



Unconscious bias & stereotypes in the workplace

Andrea Brewster OBE

Lead Executive Officer, IP Inclusive

19 February 2020

Biography: Andrea Brewster OBE



Andrea is a Chartered Patent Attorney and European Patent Attorney. Until her retirement in 2015 she was a partner in the Somerset firm Greaves Brewster LLP, of which she had been a co-founder.

A former President of CIPA, Andrea is a member of the Institute's governing Council and serves on several of its committees, including the Education Committee, the Joint CIPA & CITMA Business Practice Committee and the IP Paralegals' Committee (which she helped to establish).

Andrea is the founder and Lead Executive Officer of IP Inclusive, an initiative that promotes diversity and inclusion (D&I) throughout the IP professions. She regularly speaks on D&I-related topics in the IP sector, including mental wellbeing in the workplace. In her spare time, she writes a light-hearted blog about her work: thenotsosecretary.weebly.com



Unconscious bias & stereotypes in the workplace

Andrea Brewster OBE

Lead Executive Officer, IP Inclusive

19 February 2020

Before we start...



What we'll cover

- What is “unconscious bias” and why does it happen?
- Why and where does it cause problems?
- Typical types of unconscious bias in the workplace
- What can we do about it?



What is “unconscious bias”?

Key types of bias:

- Conscious:
 - Malicious (eg racism, sexism, homophobia)
 - Not exactly malicious, but based on inappropriate stereotypes and generalisations

LET'S MAKE SOME SWEEPING GENERALISATIONS

- ▶ Boys are better at maths and science
- ▶ Women are better at multi-tasking
- ▶ Young people are better with technology
- ▶ Anxious people can't handle the stress of IP work
- ▶ People with children are inflexible
- ▶ Older people are more resistant to change



What is “unconscious bias”?

Key types of bias:

- Unconscious:
 - Without realising, making an unjustified assumption about someone or something, often based on what you’ve already experienced

What is “unconscious bias”?

Key types of bias:

- Unconscious:
 - **Without realising**, making an unjustified assumption about someone or something, often based on what you’ve already experienced

What is “unconscious bias”?

Key types of bias:

- Unconscious:
 - Without realising, making an unjustified assumption about someone or something, **often based on what you’ve already experienced**

Why does it happen?

The way we're wired

- The brain processes 11,000,000 bits of information per second
- The brain *consciously* process 40 bits of information per second
- We categorise to cope, to shortcut decision-making
- We rely on patterns, categorisation, assumptions and generalisations



IP INCLUSIVE



IP INCLUSIVE



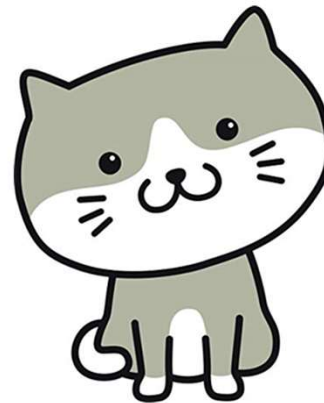


Stereotypes

The way we learn

- A lot of our unconscious biases are learned:
 - From our own observations and experiences

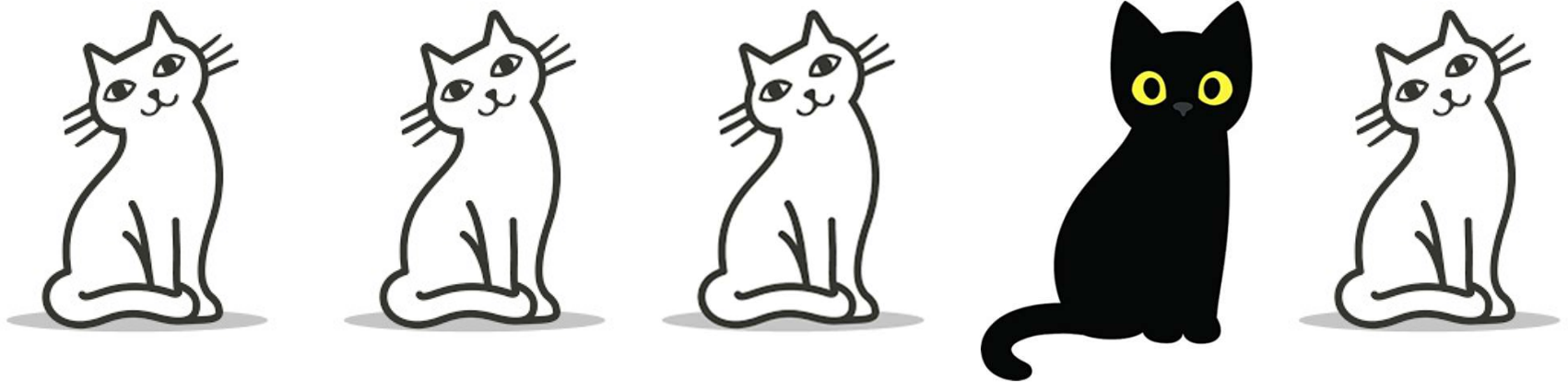
Learned pattern recognition





IP INCLUSIVE



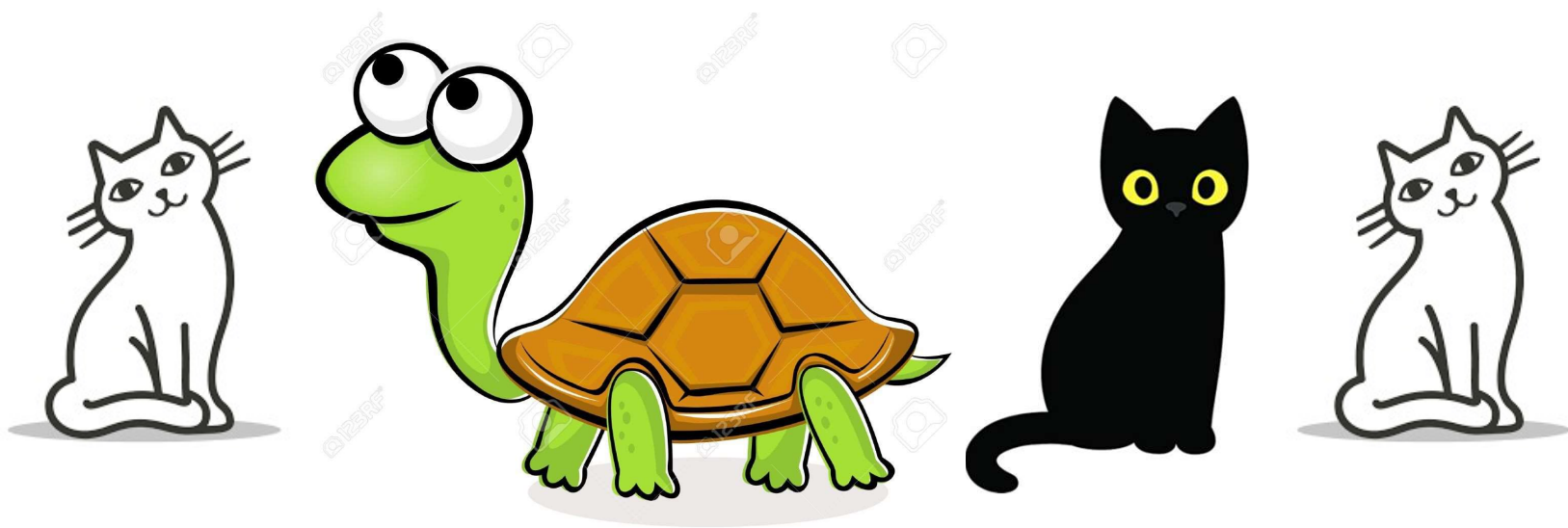




How do we acquire these “biases”?

The way we learn

- A lot of our unconscious biases are learned:
 - From our own observations and experiences
 - From other people: family, friends, teachers, the wider media
- Cultural and societal influences affect the way we see things and the assumptions we make
- We pick up on stereotypes and prejudices, and they influence our decisions



Why does it happen?



“A Class That Turned Around Kids' Assumptions of Gender Roles”

<https://youtu.be/G3Aweo-74kY>

Stereotypes & prejudices



Stereotypes & prejudices

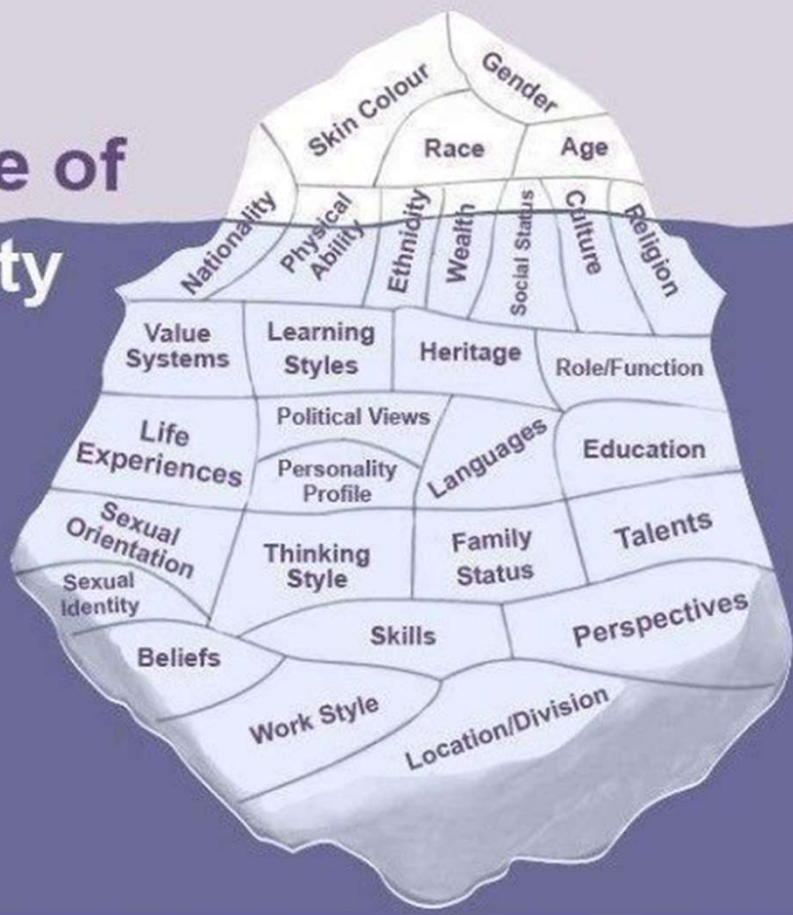




Stereotypes & prejudices



Waterline of Visibility

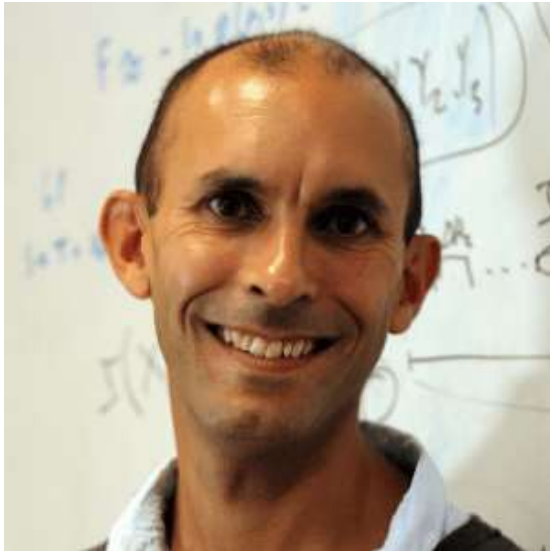




Types of unconscious bias

We have unconscious biases about:

- People
- Roles (eg what's needed to be an IP solicitor)
- Success indicators (eg what a *good* IP solicitor looks like)
- Situations (eg approaching threats or opportunities)
- Data and its meaning



“...we're always hallucinating.
It's just that when we agree
about our hallucinations,
that's what we call reality.”

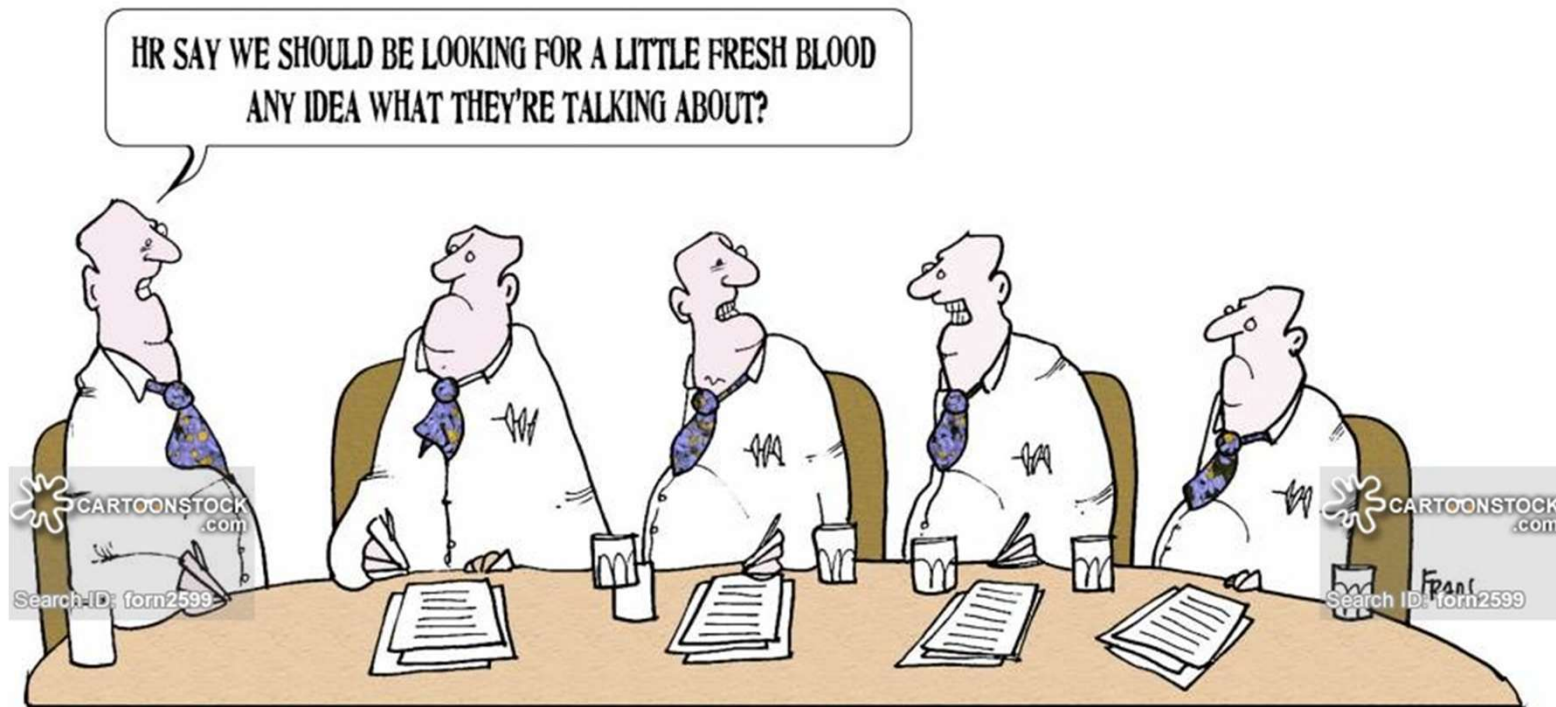
Anil Seth

Key types of unconscious bias (1)

“Affinity bias”



Exercise: check your affinity bias





Key types of unconscious bias (1)

“Affinity bias”

- Preferring people who are more like us
- Recruiting in our own image
- Forming “in-groups” and “out-groups”
- Allowing social interactions to affect our judgements about work-related issues

Key types of unconscious bias (2)

“Groupthink”





IP INCLUSIVE

Key types of unconscious bias (2)

“Groupthink”

- Everyone agrees with everyone else
- Everyone thinks in the same way
- Even if they don't, they daren't speak up or challenge the consensus
- This can lead to very bad (but ironically also very confident) decisions

Key types of unconscious bias (3)

“False consensus”



Key types of unconscious bias (3)

“False consensus”

- The assumption that everyone thinks and feels the same way as we do
- And knows and understands the same things we do
- Reinforces groupthink
 - And complacency

Key types of unconscious bias (3)

“False consensus”

- Hampers communications with colleagues, clients, potential clients, suppliers, tribunals
 - *(Why doesn't the tribunal get the point I'm making? How can this client not understand the issues? Why does this person not seem comfortable with me? What don't people like about our 50-page brochure?)*
- Leads us to assume other people are wrong, or stupid

Key types of unconscious bias (4)

“Confirmation bias”



Key types of unconscious bias (4)

“Confirmation bias”

- Only looking for evidence that proves us right
- Selective filtering (of inconvenient truths)
- Selective blindness/deafness (to something or someone we’ve already discounted)
- Seeing what we expect to see (eg proof-reading mistakes)

Key types of unconscious bias (5)

**“Clustering illusion”
...and similar effects**



Key types of unconscious bias (5)

“Clustering illusion” and other similar effects

- Seeing clusters where there aren't any, or “phantom patterns”



Key types of unconscious bias (5)

“Clustering illusion” and other similar effects

- Seeing clusters where there aren’t any, or “phantom patterns”
- Over-generalisation and extrapolation:
 - (“She always has Mondays off”; “He makes more mistakes than anyone else”)
- Often linked to other biases
 - Eg false consensus; confirmation bias

Key types of unconscious bias (6)

“Priming” effects



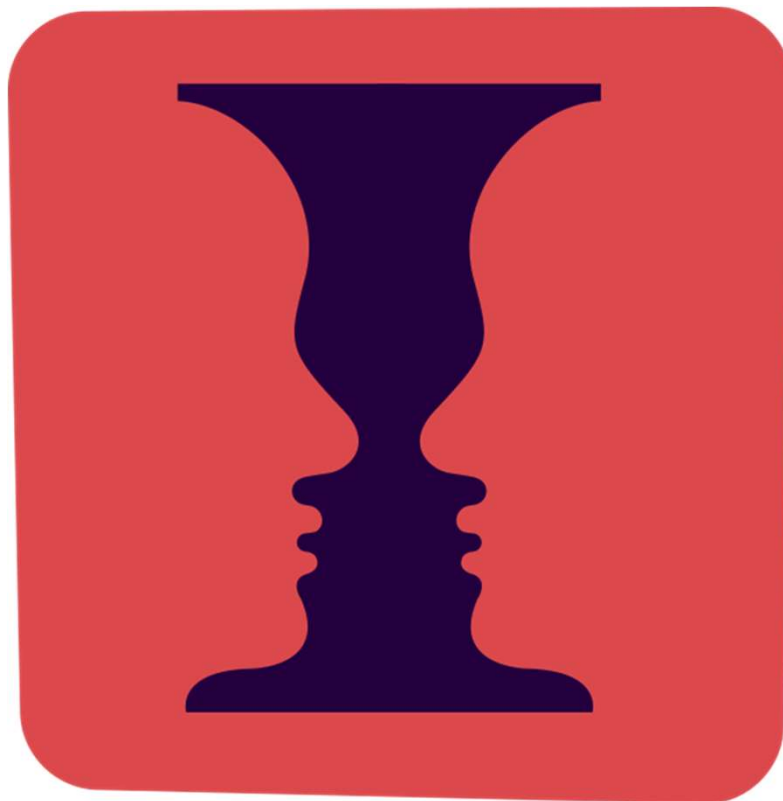


Key types of unconscious bias (6)

“Priming” effects

- (Observational) selection bias
 - The tendency to notice something more when something causes us to be more aware of it
- Seeing what we’ve been “primed” to see

A vase



Two people
talking



Key types of unconscious bias (7)

“Thin-slicing”



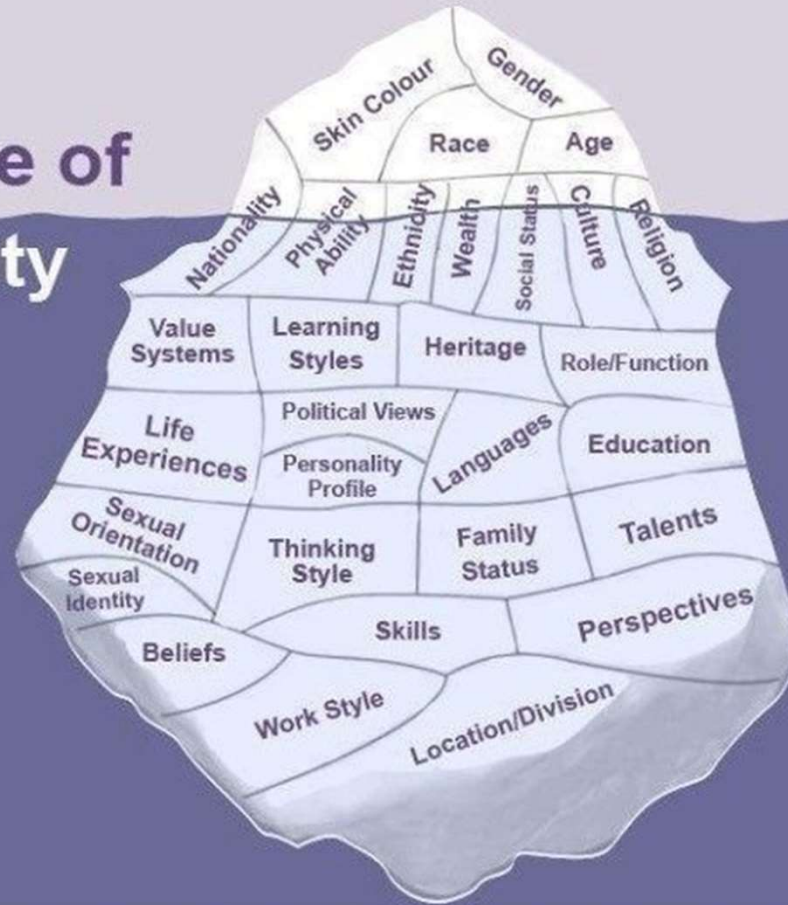
Key types of unconscious bias (6)

“Thin-slicing”

- Judging on first impressions



Waterline of Visibility





Other types of unconscious bias

...There are plenty...

- Check out Wikipedia on “cognitive bias”



Other types of unconscious bias

The best one of all:

- Bias blind spot
 - Thinking we're not biased





Where does unconscious bias arise?

- *Everywhere!*
- Unconscious bias can affect all manner of work-related decisions, about:
 - People
 - Performance
 - Current situations
 - Future plans
 - Data analysis
- It also impacts on how we communicate with people

Where does unconscious bias arise?



- Recruitment and selection
- Performance appraisal
- Promotion and career development
 - Including salary reviews
- Training and support



Where does unconscious bias arise?

- Creating teams, committees, etc
 - Affinity bias is a big problem
 - Reluctance to “shake things up a bit”
 - Leading, in turn, to groupthink
- Allocation of roles, responsibilities and tasks
- Working arrangements: location, timing, flexibility, supporting resources



Where does unconscious bias arise?

- All sorts of relationships and communications
 - With colleagues
 - With clients, suppliers (eg for outsourcing), tribunals
 - With potential clients and recruits
 - With the wider world (eg corporate and promotional media)
- The “false consensus” effect can make communications less effective

Where does unconscious bias arise?



- Meetings
- Social interactions around the office
 - Including “banter”
- Building the networks that help people fit in and climb the ladder

Biases and stereotypes in your world...



- What assumptions do people make about:
 - The type of person you are?
 - What you'll be good at?
 - The way you work?
 - What you're interested in?
 - Who you'll want to work with?
 - Your role in, and value to, the team?
 - Your career ambitions?
- What assumptions do you make about other people?



The impact of unconscious bias

- Unconscious bias can mean that decisions are not fair or evidence-based
- That could lead to discrimination
- Reducing “inclusivity” in this way can:
 - Demoralise and demotivate team members
 - Make it harder to recruit and retain staff
 - Impact on workplace performance and productivity
 - Cause legal and regulatory compliance issues

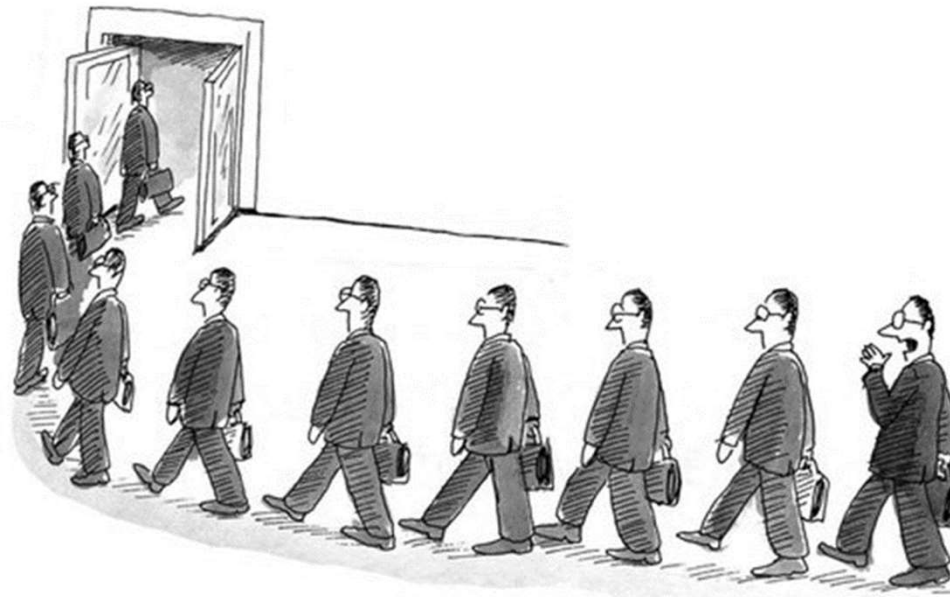


The impact of unconscious bias

- Biases such as groupthink, confirmation bias and the false consensus effect can lead to:
 - Poor strategic decisions
 - Reduced levels of innovation and creativity
 - Resistance to change



So what can
we do about it?



“Emphasize our unique differences,
pass it down.”



What can we do about it?

- Training
 - Especially for decision makers, managers, those involved in recruitment and appraisal
- Talk about bias; keep it on the agenda; stay vigilant
- Take a Harvard “implicit association” test
 - <https://implicit.harvard.edu/implicit/takeatest.html>

What can we do about it?

- Objectivity in decision-making
 - Use defined criteria and score-cards in eg, recruitment and appraisal
 - Require justification and evidence
 - Be wary of decisions based on “instinct” or “gut feel” or first impressions
 - Aim for diverse decision-making panels, to provide a range of perspectives and avoid “groupthink”
- Avoid making decisions when we’re more vulnerable to bias:
 - For example when we’re tired, rushed, stressed, time-pressured or distracted



What can we do about it?

Incorporate bias “interrupters”, “nudges” and “primers” at key points in internal processes:

- Remind people about the potential for bias and encourage them to be more objective
- Give them positive role models
- Use “observational bias” and “confirmation bias” in a positive way



What can we do about it?

- Establish an inclusive culture, where people are encouraged to speak up and if appropriate to challenge the status quo
- Let everyone, and every opinion, be heard
- Call out stereotypes, generalisations, assumptions and other sloppy, ill-based thought processes
 - (Including our own)
- Promote positive and stereotype-challenging role models, in our own organisation and beyond
 - (Check corporate literature)



What can we do about it?



- Mix with our “out-groups”
- Broaden our “in-groups”

What can we do about it?



- Pay particular attention to the way we:
 - Recruit
 - Appraise
 - Allocate work
 - Build teams



Some practical steps
for specific situations



Practical steps: Recruitment

- Sift applications “blind” for relevant criteria:
 - Name (which can lead to assumptions based on gender and/or ethnicity)
 - Educational background (to increase social mobility)
- Evidence that this makes a difference:
 - Blind auditions for orchestras
 - 2009 DWP research on job applications, names and ethnicity



Practical steps: Recruitment

- Assess applicants against objective criteria (eg competencies), using score-cards, and require selectors to justify their decisions accordingly
- Have more than one person looking at each CV against the same criteria
- Make selection panels as diverse as possible



Practical steps: Recruitment

- Broaden where and how you advertise vacancies:
 - Which publications do you advertise in?
 - What images do you use?





Practical steps: Recruitment

- Broaden where and how you advertise vacancies:
 - Which publications do you advertise in?
 - Avoid unduly restrictive images
 - Beware language that might put some people off
 - (eg unduly feminine, too elitist)
 - Limit the advert to the essential criteria



Practical steps: Recruitment

- “Prime” (or “nudge”) decision-makers at critical points in the selection procedure
- Remind them of the dangers of bias

Practical steps: Performance reviews



- Take similar precautions with performance review and promotion processes and when setting targets
- Make sure you have objective assessment criteria, and stick to them
- Canvass views from several people

Practical steps: Performance reviews

Gather objective evidence (eg of success or failure rate, attendance record, etc)

to avoid “confirmation bias” or seeing patterns or clusters that don’t really exist





Practical steps: Work allocation & teams

- Beware “ingroups” when allocating work
- Mix things up a bit...



Practical steps: Work allocation & teams

- Aim for “cognitive diversity” (ie different approaches, perspectives, working styles)
- More diverse teams have been shown to be more productive
 - Different viewpoints help prevent groupthink and confirmation bias
- Be creative about working patterns and approaches to a task

Other practical steps



- See the IP Inclusive November 2017 toolkit
- Best practices you can embed into your organisation's systems and procedures to reduce the impact of unconscious bias

Resources - IP Inclusive

ipinclusive.org.uk/resources/

BT Mail BBC Gmail

IP INCLUSIVE

STAY IN TOUCH

SIGN THE IP INCLUSIVE CHARTER

CONTACT US

RESOURCES

Below you will find some resources to help you promote equality, diversity and inclusion in the IP professions, in particular in your own workplace. We also have dedicated pages on [mental health and wellbeing](#) and our [Careers in Ideas outreach campaign](#).

We hope that you find these resources useful. We are always open to suggestions about what else you would like to find here; please [contact us](#) with your ideas and feedback.

Please note that information, guidance and ideas provided by IP Inclusive are not intended as legal or HR advice. You should always seek independent professional advice on legal and HR aspects of your equality, diversity and inclusion policies.

View by: [dropdown]

Filter by: [dropdown]

Search: [input]




Type here to search



17:28 08/09/2019



Resources - IP Inclusive | Edit Page - IP Inclusive - WordP... | ipinclusive.org.uk/resources/?resource_cat_id=44

BT Mail | BBC | Gmail | IP Inclusive | Customise | 3 | 0 | + | New | Edit Page | Hi, ipinclusive

 [STAY IN TOUCH](#) [SIGN THE IP INCLUSIVE CHARTER](#) [CONTACT US](#)  

View by:  Unconscious bias  Search:

Unconscious bias workshop ideas

Suggestions for workshop exercises to use in unconscious bias training, and links to other relevant resources, collated for IP Inclusive Week 2018

[VIEW →](#)

"Unconscious bias & the IP professional" webinar

A recording of our September 2018 webinar presented by Andrea Brewster, Ben Buchanan and John Kennedy (+ webinar report)

[VIEW →](#)

Unconscious bias toolkit

A presentation on unconscious bias and its impact, with suggestions on how to tackle it, created out of our November 2017 workshop (+ workshop report...)

[VIEW →](#)

[ABOUT US](#) [COMMUNITIES](#) [RESOURCES](#) [EVENTS](#) [CONTACT US](#)

Type here to search | 10:20 10/09/2019



Summing up

- Unconscious bias is all around us, in every decision we make
- We apply it to people, roles, assessments, situations, data interpretation
- It can have particularly detrimental impacts on work-related decisions around recruitment; staff appraisal and development; work allocation and team building



Summing up

- It's a natural thing; we shouldn't beat ourselves up about it
- But we must be aware of it and do what we can to reduce it



Summing up

- Probably the most effective ways of tackling it are:
 - Training and awareness-raising
 - Making our decisions more objective and considered
 - Building bias “interrupters” and “nudges” into our systems and procedures
 - Creating an inclusive and open working culture





How to find out more

- www.ipinclusive.org.uk
- www.careersinideas.org.uk
- contactipinclusive@gmail.com
- @IPInclusive
- @bameipinclusive
- @IP_Ability
- @ip_out
- @WomeninIP
- @CareersInIdeas

A Charter for Equality, Diversity and Inclusion



IP INCLUSIVE

Working for diversity and inclusion in IP

The commitment:

We will support equality, diversity and inclusion by:

1. Having in place a named individual within our organisation as Equality, Diversity and Inclusion officer. This person will be sufficiently senior to make change happen and to be accountable for our progress.
2. Having in place a written Equality, Diversity and Inclusion policy for our organisation and making everybody in the organisation aware of it.
3. Promoting openness and transparency so as to demonstrate merit-based equal opportunities in our recruitment and career progression processes.
4. Acknowledging the effects of unconscious bias and introducing measures to tackle it.
5. Monitoring and reporting internally on our progress using measures and at intervals that are appropriate to our size and nature.
6. Sharing our experience within the *IP Inclusive* community to help build an effective network for equality, diversity and inclusion across the IP sector.

Working for diversity and inclusion in IP



Thank you for
listening!

Any questions?

Working for diversity and inclusion in IP