

SAFE-D 2023 Conference

- **Harassment, Discrimination and Anti-Bias:**
 - **Essential Guidance for Emergency Services Organizations Leaders**

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Training Program Overview: What it is and isn't

SECTION I

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Who I am

- **Understand your world?**
- **Background in:**
 - **Law**
 - **Emergency services**
 - **Public entities**
 - **Risk management and insurance**
 - **Human resources**
 - **Investigation training**

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I am not

- **Your ESO's:**
 - **Employee**
 - **Volunteer**
 - **Legal counsel (internal or external)**
- **Resident of your community**
- **Governmental agencies**

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Speaker

- **Questions?**
- **Contact after the session or later**

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Preview – Discrimination

- **What constitutes unlawful workplace discrimination and harassment?**
- **Where is the legal “line” differentiating inappropriate or lack of civility and unlawful?**
 - **How to stay away from crossing the “line”**
 - **Provide “lenses” or common factors in making the determination**

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Preview – Bias

- **Awareness of bias without furthering division between us**
- **Bias – impact of explicit and implicit bias on workplace discrimination**
 - We all make hundreds of biased decisions every day
 - Not all bias is bad
 - Can't demonize all bias

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This Training Is Not

- **Accusatory** – racist, sexist, homophobic, etc.
- **Cancel culture**
- **Wagging our collective finger – don't do this and that**
 - I'm not here to fix you. Not find 'em and fix 'em.
- **Forced assimilation** of our beliefs or perspectives – we are all the same

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Today's Session Is Not

- **Sensitivity training**
 - Political correctness
- **Legal CYA**
- **Legal continuing education**
- **Medical study of the brain and how it works – the unconscious mind**

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Protection for All

- **Intentional misconduct**
 - People subjected to misconduct
 - Offender on notice – deterred
- **Correct unintentional risky behavior**
 - Many cases – not intending to offend; not directed at one individual
- **Bystanders**
- **False, exaggerated or misperceived allegations**
 - Personal and professional reputation

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Meaning of Unlawful Misconduct

- **Crossing a legal line:**
 - Criminal
 - Civil
- **Elements of unlawful conduct**
- **Incivility can provide risks as well and lead to unlawful conduct**

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Climate of Division and Polarization

SECTION II

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Division and Polarization

- **Cultural and societal environments right now**
- **Divided and polarized**
 - Such anger
 - **Often wrong, but never in doubt**
- **We have been disconnected physically, in how we communicate, and culturally**

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Fighters

- **Our communications with each other are like a boxing match or MMA fight.**
 - **End of round – go back to your corner and strategize with your supporters about how to stand up and destroy the opponent.**



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Today's Climate - Taking Sides

- **High school Government textbook titled Taking Sides**
- Political topics – each “side” (argument) found on opposing pages of the book
- Teacher instructed which of the two sides/perspectives we had to argue.
- Even if you didn't agree with the side, your assignment was to argue that viewpoint.
- **What bigger lesson was taught?**
- See the other side's perspective

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Challenge Ourselves To Be Open

- **Too often we seek out opinions that make us feel good, as opposed to listening to things that make us think hard.**
- **Is my mind made up before I hear the other side?**
- **Goal today is not to change your mind, stance or viewpoints.**
- **An objective is to have us all be more open to listen to the other side, consider opposing perspectives, stand in the shoes of others (empathy), and look for our own blind spots.**

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How Deep Is The Mud?

- How big is the problem?
- It depends on who you ask.



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Don't Shoot the Messenger

- **Not judge, juror or lawmaker**
- **Purpose of the training program will tell you to the best of our ability what constitutes unlawful discrimination.**
- **Shine a light on explicit and implicit bias, and to raise our individual and collective awareness.**



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Uniqueness of Emergency Services Organizations, Discrimination and Bias

SECTION III

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Questions For Attendees

- **How is the emergency services environment a “different kind of workplace”?**
- **How may these differences actually increase exposure to personnel claims?**



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Wrong Industry For Anonymity

- Emergency Services Organizations (ESOs) are different, yet viewed as the same
- Under microscope
- Can't have it both ways
 - Respect in community, but shielded from public scrutiny



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How ESOs Are Different?

- **Danger** – what you see on any given day
- **Dependency on each other** – like family
- **Workplace culture**
 - Not a stuffy bank environment
 - Not as formal as many other work environments

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Other Factors

- **Paramilitary – chain of command**
- **Type A personalities**
- **Downtime**
- **Nowhere to escape**
 - Shift work
 - Switch jobs?
- **Junior firefighter programs**

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Most Respected Professions?

- **Surveys – what are the most respected professions in the U.S.?**
- **Emergency services, law enforcement, doctors, nurses, teachers, and military**
- **Why emergency services professionals?**

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On Any Given Day

- **Willing to risk own life to save any and all people in the community**



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Emergency Services – Unlike Any Other Profession

- **You don't stop on the front porch of a family's home and say, "Before I enter this home, tell me about this family."**
- **Are they male or female?**
 - White or Black?
 - American born or from another country?
 - Gay or straight?
 - What religion are they?
 - Are they young or old?
 - Are they rich or poor?

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One True Non-Discriminatory Industry

- Many other professions have some aspect of real or perceived bias that can creep in.
- Examples:
 - Law enforcement – racial bias; excessive or unnecessary force
 - Healthcare – the wealthy have greater access to and are provided better care
 - Even a profession as pure as elementary teachers – “teacher’s pets”

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Expectation of Non-Discrimination

- **Difficult to reconcile** – How emergency services professionals are expected to serve the public in a non-discriminatory way and expect the same for internal working relationships.



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Workplace Harassment and Discrimination

SECTION IV

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How Differentiate?

crossing
the
line



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Many Misused Phrases

- **“I’m being harassed”**
- **“This is a hostile environment”**
 - Here to provide clarification

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What Is Offensive Today?

- **Easy to offend people today?**
- **What behavior “crosses the line”?**
 - Just “locker room talk”?
 - **What is offensive to most reasonable people?**

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Is There a List?

- “Is there a list of things not to say and do?”
- Just give me a list and I won’t say or do anything on it.”
- **Context matters**

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Context – Case Scenario

- Hotel bar – 10 coworkers
- **Context matters**
- Same words or actions
 - Two different environments
 - Two different meanings

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Hostile Work Environment

- Unlawful discrimination
- Protected class status is basis of hostile work environment
- What are the protected classes?



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Who is Protected from Discrimination?

- Race and color
- Religion/creed
- Gender/sex (includes sexual harassment; pregnancy)
- National origin/ethnicity
- Age – over 40
- Disability (actual or perceived)
- Military or veteran status
- Genetic information
- Sexual orientation
- Gender identity/expression



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Severe or Pervasive

Severe

- Alter workplace experience
- Even if conduct occurred once or rarely

Pervasive

- Even if no single act, viewed by itself, would be a violation
- Frequency and duration
- Defining condition of environment



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Objective & Subjective Tests

- **Subjective test**
 - Complainant personally offended?
 - Can't be a co-offender
 - Hypersensitive?
- **Objective test**
 - Reasonable person standard
 - Factors:
 - Not just your ESO or environment
 - Public/media

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“Crossing the Line”

- **Factors that can cross the line:**
 - **Unreasonably interferes with the environment?**
 - **With ability to perform?**
 - **Threatening, intimidating?**
 - **Words as “weapons”?**
- **Other considerations:**
 - **Other petty slights, annoyances and isolated incidents (unless extremely serious; severe)**
 - **Merely an offensive utterance?**
 - **Profanity**

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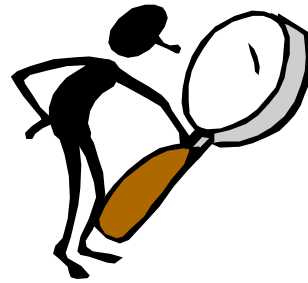
Looking for Love....

- **In all the wrong places**
- **Romantic, intimate or sexual relationships**
 - **There is a difference**

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Workplace Romance

- **What types of problems result when coworkers date or have a sexual relationship?**



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How handle workplace romance?

- **Overwhelming response:**
“Nun-ya”
- **Don’t want to be Dr. Phil**
- **When supervisors become involved?**
 - **What capacity?**
 - **Conflict management plan**



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Modern Day Risks

- **“Smart” phones**
- **Texting**
- **Posting – social media**
- **Email**
- **Photo/video and Snapchat**
- **Voicemail**



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Problems With Social Media

- **Social NOT-Working**
- **Confidential information?**
- **Business-related information?**
- **Coworkers discussed?**
- **Defamation exposures**
- **On duty vs. Off duty?**

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Electronic Communications

- **First Amendment right?**
 - **U.S. Constitution – Freedom of speech**
- **ESO's rights vs. employee or member's reasonable expectation of privacy**

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Freedom of Speech Isn't Limitless

- **Federal government cannot limit your freedom of speech or expression unless:**
 - **Threat of imminent bodily injury or harm to an individual or group**
- **BUT, you may not have a job tomorrow**

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Why Not Limitless Freedoms?

- **Negative impact on the ESO:**
 - Difficulty recruiting, hiring, selecting and retaining ESO employees or members.
 - Damage to the ESO's reputation and trust with public.
 - Disruption of business operations, morale and/or working conditions.
- **What if an ESO couldn't take any action?**
 - Employee's/Member's rights win out against the ESO's interests, and ESO is stuck with negative ramifications.

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Introspective Look at Bias – What's Under the Surface

SECTION V

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WIIFM

- Emergency services professionals – all about helping others in the community
 - Emphasis on service – serving others
- What is the meaning of WIIFM?
- What's In It For Me?
 - Appealing to your selfishness for a moment.
 - How does anti-bias training benefit you personally?

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How Bias Awareness Impacts You

- Ensure you are treated with dignity and respect.
- Support your commitment to be the best coworker, servant to your community, friend, and family member that you can be.
- Avoid professional and/or legal problems.

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Explicit vs. Implicit Bias

- What are the differences between explicit bias and implicit bias?
- **Explicit bias** – defined as conscious beliefs or attitudes about certain individuals or groups.
- Expressions of explicit bias occur as a result of deliberate thought.
 - Examples: discrimination, harassment, hate speech, etc.

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Implicit Bias

- Implicit bias – also known as:
 - Unconscious or subconscious bias
 - Unintentional bias
- Implicit bias – defined as attitudes or social stereotypes that affect our understanding, actions and decisions in an unconscious manner.
- Implicit bias may run contrary to our conscious beliefs.
 - Be aware of and identify possible blind spots.

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Rapid Mental Assessments

- Fast brain versus slow brain
 - I'm not a doctor, don't play one on TV, and didn't stay at a Holiday Inn Express last night.
- Brains are hardwired to make split decisions.
- Rapid automatic mental associations – perhaps instantaneous
 - Shape and mold our thoughts and behaviors
- Activated involuntarily and without an individual's conscious awareness or intentional control.

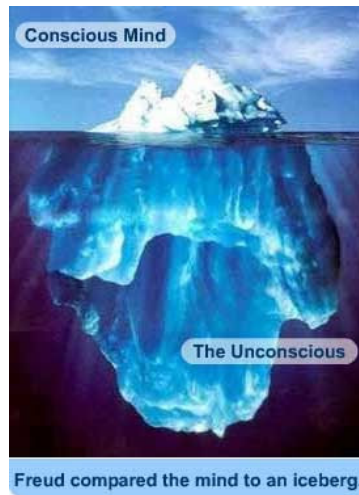
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Function of Unconscious Bias

- What function does unconscious bias serve?
- **Keeps us safe** – human danger detector
- Fight or flight
- Not all bias is bad. These assessments may be favorable or unfavorable.

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The Mental Iceberg



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Personal Bias Training Objectives

- Identify unconscious bias (in yourself first)
 - Empower you to take action against it (to correct it)
- Humility is a must
- Be intentional about empathy
 - Walk in someone else's shoes
- Don't fear awkwardness and discomfort

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Forrest Gump



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Forrest Gump Quote

- “Those must be comfortable shoes, I bet you could walk all day in shoes like those and not feel a thing.
- My mama always said you can tell a lot about a person by their shoes, where they going, where they been.”

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Personal Journey

- “My mama always said you can tell a lot about a person by their shoes, where they going, where they been.”
 - What does this line communicate to you?
- **You can tell a lot about a person based on where they’ve been – background, influences, mentors, successes, failures, obstacles, resentments, preferences, lessons learned....**
- Where “they going” – my thoughts about how you will think, act, believe, value, treat me and treat others.

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Definition of Role Models

- **What’s your definition of a role model?**
- **Role models serve as examples of how things are and how they should be.**



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Who Were Your Role Models?

- **During childhood and most formative years, who were your role models?**
 - How did they see the world?
 - **How did they influence your thinking, and impressions of people?**
 - **Who influenced your thinking the most?**

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How Impact Views of Others?

- **Their modeling and expressions about:**
 - **Gender roles?**
 - **Race relations?**
 - **National origin or ethnicity?**
 - **Religion, faith, or agnostic?**
 - **Sexual orientation?**
 - **Age?**
- **Introspection – how did those views impact you? Stay with you?**

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Diverse Views In The Same Family

- How different family members see the world.
- Many cars surrounding a neighbor's house one afternoon as driving by.
- Dad stated, "Looks like Mrs. Jones may have died."
- Mom paused and said, "Or, she might be having a party."

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Different Views of the Same Event

- Adult siblings reminiscing about when as children their family went out for ice cream every Sunday after lunch.
- Kid #1 – Loved it, favorite part of the week.
- Kid #2 – Hated it, I always had to be the last to order.
- Kid #3 – Did we get ice cream every Sunday afternoon?



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Richard Pryor – Comedian

- Reflecting on your life.....
- Richard Pryor – famous comedian from 1963-2005
- Gave one of his last television interviews
- One of his ex-wives (Jennifer) was his caregiver due to a debilitating illness (MS) – last 11 years of his life
 - She was also part of the interview



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Looking Back

- During their marriage years before, he wasn't good to her – infidelity and drug use.
- Interviewer: “It’s amazing that despite the way you acted then, she has come back to take care of you now.”
- Richard to his ex-wife: “Sorry for all the things I did all those years ago.”
- Jennifer said, “That’s okay Richard. We were young and stupid.”
- Richard: “That’s right. I was young, and you were stupid.”

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Lessons From Richard Pryor?

- Comedian until the end
- What lessons does Richard give us?
- Looking back, we have all been “young and stupid” in some ways.
- How have we each grown?

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Opportunity to Grow

- Work on our own capacity for introspection
 - Courage of introspection – to shine the light on yourself.
 - Openness to engaging in dialogue is action and success.
 - Moving the conversation forward.
- What’s influencing us today?
- The more you feel like you have it handled, the more dangerous unconscious bias is.

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Introspection



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Tale of Two Matts

- **Freshman year in college (30 years ago), I met my suitemate for the first time when moving in.**
- **Matt Hage**
 - Button up shirt, khakis, penny loafers with shiny pennies in them; yes sir, no sir; and clean cut. He looked like me.
- **My immediate reaction:**
 - Isn't this a nice guy? We are lucky to have this potluck suitemate.
- **Four years around Matt – wild; destructive; abused alcohol; and demeaned others.**

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The Other Matt

- **Walked in the freshman dorms**
- **Matt Shane – lived on my hall**
 - 6’4” and 260 pound football player; bulging muscles; gym shorts and t-shirt; and dreadlocks. Looked the opposite of me.
- **My immediate impression:**
 - Intimidated; wouldn’t want to encounter this guy in a dark alley; won’t take school seriously; and probably smokes a lot of weed.
- **30 years later – disciplined; best friend, husband, and father you could ever ask for.**

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Today – My Two Daughters

- “Matt Hage” shows up at my door to take out one of my young daughters on a first date.
 - What is my initial reaction?
 - Any different than 30 years earlier?
- “Matt Shane” – to take my other daughter on a date.
 - Do I make the same snap judgment I did all those years ago?
- **Why is that?**
 - **Is my unconscious mind and thinking consistent with my older, supposedly wiser conscious mind?**
 - Goal – awareness of my implicit bias and unconscious thinking.

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Various Forms of Bias in the Workplace

SECTION VI

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Words Are A Powerful Thing

- Words are impactful
- Choose words thoughtfully
- Foster an inclusive and connected work culture



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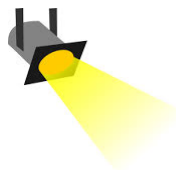
Intent vs. Impact

- Purpose or effect of offending?
- Impact is more determinative than the intent of the person responsible for offending.
- Lack of intent is not a defense.
- Intent can be considered when determining the level of corrective action (non-disciplinary coaching/ counseling, or discipline).

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Gender Bias Against Females

- Terms more used to describe males or females?
- Assertive; passionate; certain; clear; determined; firm; and persuasive
- Pushy; bossy; nag; bitchy; emotional; dramatic; cold; feisty; calculated; and abrasive



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Unintentionally Offensive?

- **“Girls” in the office**
- **Cry like a little girl**
- **Don’t like your tone (of voice)**
- **Be conscious of bias correct words**



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Sexual Harassment

- Standing in the other person’s shoes
- Sexual jokes, innuendoes, and banter
- **“But I hug everybody”**
 - Peer versus boss
 - Age difference
 - Cultural differences (NE or the South)
- **Flight attendant**
 - You can sit right here on my lap.
 - “If you were my age that might be cute, but coming from you it is just creepy.”

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Sexual Orientation

- Biased or discriminatory terminology:
- Male coworkers – “I’m not comfortable working with him (gay man).”
- Sexual preference
- Choose to be gay
- Alternative lifestyle
- Homosexual
 - Dates back to clinical terminology when looked upon as psychologically or emotionally disordered.
 - Instead, use the terms gay or lesbian.

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Questions About Race

- **Explore questions that some in a White majority may have regarding minority groups. Examples may include why a minority group is allowed to form an association distinguished by race (e.g., Black Students’ Association) and a majority group cannot?**
- **When are White people going to stop having to pay for what their ancestors did generations ago with slavery?**

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Religious

- Is a candidate or coworker religious? Why want to know?
- Helps predict their values and integrity
- Purpose bigger than themselves
- Grounded
- Have their priorities straight
- Problems:
 - “Right” religion? Denomination?
 - Not religious “enough”?

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Holding Themselves Out As “Religious”

- Impressions – can be positive and negative
- Repair man at my childhood home
 - Christian fish symbol on his car
 - Talked a lot about his faith to us (“Bible thumper”)
- Dad paid half of the repair job up front
 - Repair man left his tool bag
 - Never returned to the house
- Dad always said thereafter, “Beware of the fish” – meaning those that excessively talk up their religion.

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Bias – Conclusion

SECTION VII

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Everyday Bias

- We make hundreds or thousands of discriminatory decisions every day.
- We have preferences – choose one item or person over another.
- Goal is not to make unlawful discriminatory decisions or allow unconscious bias to influence our interactions and decisions in the workplace.

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Speaker

- **Questions?**
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