



RIDING THE WINGS OF TRANSFORMATION

THE POWER OF RADICAL &
FUNDAMENTAL CHANGE



2021 INTERNATIONAL CLIENT SEMINAR
MARCH 2-4, 2021 | VIRTUAL

RIDING THE WINGS OF TRANSFORMATION

THE POWER OF RADICAL & FUNDAMENTAL CHANGE



2021 INTERNATIONAL CLIENT SEMINAR

Ain't It a Shame...

...how discrimination law perpetuates inequality

As a supervisor, do one or more workers you supervise or manage belong to a protected class?

Yes

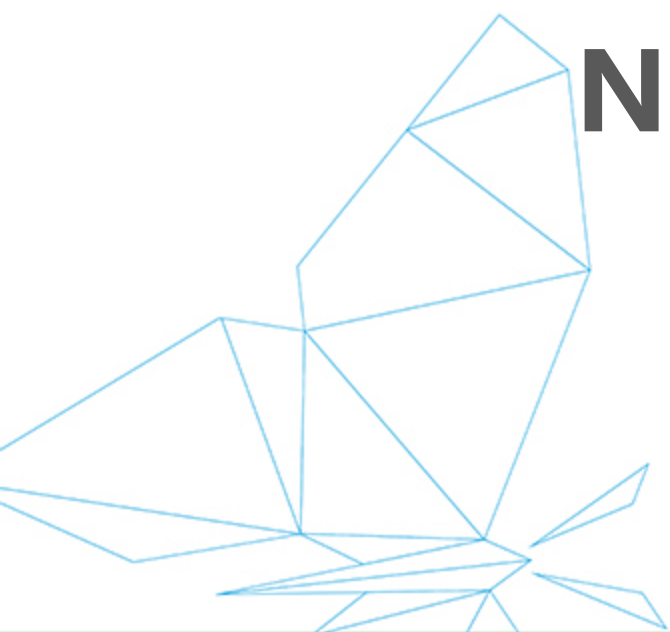


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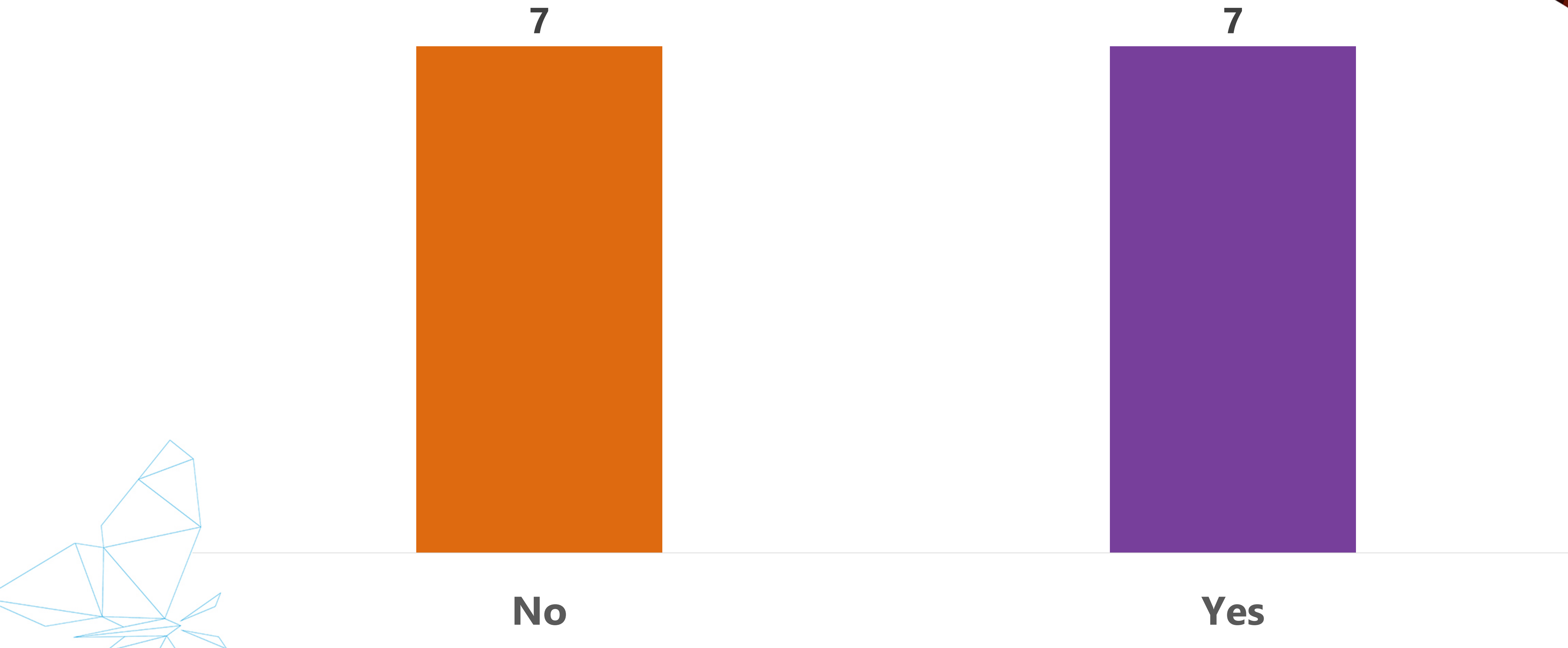
No



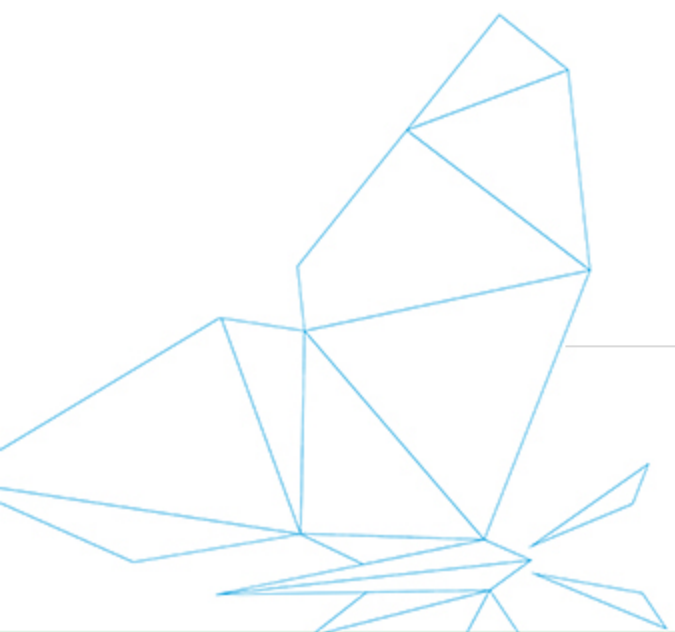
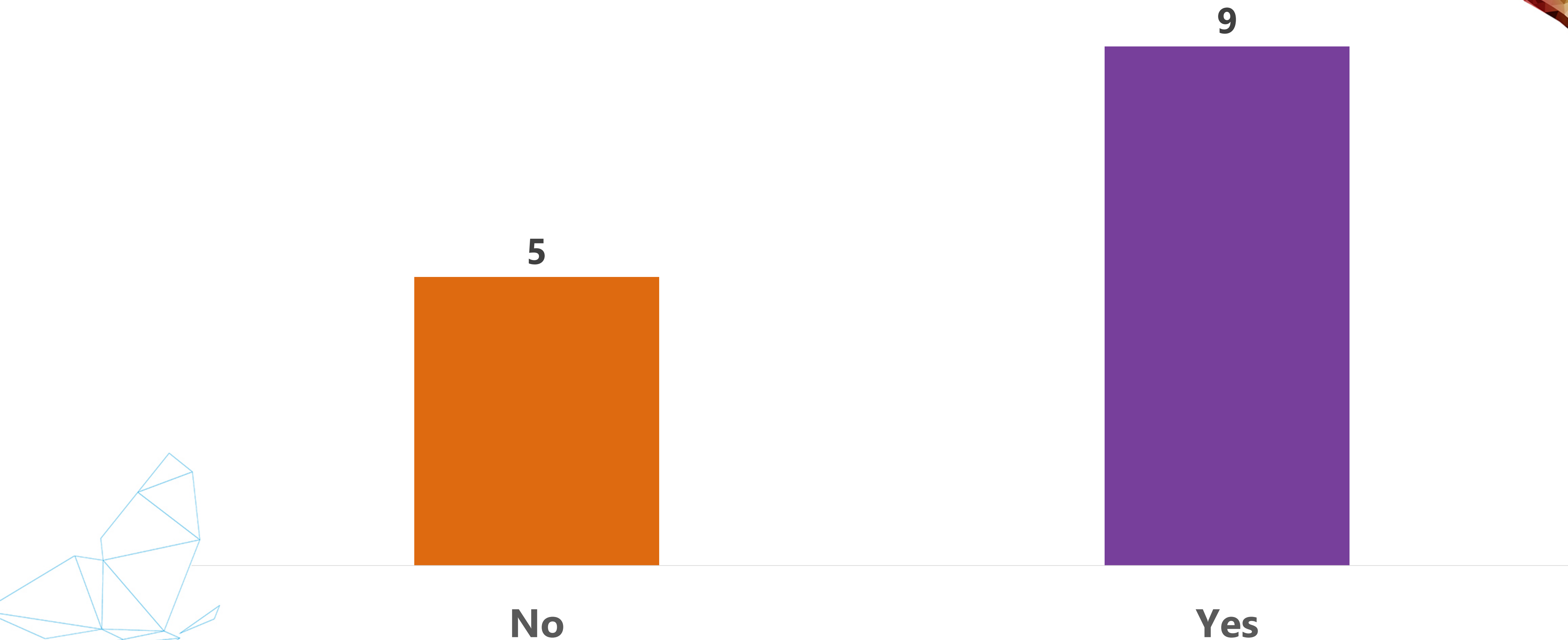
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If you are in a protected class, do you suspect you were given an opportunity because you belong to a protected class?



If you are in a protected class, do you suspect you were denied an opportunity because of your status?

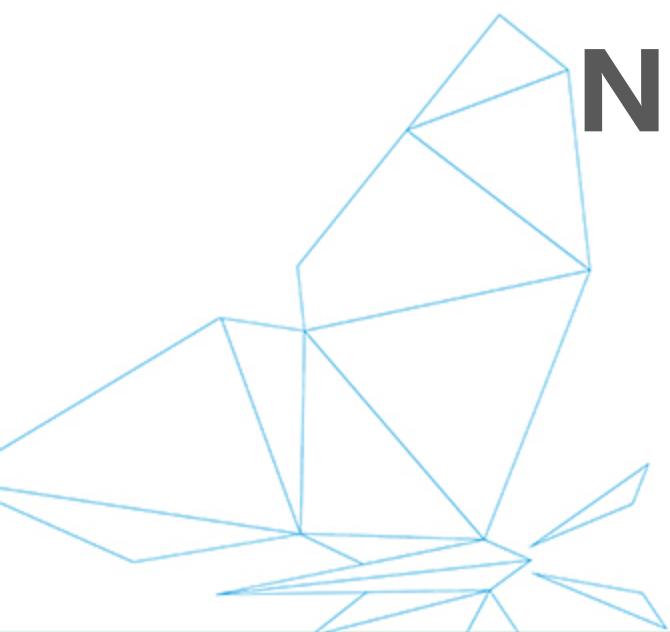


As a supervisor, have you denied an opportunity to an employee or applicant because of their protected class?

Yes 0

No

26



If you are an attorney, have you ever prosecuted or defended discrimination cases?

Yes

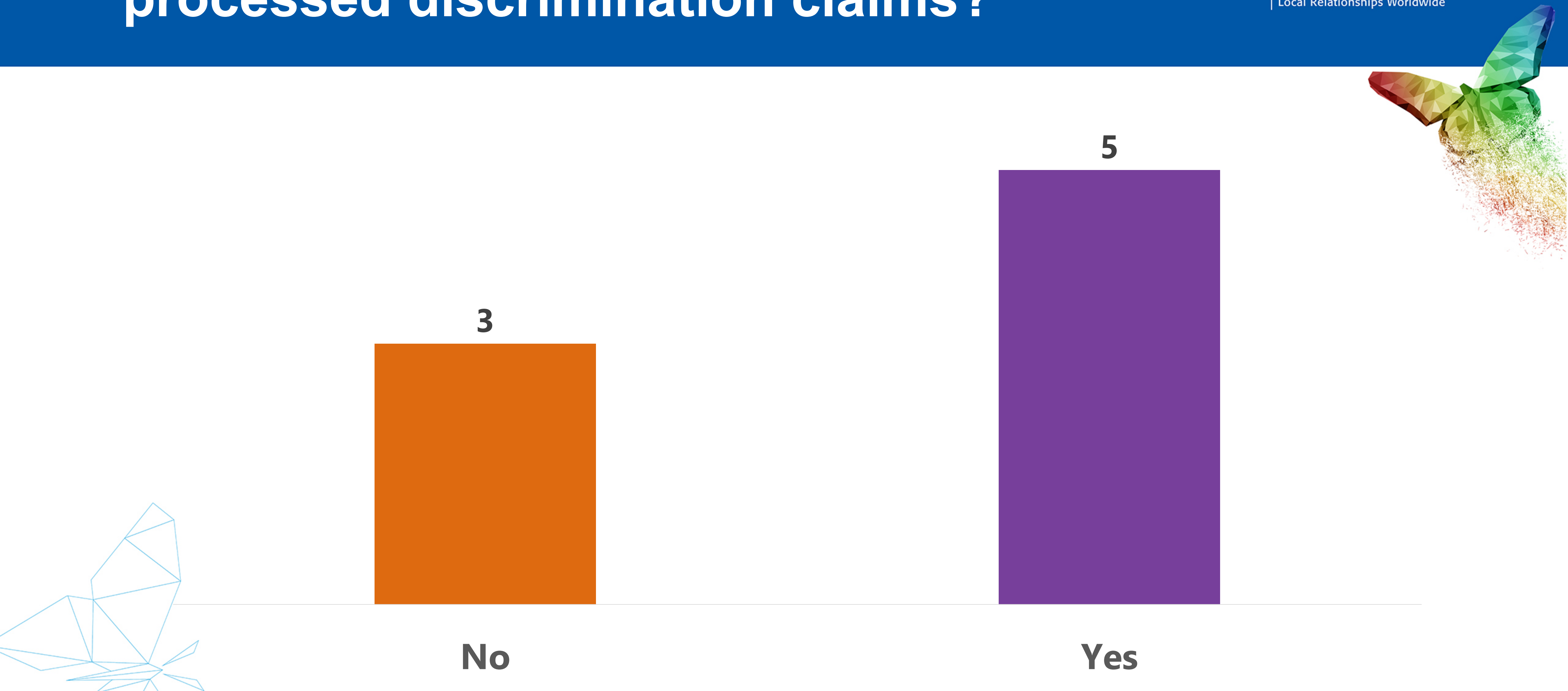
37

No

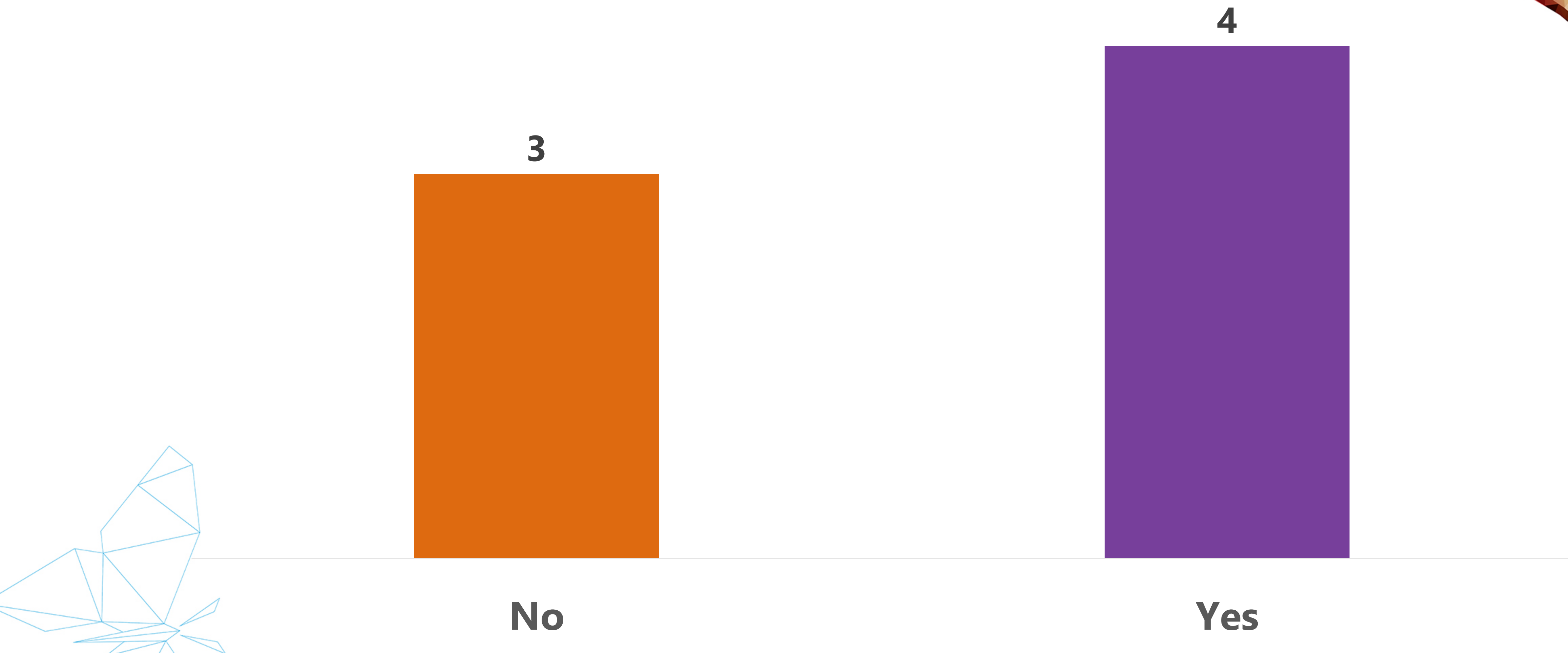
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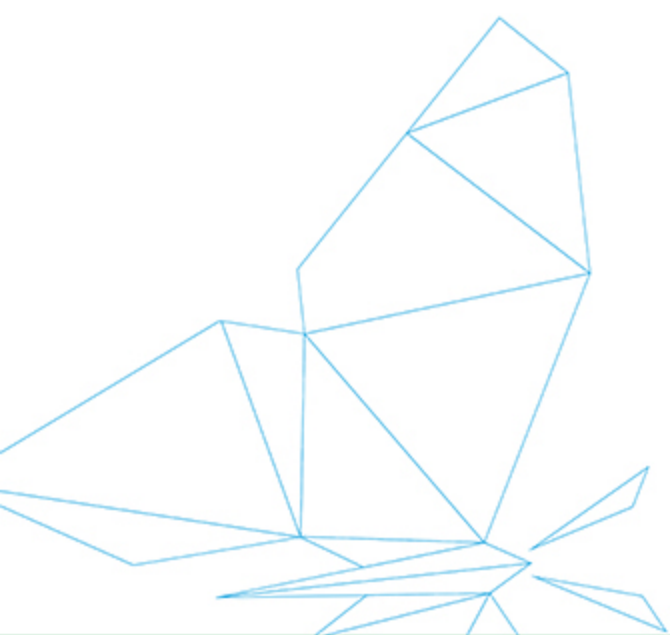


As an HR professional, have you processed discrimination claims?

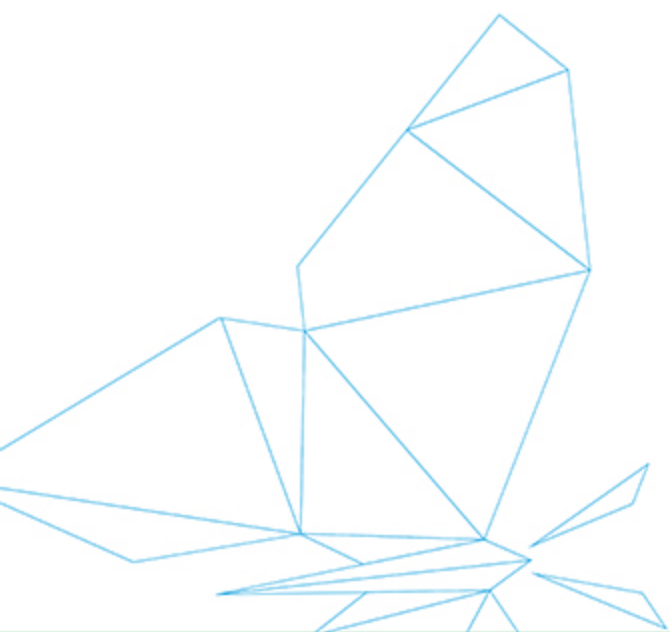
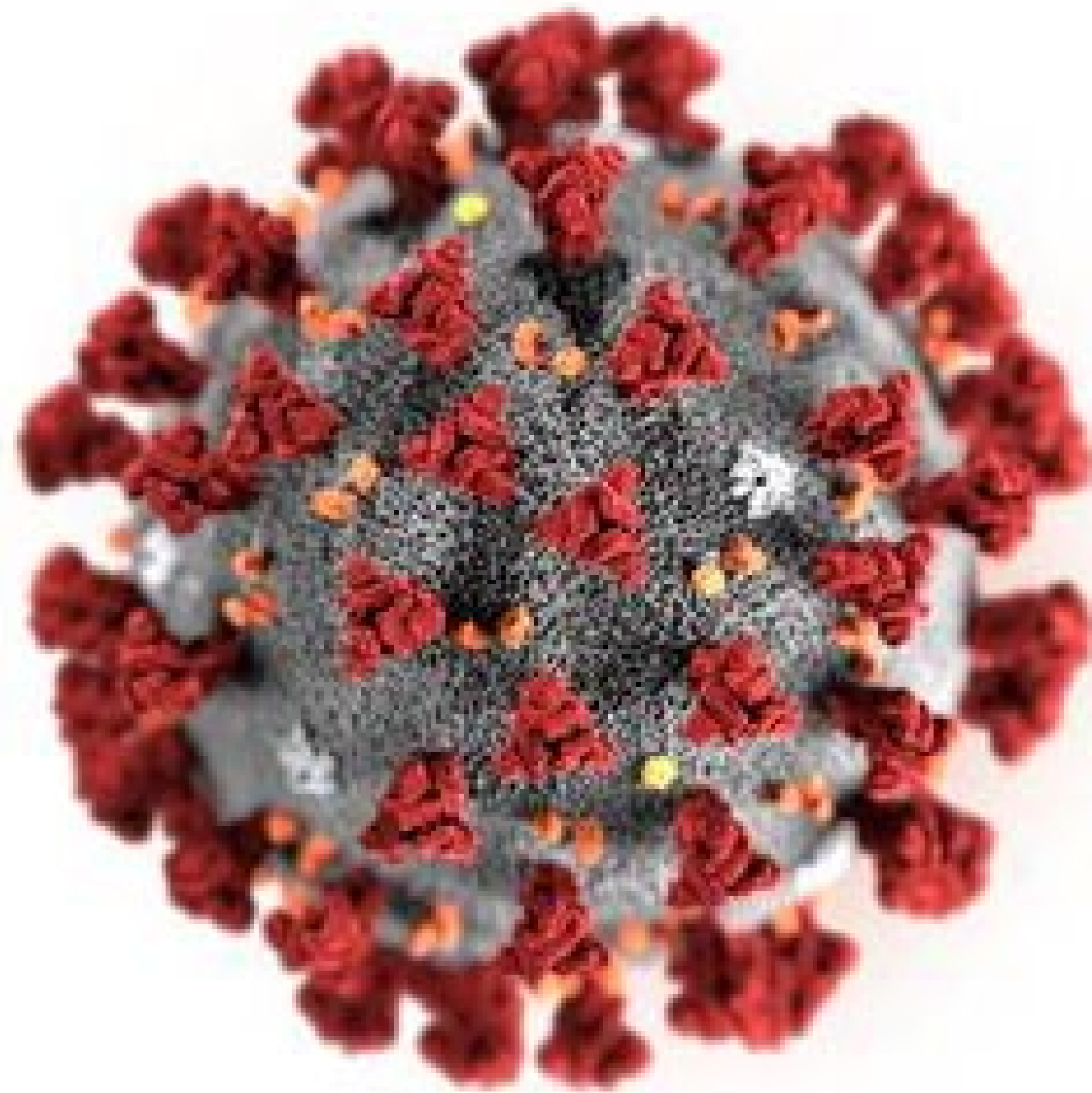


Has your company been sued for discrimination?



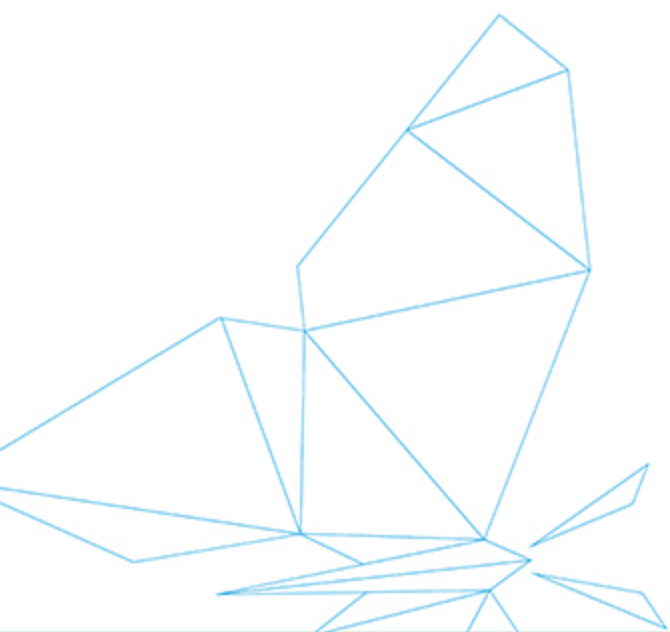


2020

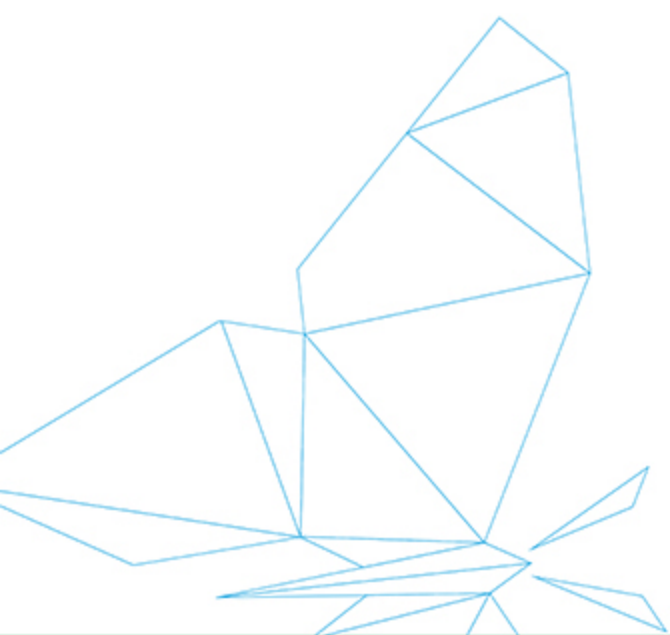


BLACK LIVES MATTER

- 96% acknowledge black people face discrimination
- 47% say systemic racism makes it difficult for black people to get ahead

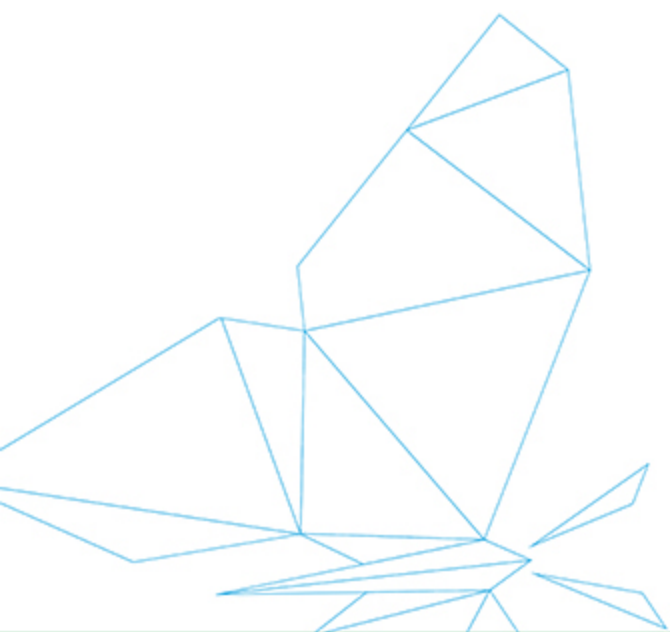


#BlackLivesMatter

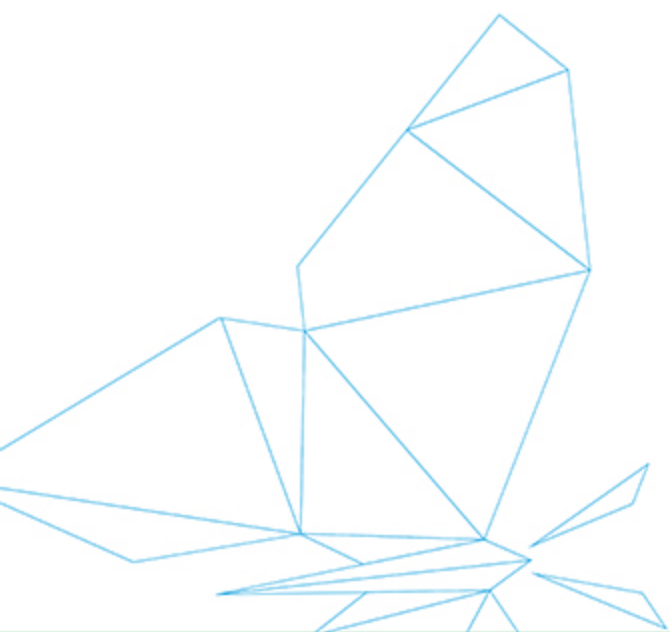


me too.

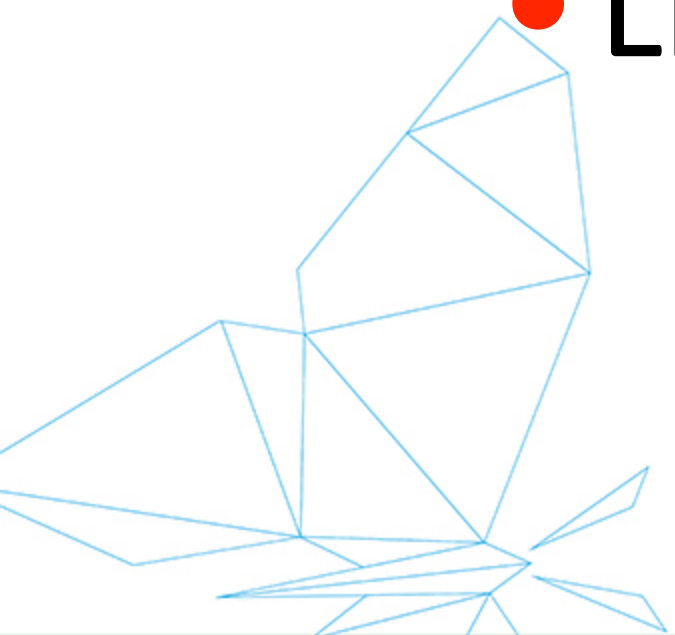
- 2006
- 2017
- 2020






me too.



- Civil Rights Act of 1964
- Age Discrimination in Employment Act (1967)
- Americans with Disabilities Act (1990)
- Civil Rights Act of 1991
- Family and Medical Leave Act (1993)
- ADA Amendments Act of 2008
- Lilly Ledbetter Fair Pay Act of 2009



me too.

- 
- 
- 
- “The system of addressing sexual harassment in the legal profession is ‘still broken’”.
 - “significant areas of bias remain.”

Is employment discrimination a serious social or political problem in your country or state?

Yes

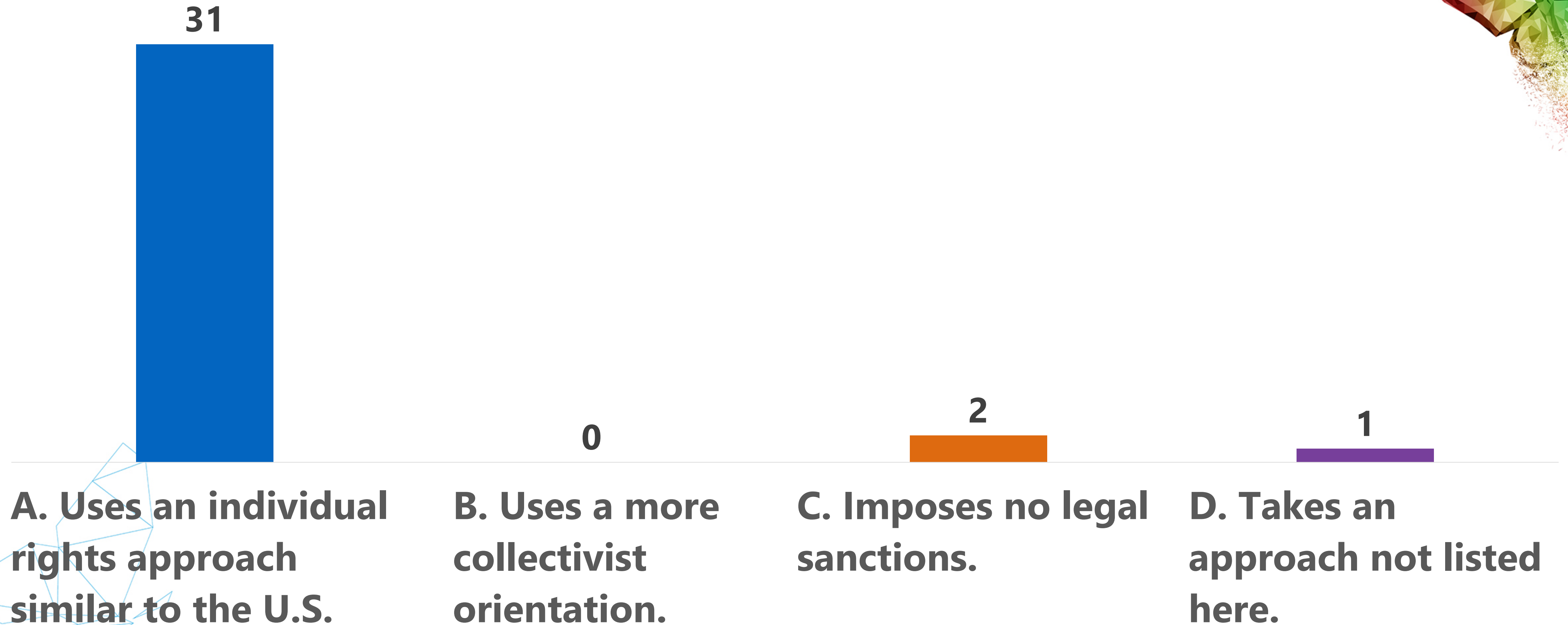
28

No

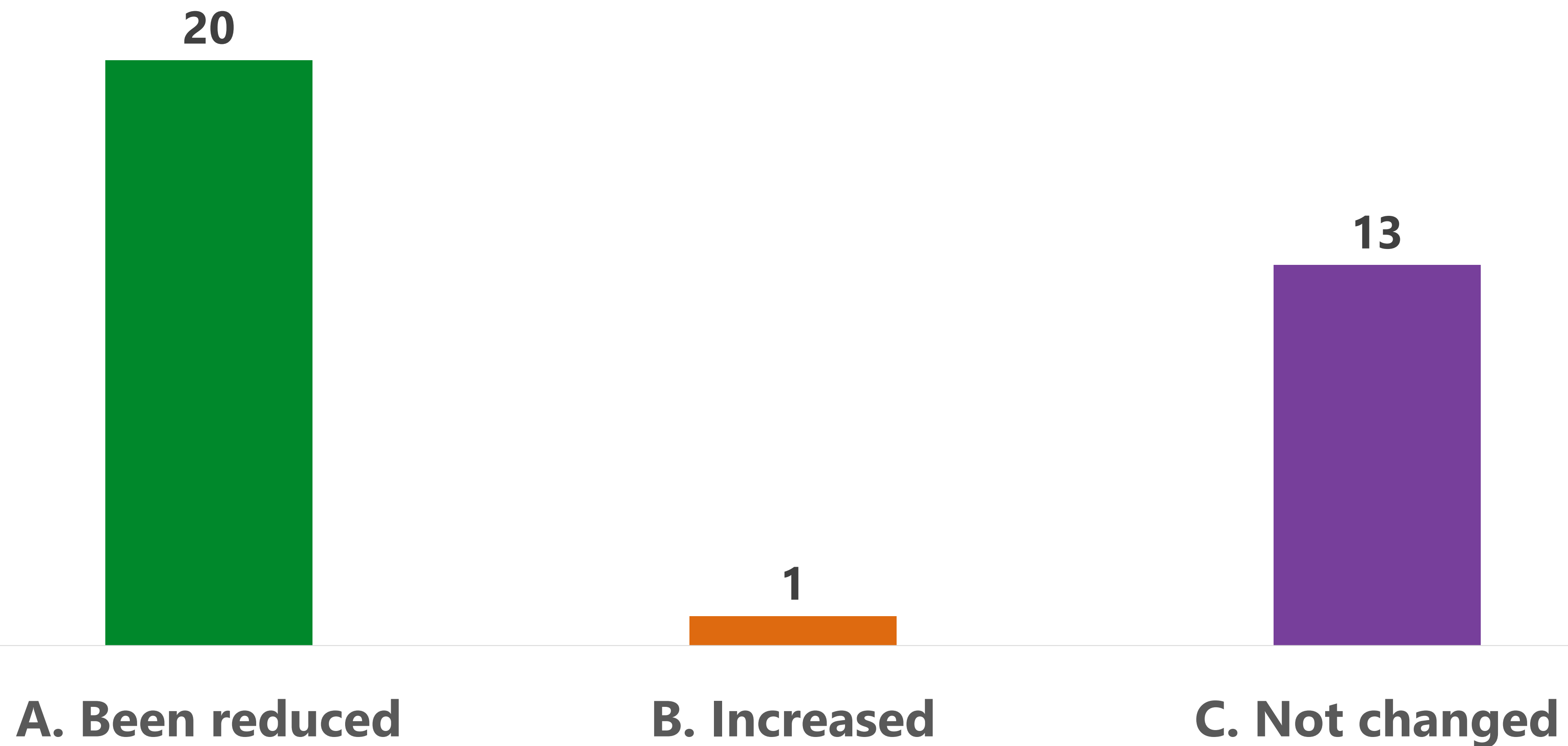
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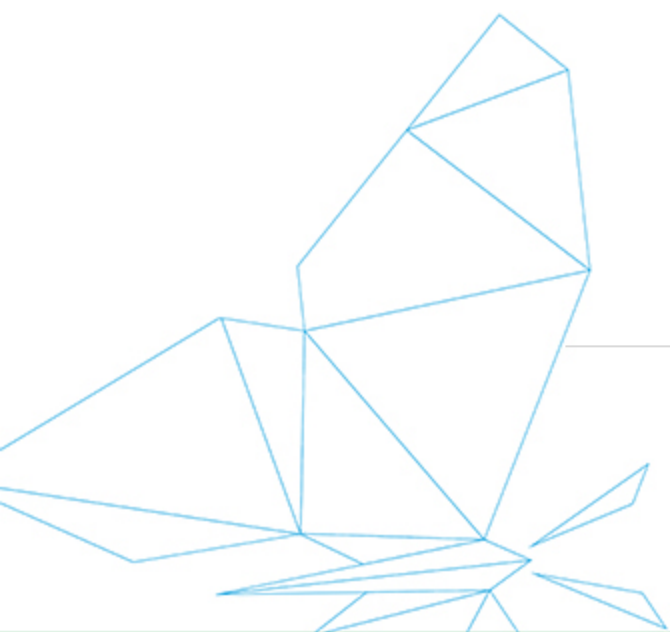
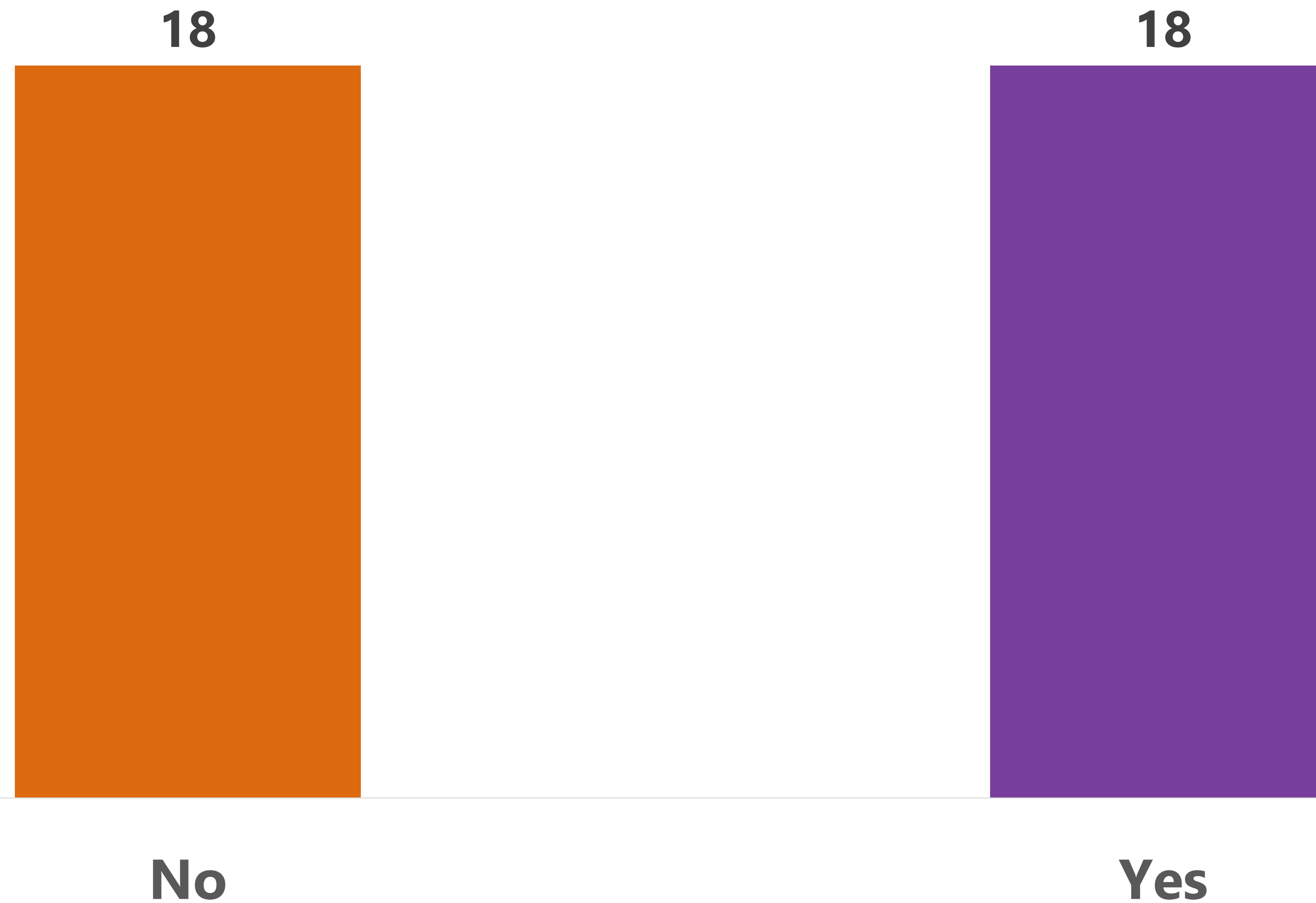
To address employment discrimination, my country:



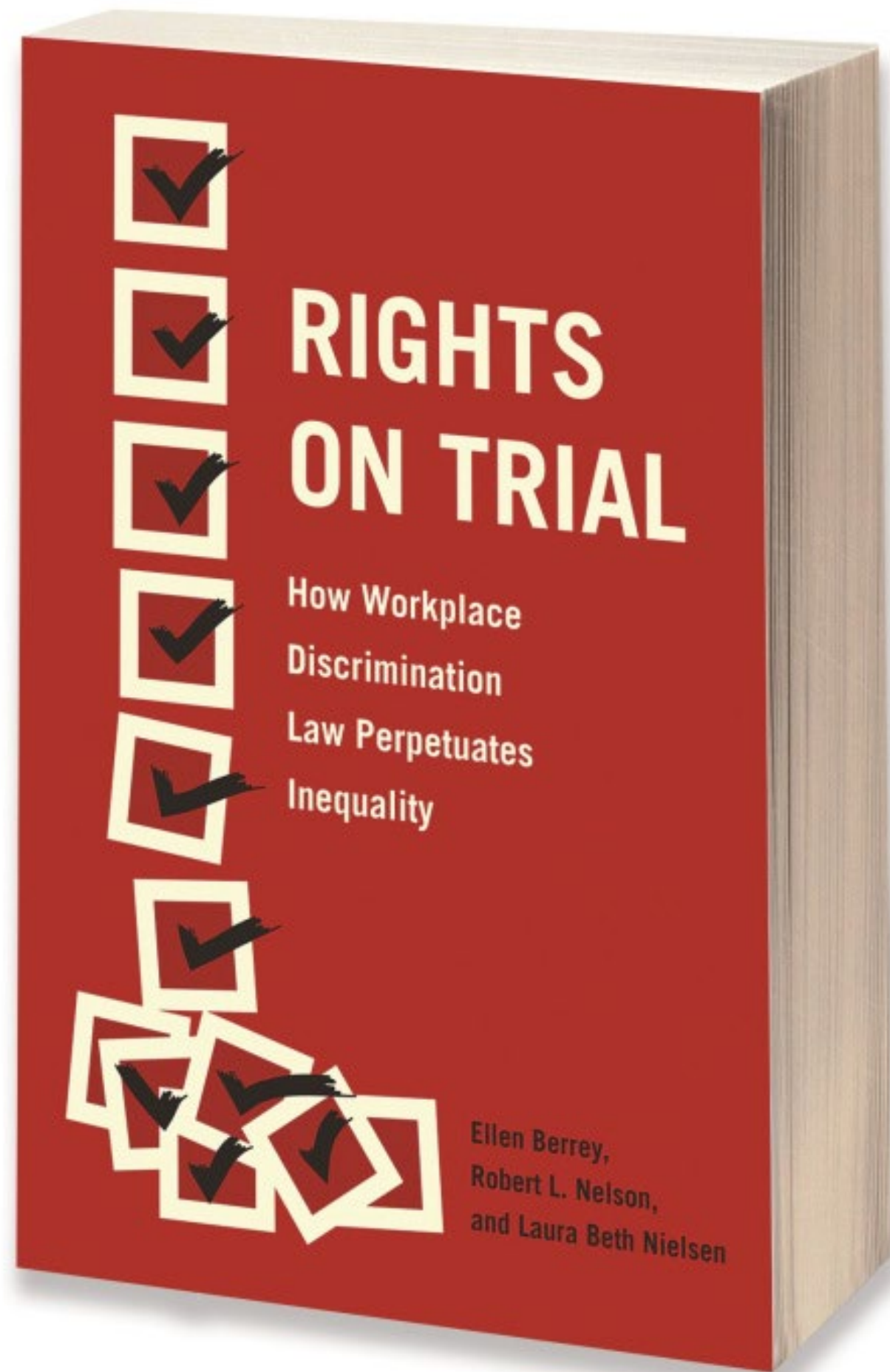
As a result of your country's current employment discrimination laws, do you believe workplace discrimination has:



Are your country's current employment discrimination laws an appropriate way to address the issue?



American Discrimination Law in Practice

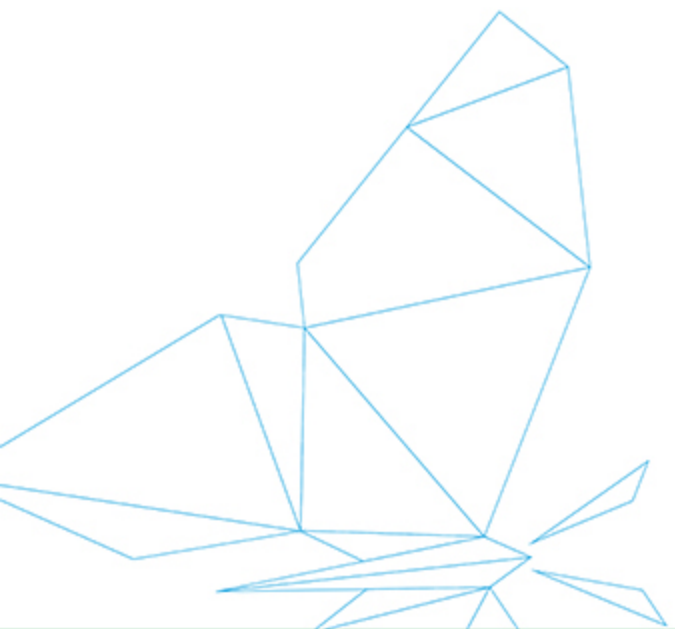


- Plaintiffs
- Defendant representatives
- Attorneys for plaintiffs
- Attorneys for defendants
- *Employee accused of discrimination*



Carl Harris, Claimant

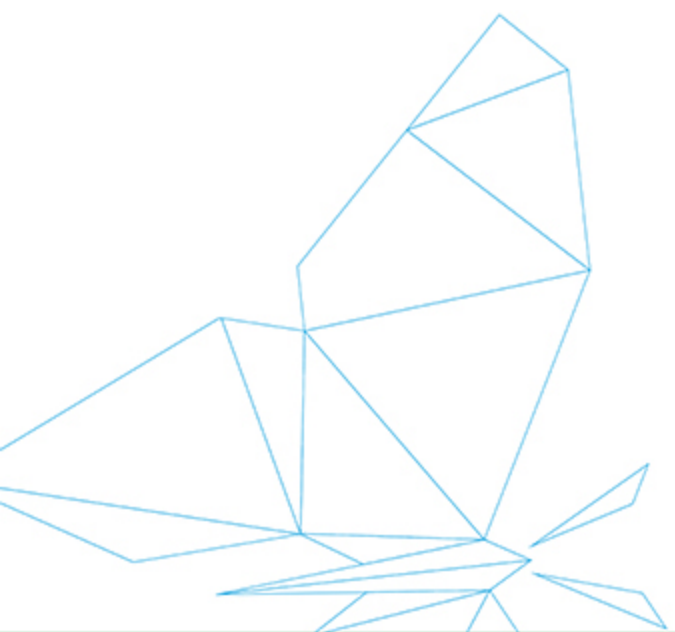
- Video of unidentified panel member (Schaun Henry)



Josephine Sharps, Attorney for Mr. Harris

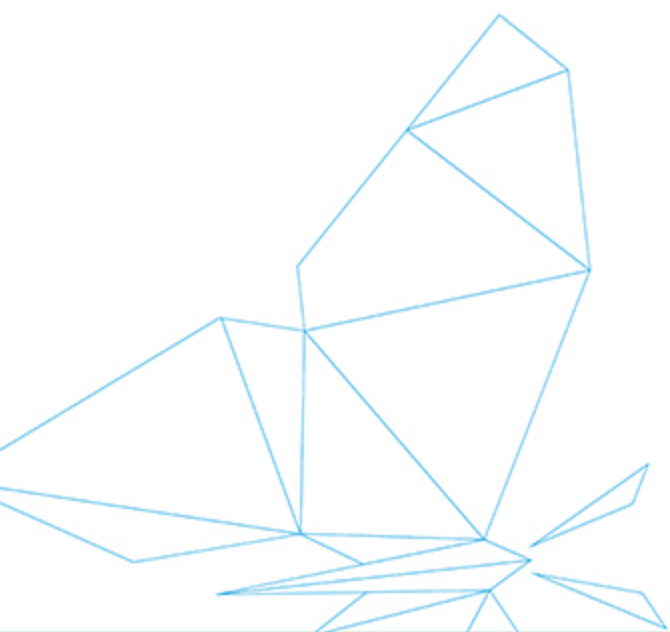


- Video of unidentified panel member (Jasmine Kingsley)



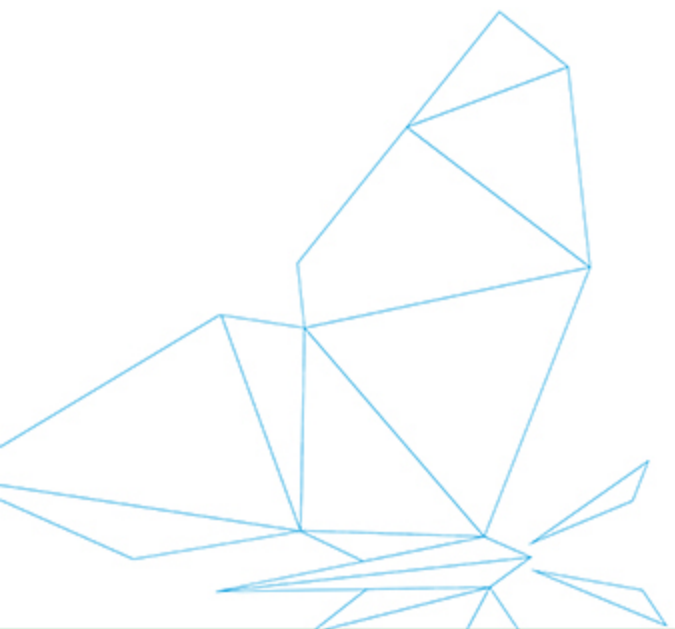
Lucinda Gregson, Human Resources Director at Big Corp.

- Video of unidentified panel member (Alicia Wilson)



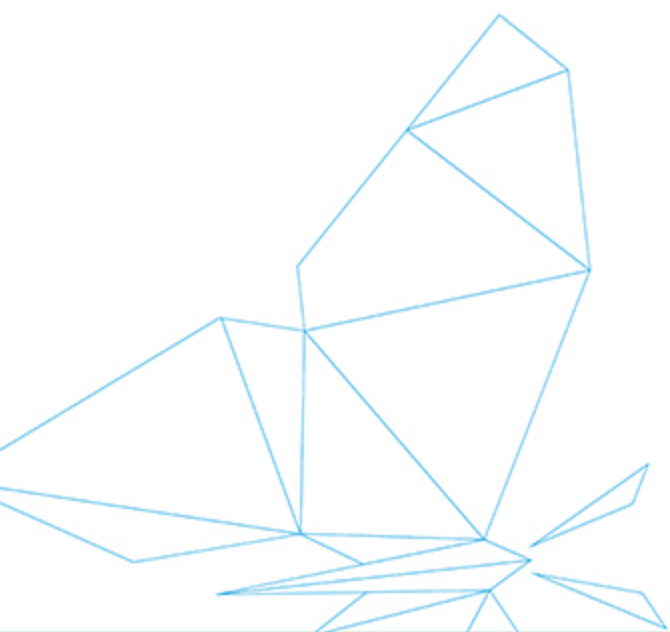
Carlos Alvarez, Attorney for Big Corp.

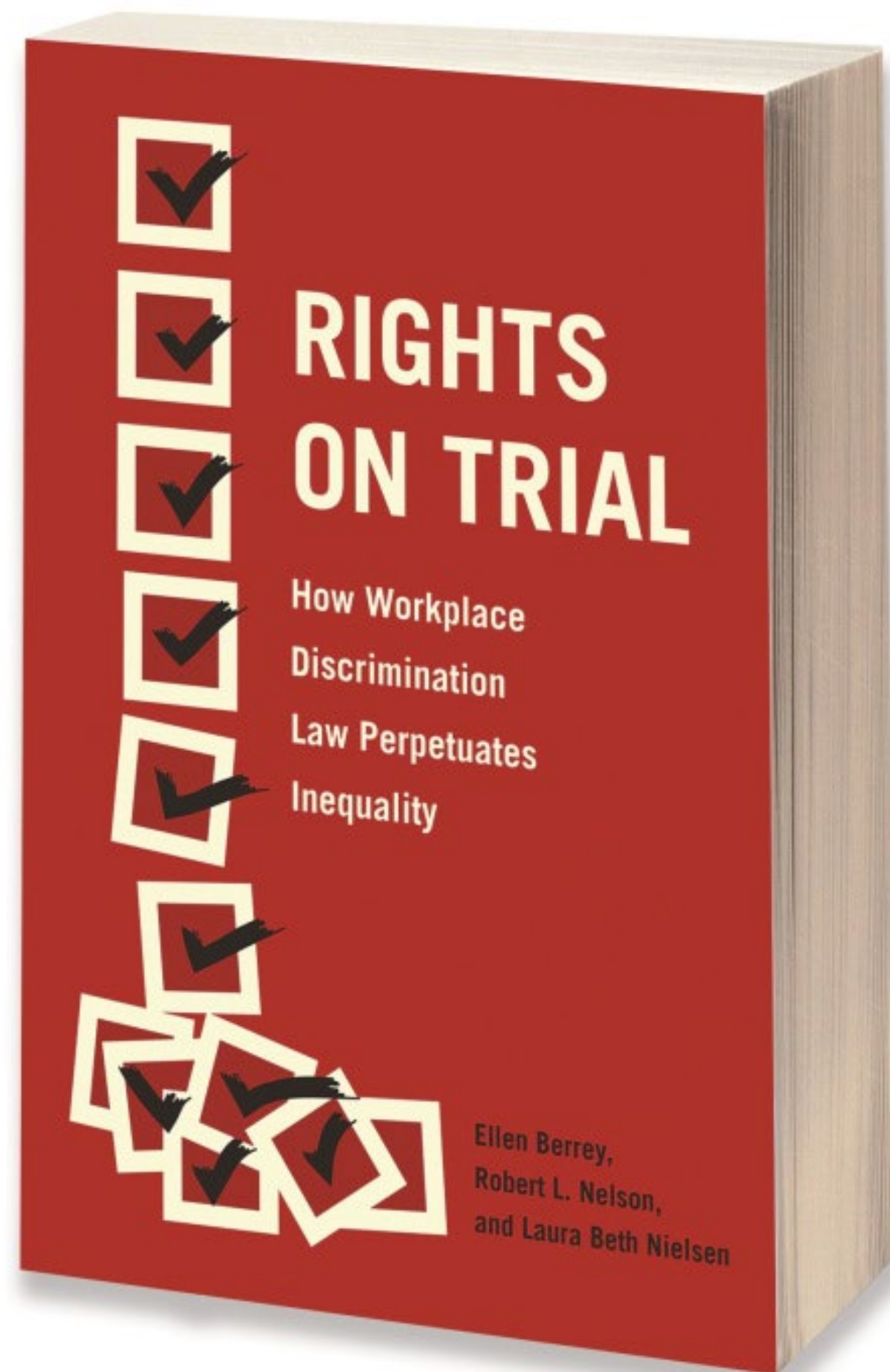
- Video of unidentified panel member (Ron Peppe)



Norbert Hodgkins, manager accused of harassing gay employee

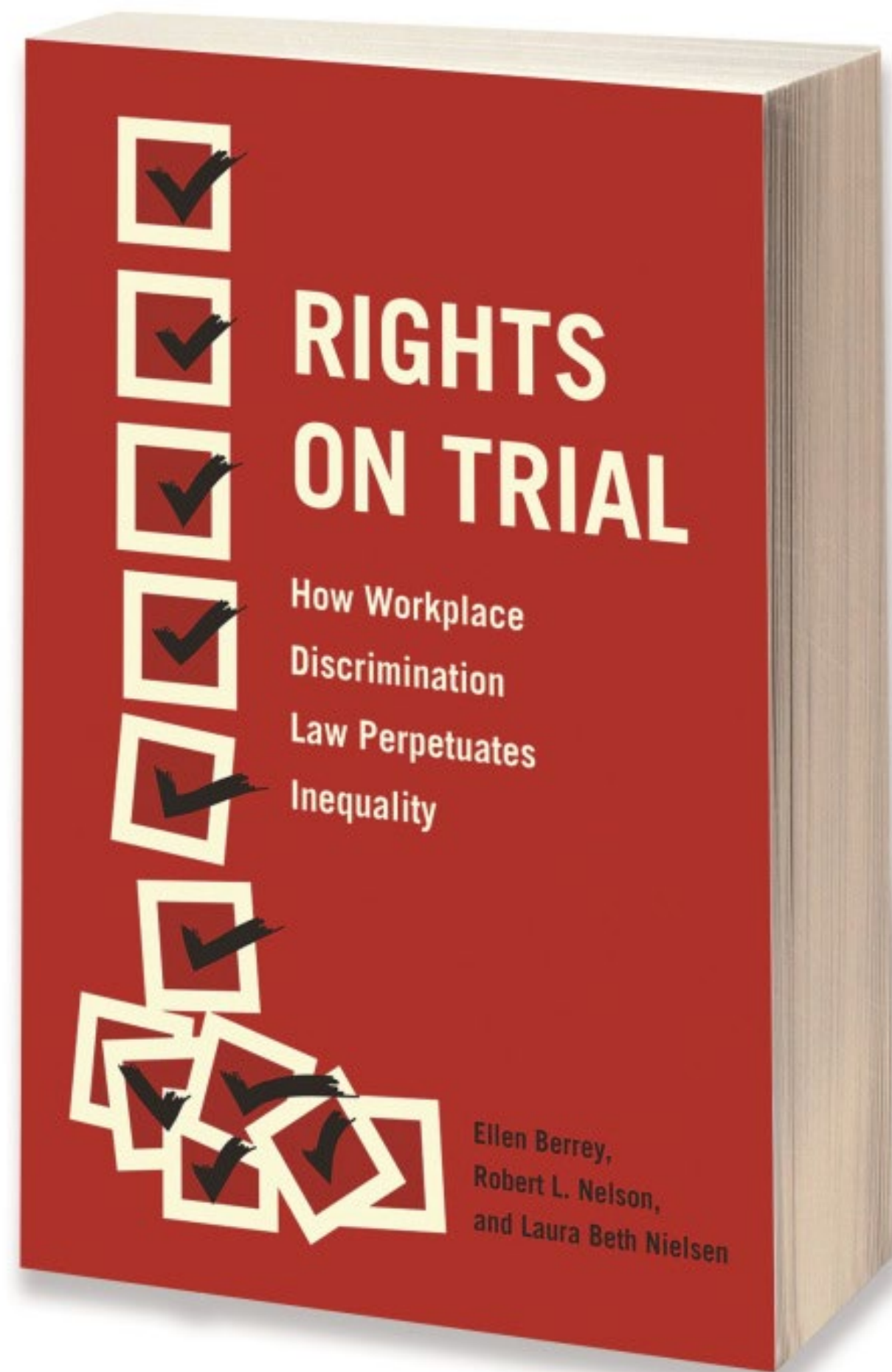
- Video of unidentified panel member (Gero Schneider)





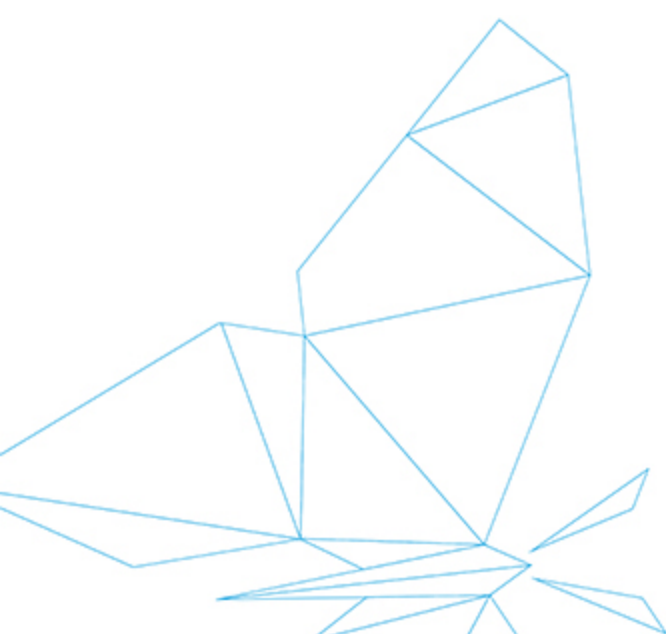
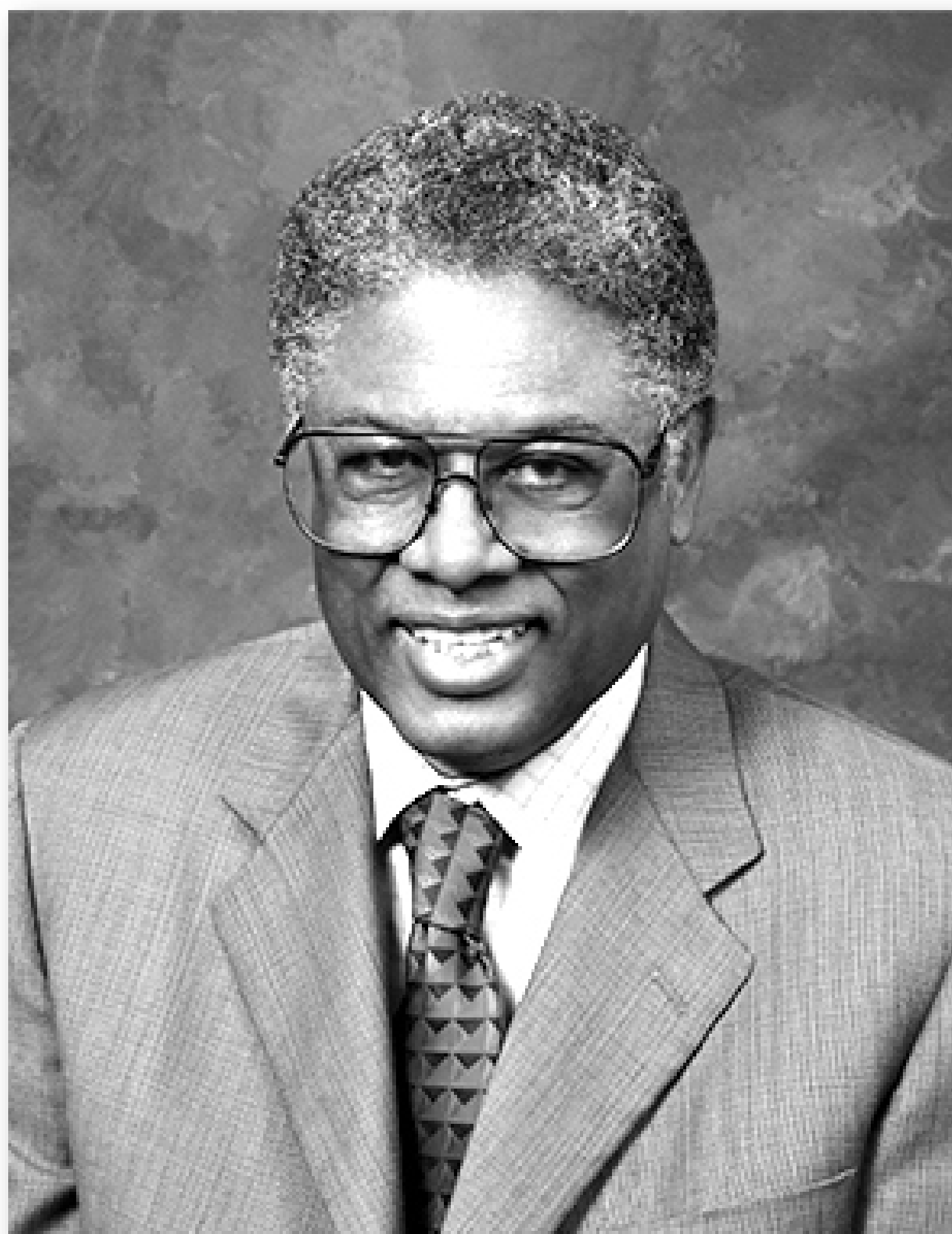
- “[W]hile rights play an important role motivating plaintiffs to pursue justice in court and in the responses of defendant employers to their claims, the law limits the realization of rights and **may even contribute to greater workplace inequality.**”





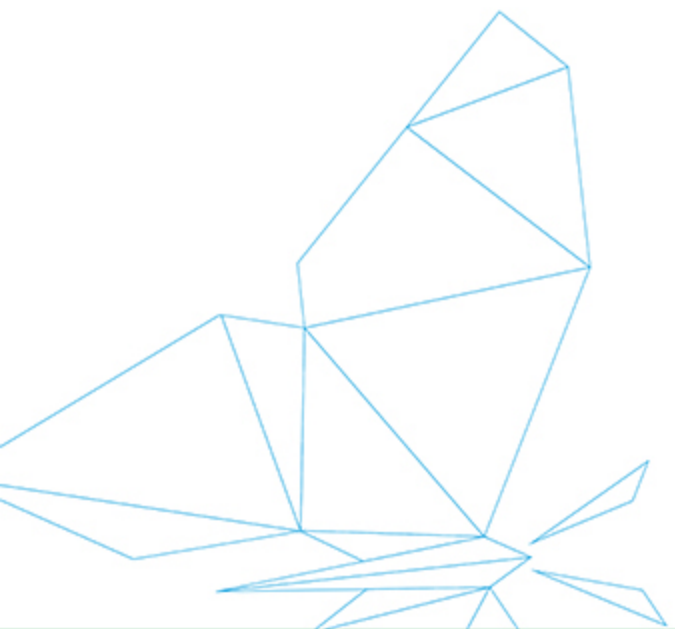
- “[T]he system may reinforce the very hierarchies it was intended to attack.”





How Do We Reduce Discrimination and Inequality?

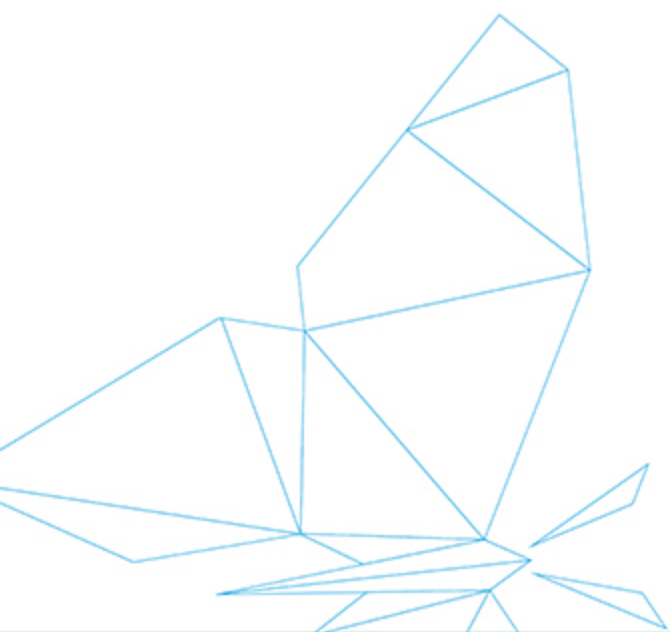
- *Rights on Trial* asks whether “the system is so flawed that it must be remade from scratch.”
 - The book never answers the question.
 - It mentions only one alternative – a more worker-friendly collectivist orientation adopted in other countries – and dismisses it because of “differences across national histories and national contexts”



How Do We Reduce Discrimination and Inequality?



- Dr. Steele says the best roadmap free markets and free individuals in a free society.
 - However, he also says freedom cannot be attained until “the Right” gives “clear and heartfelt witness to ... the alienation ... of those groups that have suffered America’s hypocrisy for generations.”

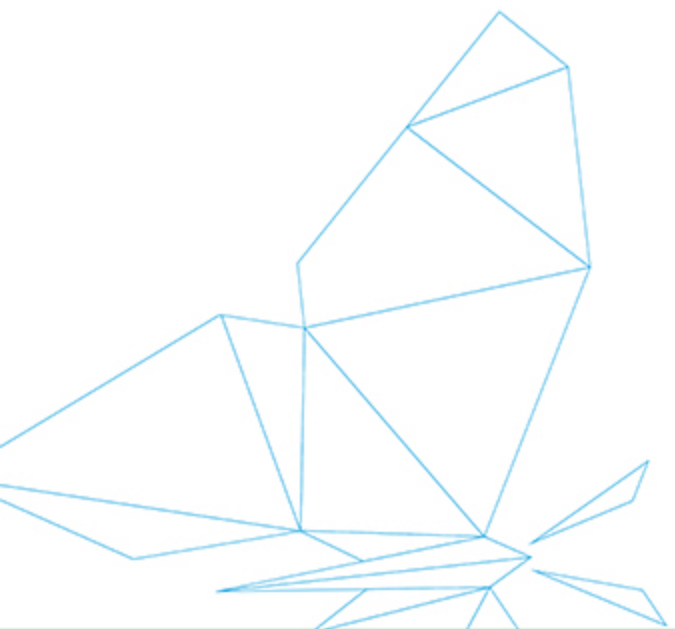


How Do We Reduce Discrimination and Inequality?



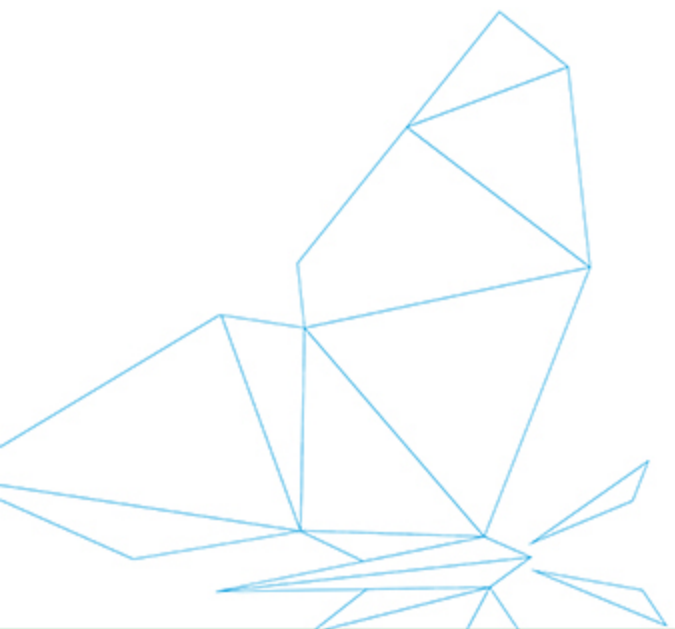
● SHAME!

- Steele's book "Shame" refers to "white guilt."
- *Rights on Trial* suggests few victims file claims because they have a sense of shame or perceive high interpersonal costs.



SHAME! Carl Harris, Claimant

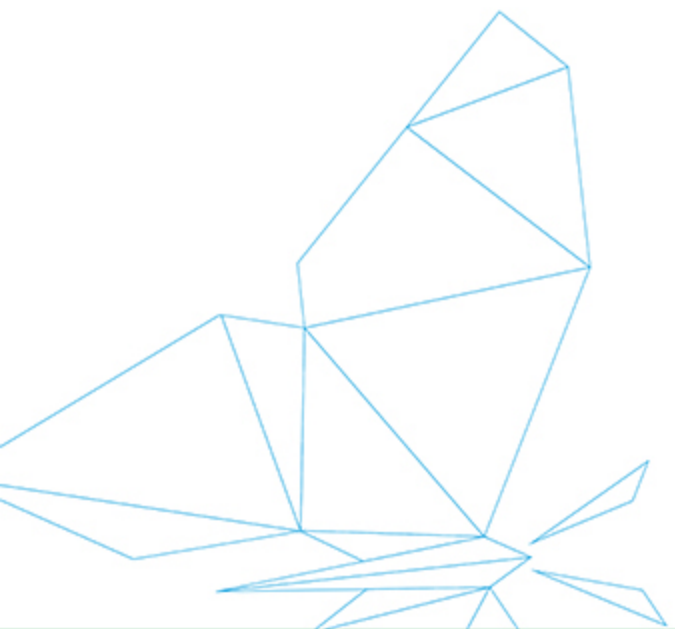
Video of Schaun (still not identified)



SHAME! Josephina Sharps, Claimant Attorney

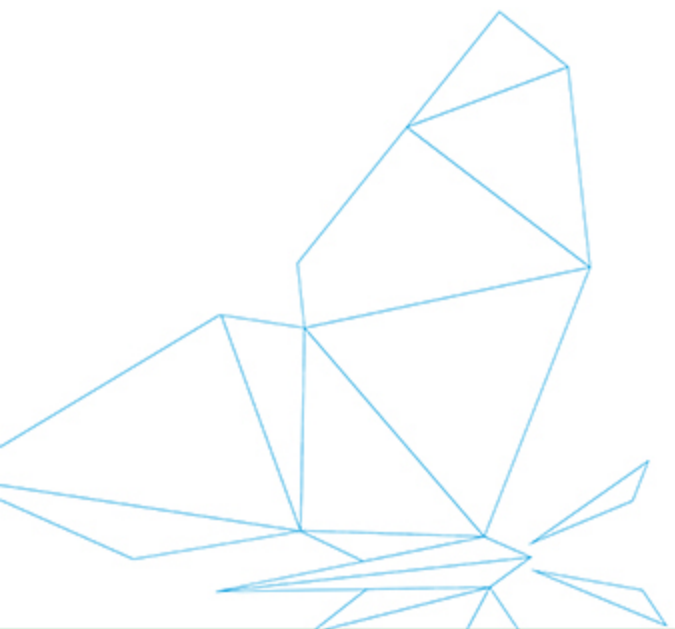


Video of Jasmine (not identified)



SHAME! Lucinda Gregson, HR Director

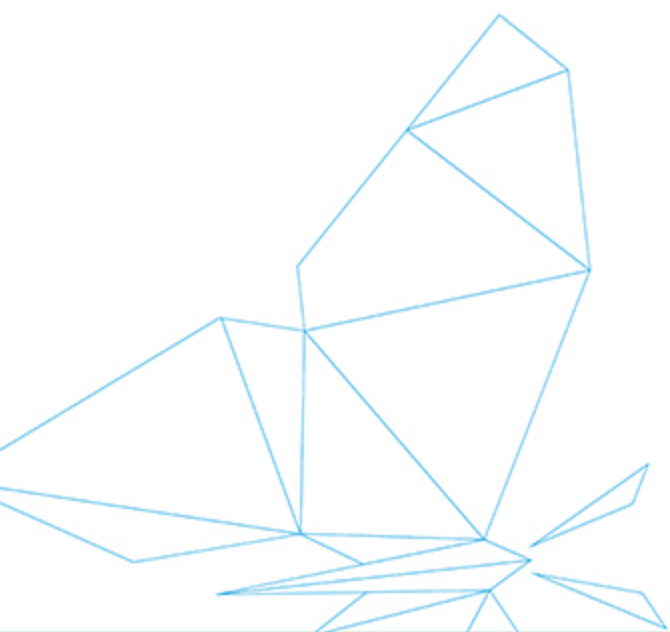
Video of Alicia (not identified)



SHAME! Carlos Alvarez, Big Corp. attorney



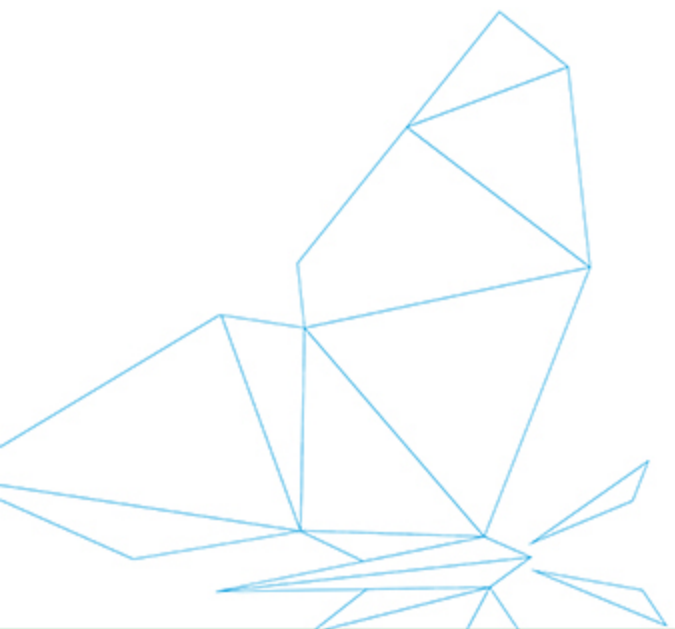
Video of Ron (not identified)



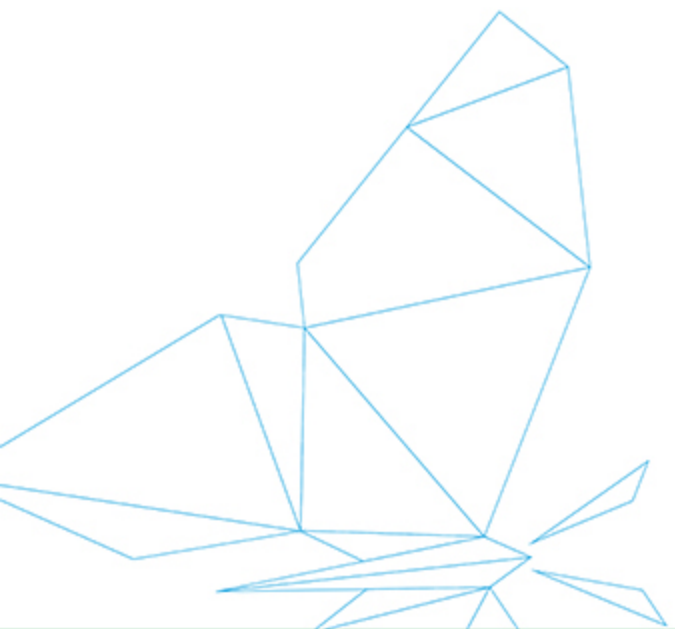
SHAME! Norbert Hodgkins – accused of harassment

ALFA International
The Global Legal Network
Local Relationships Worldwide

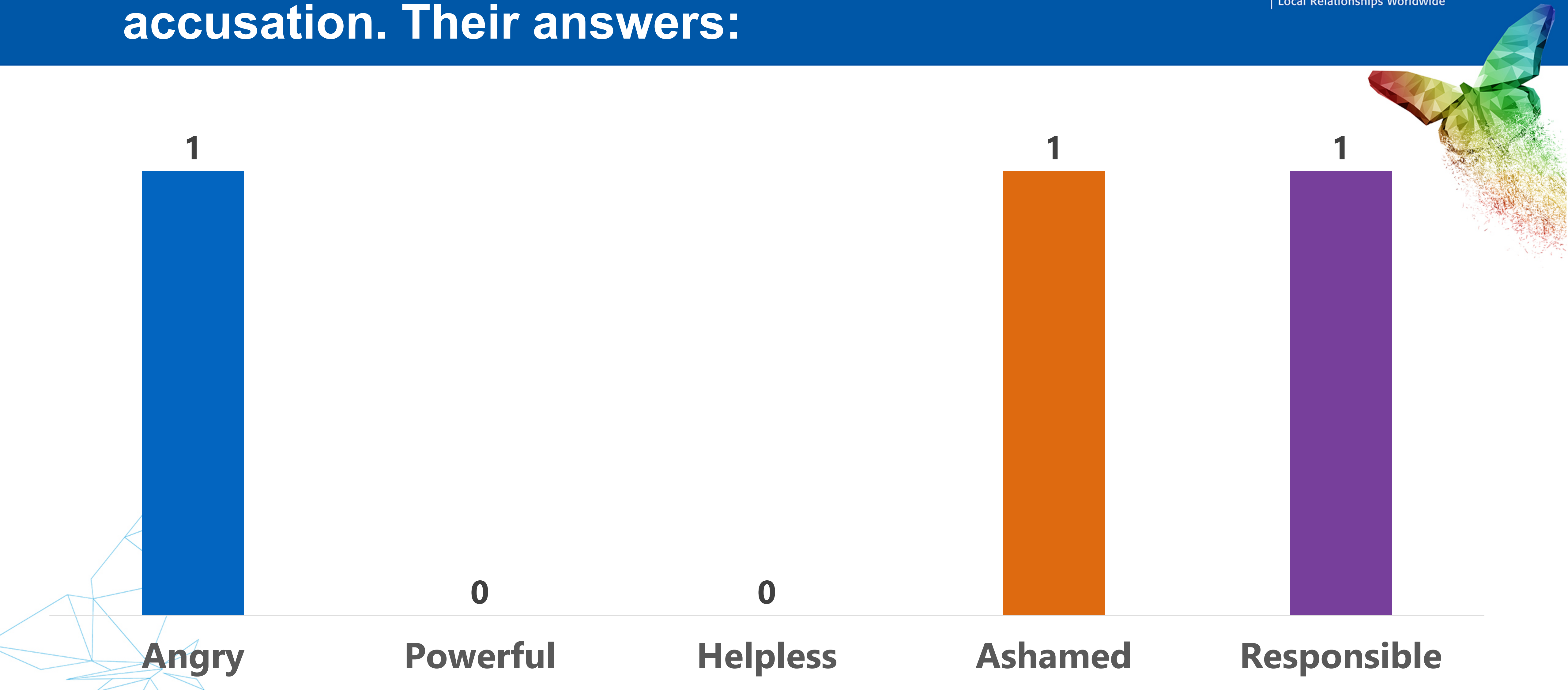
Video of Gero (not identified)



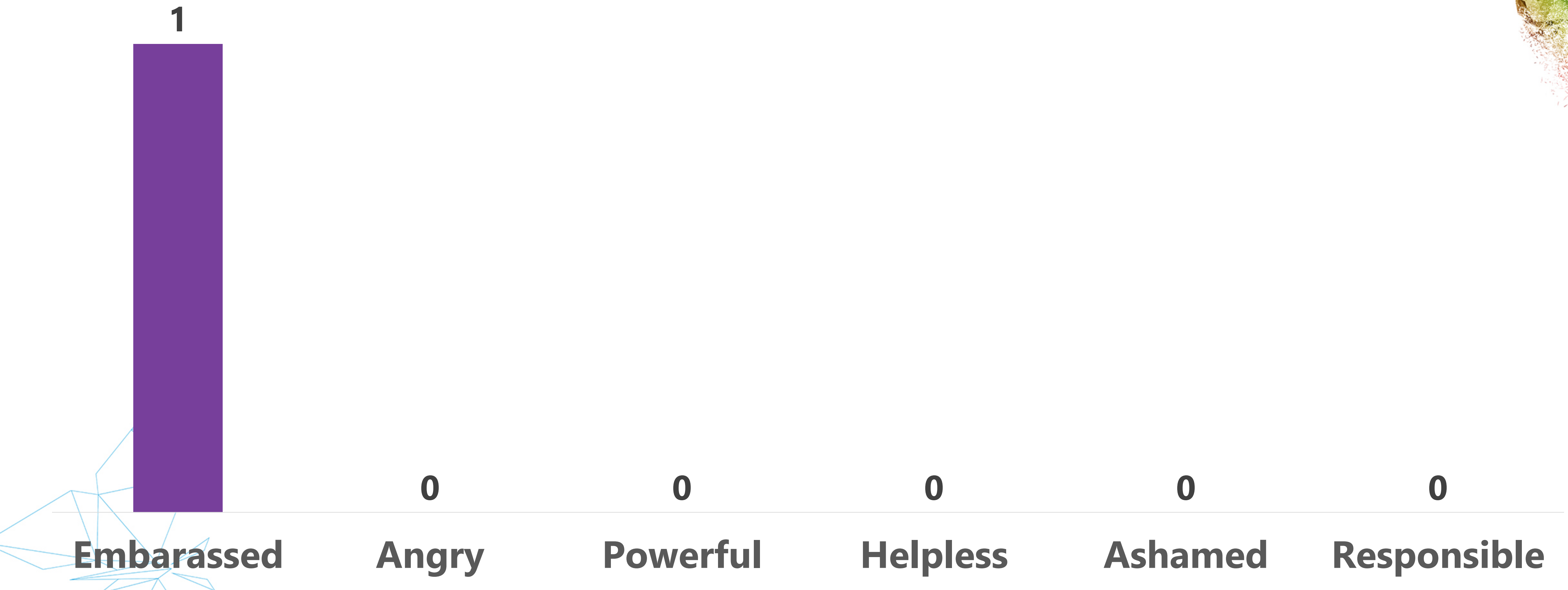
Shame!



Those who were accused of discrimination were asked how they felt when they learned of the accusation. Their answers:



Those who made complaints of discrimination were asked how they felt about it. Their answers:



Shame!

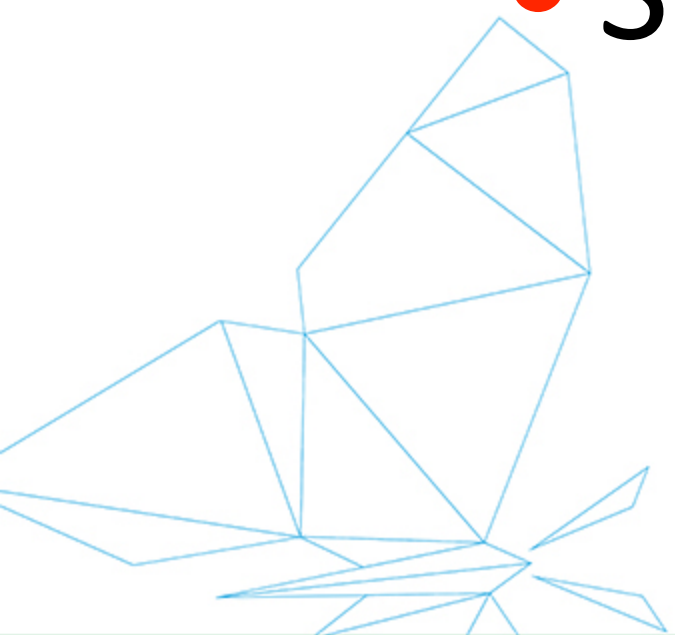


- Shame means “the intensely powerful feeling or experience of believing we are flawed and therefore unworthy of love, belonging, and connection.”



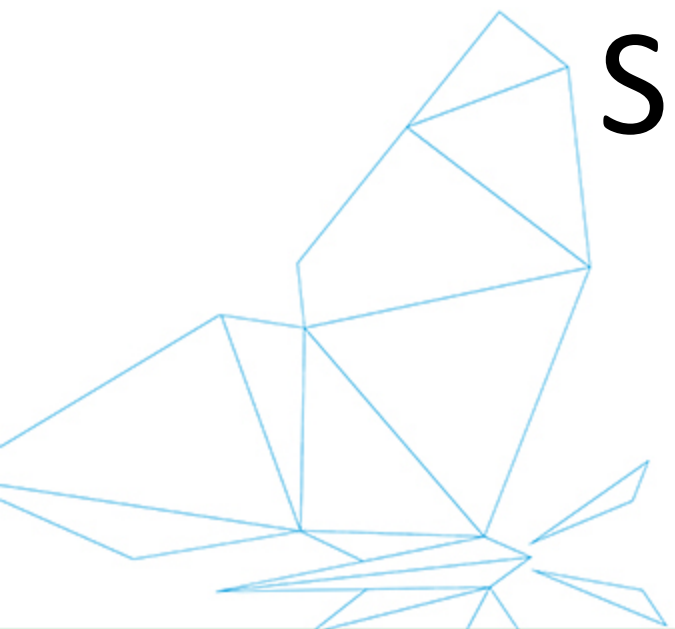
Shame!

- Shame is covering up a mistake at work and getting caught.
- Shame is getting a promotion, then getting demoted six months later because I wasn't succeeding.
- Shame is my boss calling me a loser in front of our colleagues.



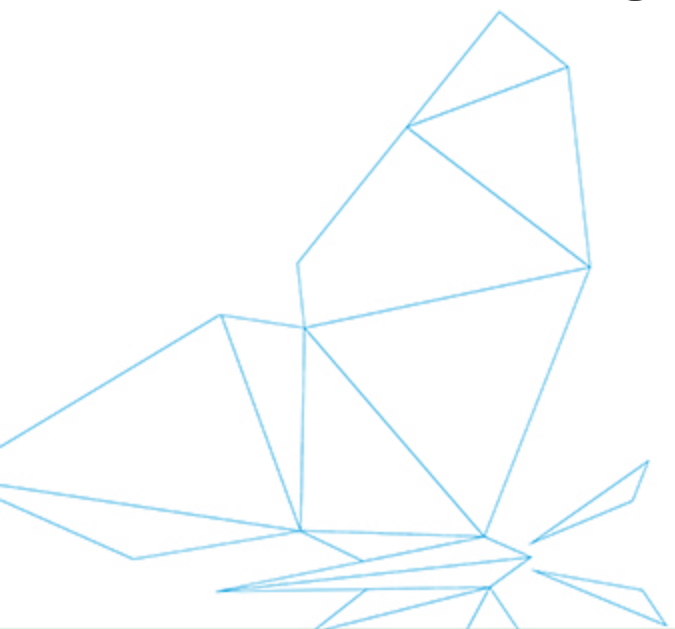
Shame!

- Shame is getting sexually harassed at work but being too afraid to say anything because he's the guy everyone loves.
- Shame is constantly being asked to speak on behalf of all Latinos in marketing meetings. I'm from Kansas. I don't even speak Spanish.

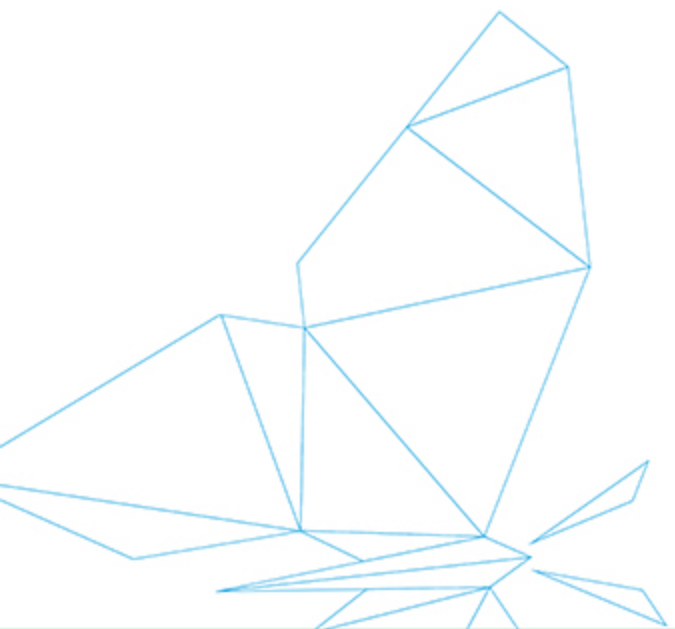


Shame!

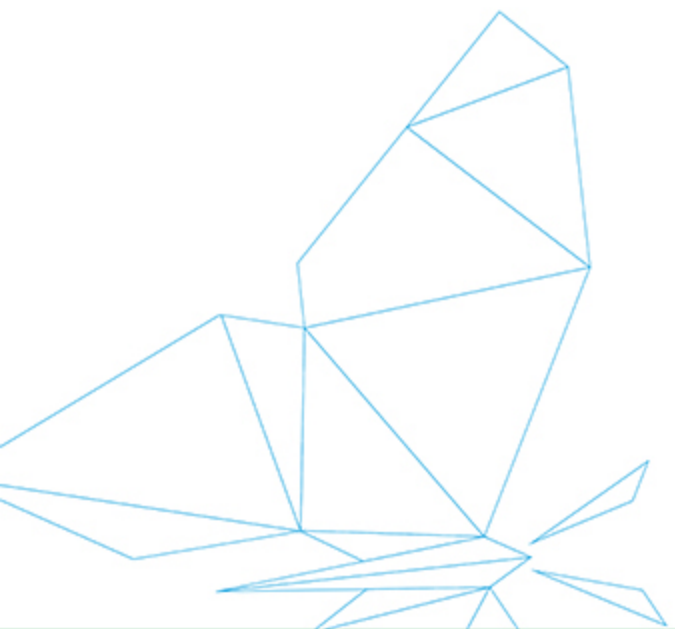
- Shame is being proud of a completed project, then being told it wasn't at all what my boss wanted or expected.
- Shame was my response to seeing my parents' shame when I came out.



Shame ≠ Guilt

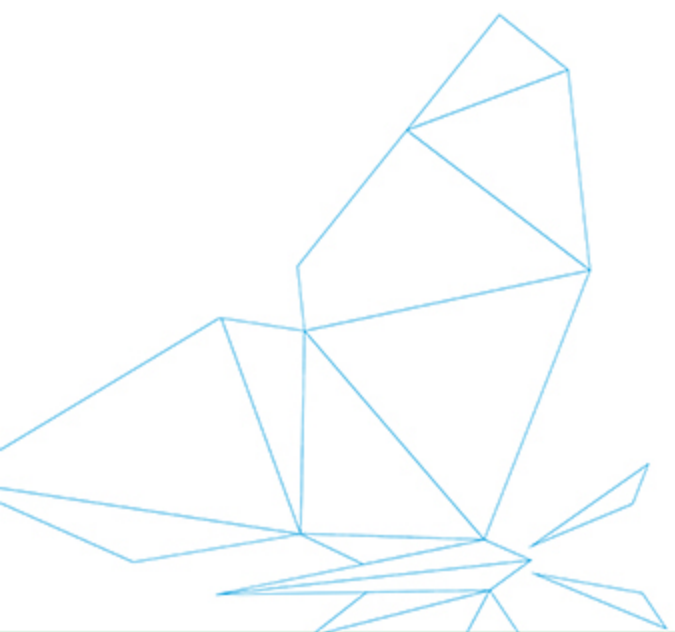


Shame = Pain

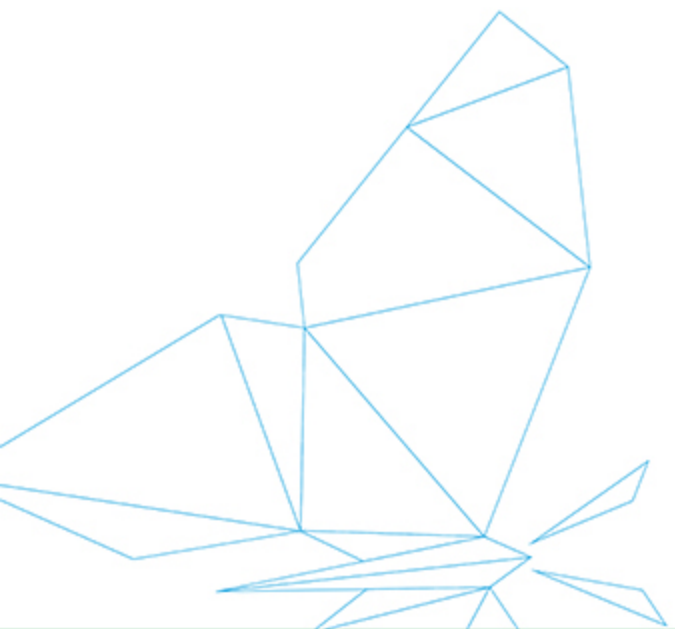




Shame drives destructive, hurtful,
immoral, and self-aggrandizing behavior



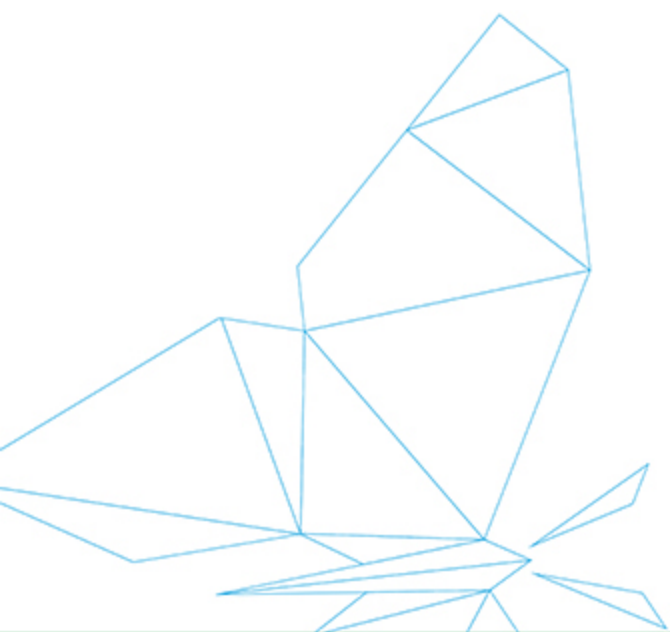
Shame < Empathy



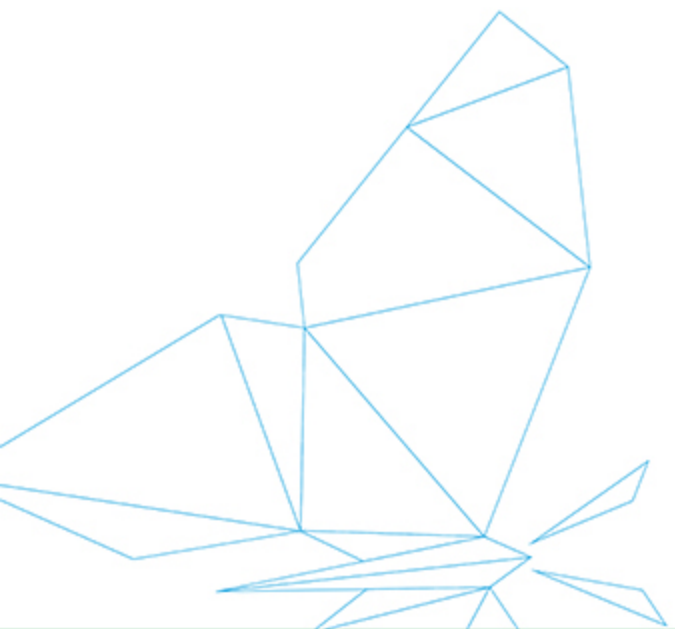
Live Polling Question

Do you think the civil rights laws in your country are:

- (1) effective in reducing discrimination and inequality and should be preserved;
- (2) not particularly effective but not likely to be changed or not worth changing;
- (3) counterproductive but impossible to change now;
- (4) counterproductive and should be repealed.

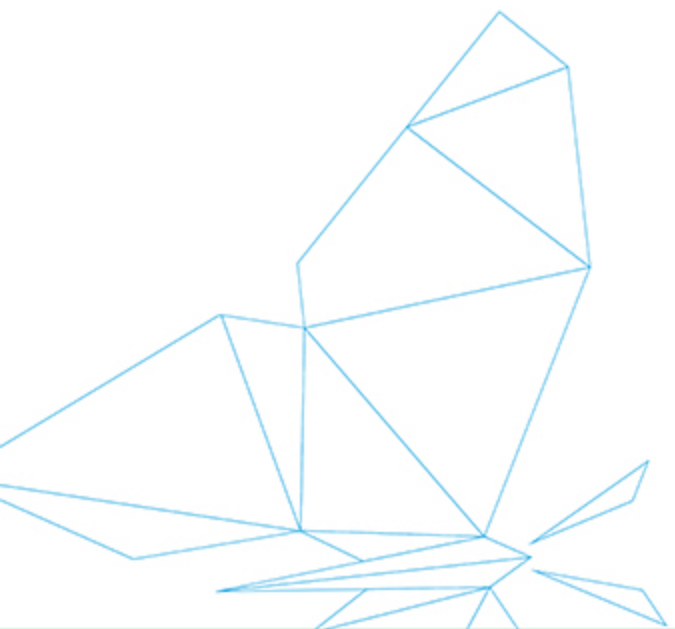


- Video showing six members of the panel.





Please join us in the Chat Room



My firm or company has adopted a formal policy that forbids employment discrimination

Yes

32

No

2



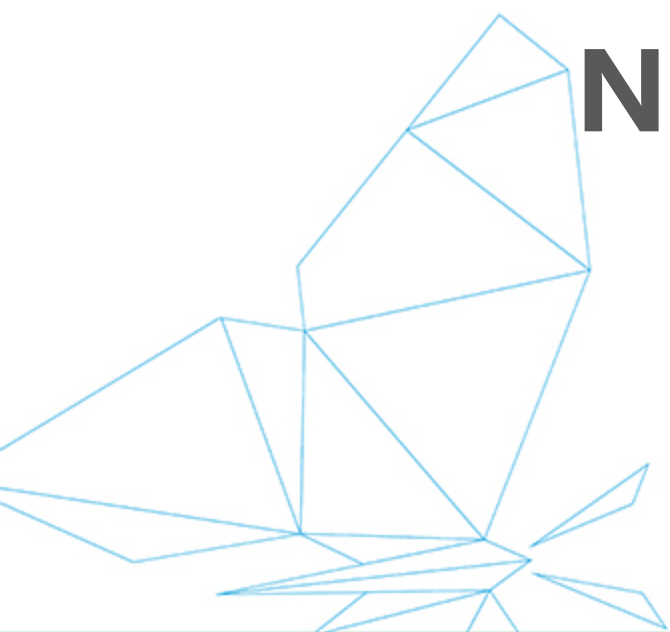
An employee of my firm or company can be fired for discriminatory conduct

Yes

32

No

2



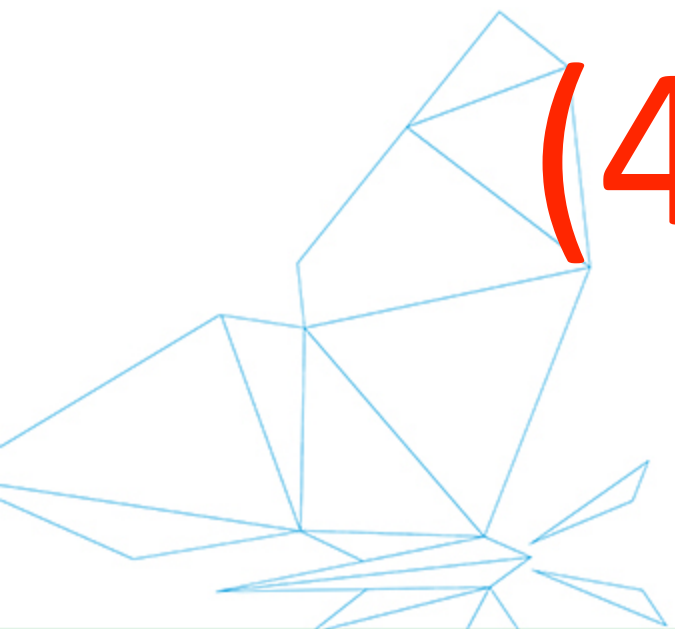
Live Polling Question

Do you think anti-discrimination training is:

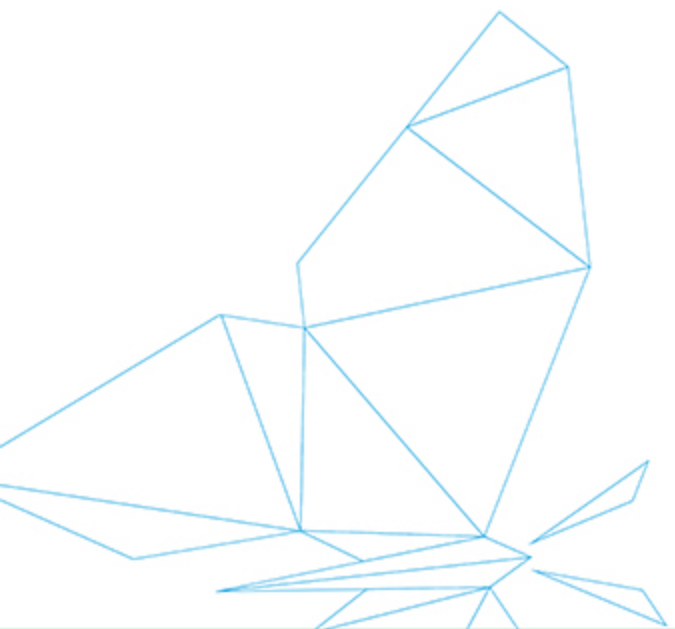
(1) worthwhile and should be continued;
(2) of enough value that it should be used in
some circumstances;

(3) of no value other than conveying a
commitment against discrimination;

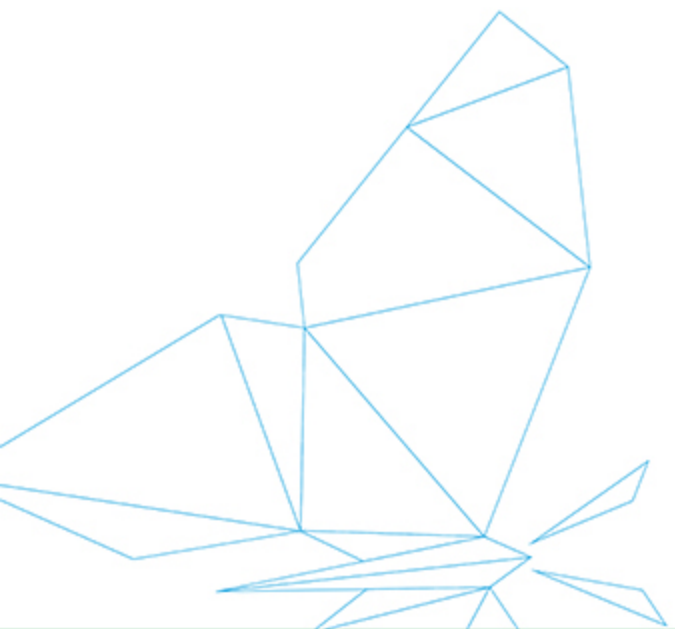
(4) counterproductive and should be scrapped.



- Back to video of six members of the panel



- Back to video of six members of the panel





Please join us in the Chat Room

