/jaba.2003.36-253

Madera, J. M., Neal, J. A., & Dawson, M. (2011). A strategy for diversity training: Focusing on empathy in the workplace. *Journal of Hospitality & Tourism Research*, **35**(4), 469–487. doi: 10.1177/1096348010382240

Markman, A. (2014, October 31). Coworkers should be like neighbors, not like family. *Harvard Business Review*. https://hbr. org/2014/10/coworkers-should-be-like-neighbors-not-like-family

Petty, R. E., & Cacioppo, J. T. (1986). The elaboration likelihood model of persuasion. In *Communication and persuasion* (pp. 1–24). New York, NY: Springer.

Pfeffer, J. (2010). *Power: Why some people have it and others don't.* New York: HarperCollins Publishers.

Potter, S. J. (2012). Using a multimedia social marketing campaign to increase active bystanders on the college campus. *Journal of American College Health*, **60**(4), 282–295. doi: 10.1080/07448481.2011.599350

Prochaska, J. O., & DiClemente, C. C. (1986). Toward a comprehensive model of change. In W. R. Miller & N. Heather (Eds.), *Treating addictive behaviors* (pp. 3–27). Springer. doi: 10.1007/978-1-4613-2191-0_1

Rubin, M., & Hewstone, M. (2004). Social identity, system justification, and social dominance: Commentary on Reicher, Jost et al., and Sidanius et al. *Political Psychology*, **25**(6), 823–844. doi: 10.1111/j.1467-9221.2004.00400.x

Schulte, B. (2018, October 31). To combat harassment, more companies should try bystander training. *Harvard Business Review*. https://hbr.org/2018/10/to-combat-harassment-more-companies-should-try-bystander-training

Tawa, J. (2017). "Walk a mile in my shoes": A virtual world exercise for fostering students' subjective understanding of the experiences of people of color. In M. Ma & A. Oikonomou (Eds.), *Serious games and edutainment applications* (Vol. 2). Cham, Switzerland: Springer. doi: 10.1007/978-3-319-51645-5_17

Tippett, E. C. (2018). Harassment trainings: A content analysis. *Berkeley Journal of Employment & Labor Law*, **39**, 481–526. doi: 10.15779Z38WP9T69M

Williams, S., & Aldred, A. (2011). Change making: How we adopt new attitudes, beliefs and practices. https://policy-practice. oxfam.org.uk/publications/change-making-how-we-adopt-new-attitudes-beliefs-and-practices-145255