



2023 Labor & Employment Practice Group Seminar

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For Real, Where Are You From (And How Did You
Wind Up In This Breakout Session)?

Microaggressions in the Workplace and the Courtroom

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Microaggressions – What are they?



The term “microaggression” originated in the late 1960s with Harvard University professor Chester Pierce who coined the term to describe the way in which he routinely saw non-black Americans insult, dismiss, and mistreat black Americans.ⁱ The meaning of the word has broadened over time, as noted in the definition for the term given by Dr. Derald Wing Sue from Columbia University: “[m]icroaggressions are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership.”ⁱⁱ Wing added that “[i]n many cases, these hidden messages may invalidate the group identity or experiential reality of target persons, demean them on a personal or group level, communicate they are lesser human beings, suggest they do not belong with the majority group, threaten and intimidate, or relegate them to inferior status and treatment.”ⁱⁱⁱ

Microaggressions – What types of microaggressions are there?

1. Microassaults

Microassaults are explicit derogatory comments made and actions taken with the specific intent to hurt or harm another. Examples of microassaults include addressing an African American person with the “N” word, telling an Asian American to “go home,” or wearing clothes that have a Swastika on them.

2. Microinsults

Microinsults are more subtle than microassaults and convey rudeness and insensitivity towards another’s race, gender, sexual orientation, heritage, or identity. These comments and actions are often unconscious. Examples of microinsults include telling an African American female that she is “not like those angry black women” you work with or addressing a female who shows up to a deposition as the court reporter (assuming she is not an attorney).

3. Microinvalidations

Microinvalidations undermine or negate the thoughts, feelings, and experiences of another. Examples of microinvalidations include telling someone “don’t be so sensitive” or “that’s not what I meant,” and telling a member of another race that “this is America, it’s just one big melting pot.”



Microaggressions – What are some examples?

The following are just a handful of countless examples of microaggressions:

1. Benevolent sexism

“Smile! You’re too pretty for people not to see you smile.”

On the surface, words like “honey” and “sweetheart” are nice, but when males address females in this manner, particularly in an office setting, they can make women feel inferior.

2. Underestimating others who are different than you

Telling an African American lawyer that “I didn’t expect you to write that well.”

“I can’t believe how well you (a female lawyer) battled it out with opposing (male) counsel in Court, today. I didn’t think you had it in you!”

3. You don’t belong here

“You speak English really well.”

“Where are you from originally?”

These questions send the message that the speaker views the other as a foreigner or someone who does not belong.

4. Color blindness

“I don’t see color.”

“There is only one race – the human race.”

These statements trivialize and negate each individual’s experience.

5. The myth of meritocracy

“My great, great, grandparents were immigrants, too. He worked his tail off to make it big in the world.”

The message statements like these send is that if everyone works hard, they will be able to achieve success in business. The hearer is led to believe that his or her financial shortcomings or other failures is the hearer’s own fault.

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6. Attacking others' beliefs and values

"How can you support something so wrong?"

These messages trivialize or minimize the other person's feelings and makes them question whether there is something wrong with supporting this idea or belief.

7. Cultural insensitivity

"I'm not even going to try to pronounce your name!"

"At least we know you're not a terrorist!"

As with some of the other examples, these statements highlight how different the speaker and the other person are and enforce the idea that the other person does not belong.

8. Intelligence-based insensitivity

"You are so articulate."

"You're lucky there is affirmative action."

Statements along these lines reflect the speaker's assumption that because of the other person's race, sex, or other similar characteristic, the other person is not as smart as the speaker or is only where he or she is due to a "benevolent" hand up.



Microaggressions – What is their effect?

The cumulative effect of everyday insults and slights is a death by a thousand paper cuts.^{iv} The idea, according to Dr. Wing, that “sticks and stones may break my bones, but words will never hurt me” is flawed, at best.^v According to Dr. Wing:

Microaggressions are cumulative, and only one offense or put-down may represent the straw that breaks the camel’s back.

Microaggressions are constant reminders to people of color that they are second-class citizens.

Microaggressions are energy-depleting and lead to the concept of racial battle fatigue.

Microaggressions symbolize past historic injustices, such as the enslavement of Africans, the taking away of land from the Indigenous people of this country, and the incarceration of Japanese Americans during World War II.^{vi}

Numerous other studies have found similar results and have reported that microaggressions:

1. affect the mental health of those to whom microaggressions are directed,^{vii}
2. cause physical health problems,^{viii}
3. create a hostile work environment,^{ix}
4. lower work productivity,^x and
5. cause inequalities in employment.^{xi}

Both common sense and the research suggest that the bottom line is that microaggressions simply wear out those at whom microaggressions are direct.



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ⁱ Johnson, N.N., & Johnson, T.L., *Microaggressions: An Introduction* (2019)

ⁱⁱ Sue, D.W., *Microaggression: More Than Just Race*,
https://www.uua.org/files/pdf/m/microaggressions_by_derald_wing_sue_ph.d..pdf

ⁱⁱⁱ *Id.*

^{iv} Sue, D.W., *Microaggressions: Death by a Thousand Cuts*, <https://www.scientificamerican.com/article/microaggressions-death-by-a-thousand-cuts/>

^v *Id.*

^{vi} *Id.*

^{vii} Sue, D.W., et. al, *Racial microaggressions in the life experience of black Americans*, *Professional Psychology: Research and Practice*, 39 (3)

^{viii} Clark, R., et. al, *Racism as a stressor for African Americans: A biopsychosocial model*, *American Psychologist*, 54 (10)

^{ix} Solorzano, D., et. al, *Critical race theory, racial microaggressions, and campus racial climate: The experiences of African American college students*, *Journal of Negro Education*, 69 (1-2)

^x Savatore, J., & Shelton, J.N., *Cognitive costs of exposure to racial prejudice*, *Psychological Science*, 18 (9)

^{xi} Purdie-Vaughns, V., et. al, *Social identity contingencies: How diversity cues signal threat or safety for African Americans in mainstream institutions*, *Journal of Personality and Social Psychology*, 94 (4)