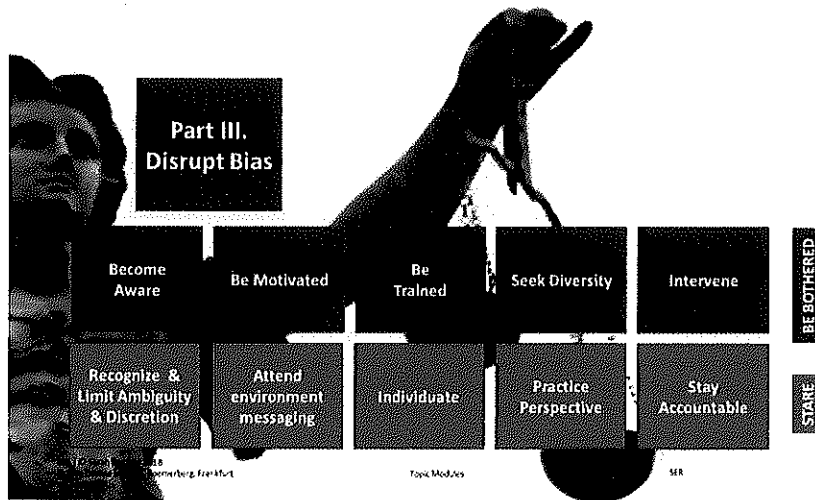


## Ten Tips for Interrupting Implicit Response (Bias)

Summary excerpted from Strategic Training, Judge Bernice Donald & Professor Sarah Redfield



### Practice Deliberately, Be Bothered

1. **Become aware** of implicit response and its manifestations.
2. **Be motivated** to interrupt implicit responses to achieve fair results.
3. **Be trained** on implicit responses, manifestations of bias, and interrupters.
4. **Seek diverse** contacts and counterstereotypes.
5. **Intervene** as an active player or bystander, individually and systemically.

### Practice Deliberately, Stare

6. **Recognize & Limit Ambiguity & Discretion** by demanding process and information/evidence.
7. **Attend** to your environment and messaging.
8. **Individuate** people and context.
9. **Practice taking different perspectives**, flipping decisions.
10. **Stay accountable**, count the data and adapt.

For more information, including context and citations, see ENHANCING JUSTICE: REDUCING BIAS (Sarah E. Redfield ed., 2017) [sarah.redfield@gmail.com](mailto:sarah.redfield@gmail.com)

**Overview  
for  
Addressing  
Racially-  
Motivated  
Misconduct  
in the Retail  
Store  
Environment**

At [Company], we want to create environments where all of our retail associates, managers, and clients are safe and feel they truly belong. Associates and managers who find themselves in the unfortunate situation of being subjected to racially-motivated misconduct from clients should refer to the following guidance, scenarios and scripts as a guide for how to respond to these types of potential client interactions, with the goal being to de-escalate and protect our employees and clients. Questions about this guidance should be directed to your manager or Human Resources.

**Company Policies**

[Company] is committed to providing an environment free of discrimination and harassment—regardless of the source. As such, our [Insert Name of Applicable Non-Discrimination & Anti-Harassment Policies] strictly prohibits any form of discrimination or harassment – including racist conduct, racial profiling, discrimination and derogatory or hateful comments, and other discriminatory or harassing misconduct of any kind based on someone's race, color, religion, ethnicity, citizenship, political activity or affiliation, marital status, age, national origin, ancestry, disability, veteran status, sexual orientation, gender identity, gender expression, sex or gender, or any other basis protected by law. As representatives of the brand, employees who engage in discriminatory or harassing behavior in violation of [Company's] policies are subject to disciplinary action, up to and including termination.

Additionally, the safety and security of employees are of paramount importance. Consistent with our [Insert Name of Anti-Violence Policy], acts or threats of physical violence, including intimidation and/or coercion of our employees will not be tolerated to any degree.

**Applicability of Policies to the Conduct of Clients**

The above Company policies equally apply to the conduct clients and vendors and the [Company] expects clients to treat our employees and other clients with respect and to refrain at all times from engaging in racially-motivated misconduct or other discriminatory or harassing behavior in our stores or towards our associates or managers. [Company] will take appropriate action toward clients, including by refusing service and escorting clients out of the store if our employees experience racism, racial profiling, discrimination and derogatory or hateful comments from clients. In addition to these actions, should the situation involve violence or threat of violence, the Company will swiftly take actions to protect employees and safeguard the premises, including engaging law enforcement, as needed.

These materials provide only a framework and best practice-based suggestions to address challenging client situations. We cannot anticipate all potential scenarios that you may encounter, and you will need to use your best judgement and training in all situations.

**Strategies to De-Escalate with Client**

We always want to help all our clients get what they need and have the best experience in our stores. We should never refuse service based **only** on a client's opinion that may differ from our own, including political preferences, social issue opinions, etc. For example, a client may politely ask for an associate of another race, color and/or ethnicity to assist them. This request may not necessarily be discriminatory in nature but asking more questions or exploring the client's actual concerns may help resolve the situation.

When speaking with clients who have made discriminatory or harassing statements, remember:

- Focus on remaining calm.
- Keep the safety of all employees and clients top of mind.
- Do not raise your voice or engage in a debate.
- Take a pause if needed, before responding.

- If you have not witnessed a situation directly, ask questions to gather more information. Take a service-first approach and be mindful of other clients in the store.
- If asking a client to leave the store, keep the conversation short and to the point. In these cases, please involve security (if available) to help escort the client out.

***If a situation becomes violent or unsafe, alert security and/or call 911 and then escalate the issue to [insert instructions for escalation within the Company].***

### **Process for Addressing Potentially Improper Client Conduct**

In certain situations, associates may feel comfortable addressing less serious concerns with a client directly, leveraging their ability, expertise and training to help all clients. However, if the situation involves more serious misconduct or an associate feels uncomfortable, they should excuse themselves and notify their manager for assistance.

- If the client's conduct is egregious or serious enough that asking the client to leave the store appears to be appropriate, the associate must first inform his or her store manager immediately.
- An associate must never directly ask a client to leave the store or ask security to escort a client from the store.

To excuse yourself from a client, an associate should say **"If you would please excuse me, I'm going to step away for a minute to get more assistance [from the store director] for you. Someone will be with you shortly."** After making this statement, the associate should step away from the client and notify their manager of the details of the situation. Associates are expected to be direct and truthful with their managers about the experience and why they are uncomfortable.

The manager should quickly ask questions of the associate to understand the situation – for example, what exactly the client said or did that was offensive or discriminatory. The manager should then speak with the client to hear from them what they said. After hearing from all involved, the manager will need to determine how to resolve the issue. (This may require a manager to make a quick assessment of the statements of both the client and the associate and act upon that assessment. As part of that assessment, a manager may consider believability of a statement, the lack of a statement, body language, tone and demeanor. Prior interactions involving this particular client or associate may also be helpful.) In many cases, this will require determining whether another employee should assist the client further, if the client should be asked to leave the store, or if other actions should be taken.

Remember, every situation is unique, and your approach will vary based on your experience, training, and best judgment. Leverage the scenarios below to best support the situations you may encounter. Keep in mind that these scenarios are not meant as stock answers to every situation and some assumptions of credibility have been made below solely for illustrative purposes.

If additional support is needed, partner with your managers and Human Resources. If a client wants to speak with someone outside your store, provide the [Client Services or Senior Manager] number [Insert].

## **Scenarios**

**Client makes statement to associate about their ability to service them due to physical appearance differences.**

Situation 1 – Client expresses preference based on physical appearance

- **Client:** "I doubt you can help me find what I need. Is there anyone who could help me that looks like me?"
- **Associate Response:** "I understand why you might feel that way. I would love the opportunity to help you and if you aren't satisfied at any point, I can grab someone else who's available. Let's get you what you need."
- **Client Response:** "Ok"

- **Associate Response:** "Let's take a look."

Situation 2 – Client requests different associate based on physical appearance, or uses racial slur

- **Client:** "I doubt you can help me find what I need. Is there anyone who could help me that looks like me?"
- **Associate Response:** "I understand why you might feel that way. I would love the opportunity to help you and if you aren't satisfied at any point, I can grab someone else who's available. Let's get you what you need."
- **Client Response:** "I really don't think you can help me/I don't want your help. I only want to speak with a [insert race, color, and/or ethnicity] employee [and/or use of racial slur]."
- **Associate Response:** "If you would please excuse me, I'm going to step away for a minute to get more assistance [from the store manager] for you. Someone will be with you shortly."
- **Manager Response:**
  - **If racial slur used:** "Hi, I'm [NAME] the manager. My associate let me know that you used offensive language while she was trying to help you. I would like to hear from you, what was said."
  - **Client Response:** "I just asked for help from a [insert race, color, and/or ethnicity] employee [and/or use of racial slur]."
  - **Manager Response:** "We do not tolerate any discriminatory language in our stores, and I would kindly ask that you leave the store." [Alert security (if available) for additional support in calmly escorting the client out of the store, if necessary.]
  - **If racial slur not used:** "Hi, I'm [NAME] the manager. My associate let me know that you requested additional assistance from an associate from a [insert race, color, and/or ethnicity] employee. All of our associates are trained to service all clients including myself. I would be happy to help. Is there something particular you are looking for today?"

Situation 3 – Client denies using racial slur or other offensive statement

- **Client:** "I doubt you can help me find what I need. Is there anyone who could help me that looks like me?"
- **Associate Response:** "I understand why you might feel that way. I would love the opportunity to help you and if you aren't satisfied at any point, I can grab someone else who's available. Let's get you what you need."
- **Client Response:** "I really don't think you can help me/I don't want your help. I only want to speak with an employee [uses racial slur]."
- **Associate Response:** "I'm going to step away for a minute to get additional assistance for you. Please wait here and someone will be right with you."
- **Manager Response:** "Hi, I'm [NAME] the manager. My associate let me know that you used language offensive to him/her while they were trying to help you."
- **Client:** "What are you talking about? I don't know what your associate told you, but I did not use offensive language"
- **Manager Response:** "Please let me know in your words, what you said to the associate."
- **Client:** "All I said was that 'I doubt you can help me find what I need. Is there anyone who could help me that looks like me?'"

- **Manager Response:** "Thank you for clarifying. We do not tolerate discriminatory behavior in our stores and want to ensure that all of our clients and employees are treated with respect. Also, all of our associates are trained and capable of helping all of our clients, including myself I would be happy to help. Is there something particular you are looking for today?"

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**Two clients are waiting for help. When one client is approached by an associate before the other, the client who has not been helped yet starts to yell and demand service first.**

Situation 1

- **Client:** (Interrupts the associate with the other client and tries to step between the associate and client) "Excuse me I am in a hurry! Can I just ask a question?"
- **Associate Response:** "Yes, we would be glad to help. Let me see if there's anyone available to assist you, otherwise, I will be right with you after I assist my client."
- **Client:** Continues to try to interrupt the other client. Sighing loudly each time and says, "Someone better help quick. This is ridiculous."
- **Associate Response:** "We are looking to see if anyone is available to assist you. Please be respectful of all our clients while you're with us today. Our goal is to help everyone."

Situation 2

- **Client:** (Interrupts the associate with the other client and tries to step between the BA and client) "Excuse me I am in a hurry! Can I just ask a question?"
- **Associate Response:** Yes, we would be glad to help. Let me see if there's anyone available to assist you, otherwise, I will be right with you after I assist my client."
- **Client:** "Oh, are you helping her first because she's black and you don't want bad press?"
- **Associate Response:** "Our goal is to help all of our clients with everything they need in a timely manner, but I would also ask you to be respectful of all of our clients. I would be happy to assist you as soon as I am finished."
- **Client:** "Sure it is. I want to see a manager now."
- **Associate Response:** Excuses themselves politely from their client, finds a manager and explains the situation.
- **Manager Response:** "Hi, I'm [NAME], the manager. I understand that you are frustrated about having to wait, but our associates are doing their best to assist all of our clients in a timely manner. Is there something I can help you find in the meantime?"
- **Client:** "Yes, but I think it's terrible that this store is serving black customers first just to avoid bad press."
- **Manager Response:** Our goal is to make sure all our clients are taken care of here and get the service they need. We can get you help as soon as someone is free. If you continue to make disrespectful comments, I'm going to have to ask you to leave. Would you like me to have someone help you in a few minutes?"
- **Client:** "Yes."

Situation 3

- **Client:** (Interrupts the associate with the other client and tries to step between the associate and client) “Excuse me I am in a hurry! Can I just ask a question?”
- **Associate Response:** Yes, we would be glad to help. Let me see if there’s anyone available to assist you, otherwise, I will be right with you after I assist my client.”
- **Client:** “Oh, are you helping her first because she’s white. This is profiling and it’s racist. I’ve heard about this happening to other black people, I should have known this would happen.”
- **Associate Response:** “I approached this client because I noticed she has been waiting longer. Our goal is to help all of our clients with everything they need in a timely manner. I would be happy to get another associate who is available to assist you.”
- **Client:** “Profiling is not ok, and I know that’s what is really going on here. I want to see a manager now.”
- **Associate Response:** Excuses themselves politely from their client, finds a manager and explains the situation.
- **Manager Response:** “Hi, I’m [NAME], the manager. My associate, [NAME], shared your concerns with me and I want to assure you that our priority is to help all of our clients and ensure they have an inclusive and welcoming experience in our store. I apologize if you felt differently today. Is there anything I can help you with today?”
- If client continues accusations, please gather their contact information and escalate [Insert internal escalation contact].
- **Manager Response if the client continues accusations:** “If you continue to make disrespectful comments, I’m going to have to ask you to leave.”

**Associate lets manager know that their client just asked for someone else to help them.**

Situation 1

- **Manager:** “Hi there. My associate just let me know that you wanted someone else to help you. May I ask why?”
- **Client:** “They helped me last time and I didn’t like the products I got.”
- **Manager Response:** “Ok. I understand your concern and we always want clients to find products they love. I would be happy to get another associate to assist you, but you may need to wait [ten] minutes. Is that all right? Otherwise, [original associate] would be happy to help you.”
- **Client:** “I’ll wait for someone else.”
- **Manager Response:** “Ok – I’ll add you to the waitlist and we will be with you shortly.”

Situation 2

- **Manager:** “Hi there. My associate just let me know that you wanted someone else to help you. May I ask why?”
- **Client:** “I don’t want a (gender) dressed like a (gender) helping me – don’t you have a normal (gender)?”
- **Manager Response:** “All of our associates are trained to help all clients.”

- **Client:** "I'm sure plenty of people don't feel comfortable with someone dressed like that helping them. You should know that's bad for your business."
- **Manager Response:** "As I said, all of our employees are trained and capable of helping all of our clients. We do not tolerate discriminatory behavior in our stores and if you can respect all of our employees, we would be happy to help you."
- **Client:** "That's just gross. You shouldn't have people like that working here."
- **Manager Response:** "We can't tolerate those types of comments about our employees. I'm going to kindly ask that you leave the store. In the future if you can be respectful of our team, we would be happy to help you." [Alert security (if available) for additional support in calmly escorting the client out of the store, if necessary.]

**Two clients are having an altercation in the store. One client (Client A) is yelling at the other client (Client B) saying, "Go back to where you came from" and/or uses a racial slur.**

- **Manager:** Separate clients, ensuring the safety of all. Have another employee help the client that is being yelled at and quickly address the client who was yelling to ask them to leave. [Alert security (if available) for additional support in calmly escorting the client out of the store, if necessary.]
- **Manager to Client A:** "We do not tolerate discriminatory language in our stores. I'm going to kindly ask that you leave the store. In the future if you can be respectful of our team, we would be happy to help you."

**Associate Assisting Client B:** "I want to assure you that we do not tolerate that kind of behavior or discriminatory language. It has no place in our stores, and we are asking that client to leave the store immediately. I sincerely apologize if their behavior made you feel uncomfortable or upset. I hope it is clear that we stand against racist behavior of any kind. If you would like to continue shopping, I would be happy to assist you with anything you need or are looking for today, but I completely understand if you do not."

**When telling a client about current safety and hygiene protocol they say, "Your people are the ones that brought the disease here anyway."**

#### Situation 1

- **Associate Response:** "I understand that our enhanced safety measures may change your in-store experience, and that this is not an ideal situation, but I would ask that you please be respectful while shopping in our store. We do not tolerate discriminatory comments of any kind. I would be happy to help if you can be respectful."
- **Client:** "Well, I didn't mean it like that – it's just annoying that we have to do all this because some people didn't keep it contained."
- **Associate Response:** "If you are uncomfortable following our safety protocols, our teams are also happy to help you with any shopping needs online or by calling our client service number."
- **Client:** "I'll wear the mask."

#### Situation 2

- **Associate Response:** "I'm going to step away for a minute to get additional assistance for you. Please wait here and someone will be right with you."

**Manager Response:** "Hi, I'm [NAME] the manager. My associate let me know that you used language offensive to him/her while they were trying to help you."

- **Client:** "Those people are the ones that brought the disease here anyway and now I have to wear a mask."

**Manager Response:** "We do not tolerate any discriminatory language in our stores. I'm going to kindly ask that you leave the store." [Alert security (if available) for additional support in calmly escorting the client out of the store, if necessary.]

### Situation 3

- **Associate Response:** "I'm going to step away for a minute to get additional assistance for you. Please wait here and someone will be right with you."

**Manager Response:** "Hi, I'm [NAME] the manager. My associate let me know that you used language offensive to him/her while they were trying to help you."

- **Client:** "What are you talking about? I don't know what your associate told you, but I did not use offensive language"

**Manager Response:** "Please let me know in your words, what you said to the associate."

**Client:** "All I said was that those people are the ones that brought the disease here. What is offensive about that? It's true."

**Manager Response:** "That is offensive language and we do not tolerate any discriminatory language in our stores. I'm going to kindly ask that you leave the store." [Alert security (if available) for additional support in calmly escorting the client out of the store, if necessary.]

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### Client claims they only received assistance from an associate because they were being profiled.

#### Situation 1

- **Associate:** "Can I help you with anything today?"
- **Client:** "I just spoke with another employee, why did you come over? You only came over here to help me because I'm [race, color, and/or ethnicity] and you thought I was stealing, didn't you?"
- **Associate Response:** "I didn't notice that someone was already helping you. We always want to offer assistance to all of our clients to ensure they find products they love and get what they are looking for."
- **Client:** "This is profiling and it's racist. [Company] does this all the time. Don't try to pretend now that you were just coming to help."
- **Associate Response:** "I sincerely apologize if I made you feel uncomfortable or unwelcome." (the client clearly doesn't want assistance so doesn't make sense to make the statement that I will send someone over to assist you. The client would be even more offended)
- **Associate Response:** Excuses themselves politely from their client, finds a manager and explains the situation.
- **Manager Response:** "Hi, I'm [NAME], the manager. My associate, [NAME] shared your concerns with me and I want to assure you that our priority is to help all of our clients and ensure they have an inclusive and welcoming experience in our store. I apologize if you felt differently. Is there anything I can help you with today?"



- If client continues accusations, please gather their contact information and escalate to [Insert internal escalation contact].
- **Manager Response if the client continues accusations:** "I can assure you that our only intent was to assist you in finding what you need. However, if you continue to make disrespectful comments, I'm going to have to ask you to leave. Would you like me to have someone assist you in a few minutes?"

## Model Communication to Client

We understand that many of our clients are evaluating their diversity and inclusion programs, including renewing commitments to improve diversity in areas of hiring, retention and advancement. While we want to encourage these efforts, employment laws must be reviewed to ensure that your practices and procedures, as well as the language used in describing your efforts do not have adverse consequences.

This guidance has been prepared to describe how to best approach diversity and inclusion initiatives and communications, and what to avoid, with respect to hiring and advancement.

All clients should work with legal counsel and should carefully vet communications before distribution.

### Achieving Diversity & Inclusion

It is unlawful to have a preference in hiring or advancement based on race or other protected characteristics – even if the preference is designed to provide opportunities to groups that are underrepresented. As such, establishing quotas for hiring or advancement based on race or a protected characteristic is also unlawful:

- DON'T represent that your company will hire a certain number or percentage of underrepresented candidates or achieve a certain percentage of underrepresented employees
- DON'T set internal quotas or internal requirements for hiring a certain number of underrepresented candidates or achieving a certain percentage of underrepresented employees
- DON'T express a preference for a single, particular diverse group over other underrepresented groups
- DON'T provide hiring managers with financial incentives for hiring underrepresented candidates

Instead of a hiring preference or quota, with some caveats, companies can set “goals” for recruiting increased numbers of underrepresented candidates, and partner with organizations and universities to help accomplish those goals:

- OK to represent that your company is committed to increasing the diversity of its employee population
  - o OK to state that your company is “striving for” or “has a goal” to achieve a certain level of diversity amongst its employees

- OK to set goals to achieve a certain level of representation in the workforce, provided that:
  - Such goals are reasonable in relation to the composition of the population from which candidates are drawn
  - Efforts to achieve goals are non-discriminatory and focused on recruiting greater numbers of qualified, diverse candidates
  - Hiring managers are trained on non-discriminatory recruiting and hiring
- OK to partner with organizations that serve underrepresented communities, organizations that serve underrepresented job seekers, and/or underrepresented professional organizations
- OK to participate in career fairs at universities that traditionally have a higher percentage of underrepresented students and to partner with such universities on internship opportunities
- OK to establish internal groups and programs designed to (i) increase underrepresented candidates who apply for open positions, (ii) promote training, education and mentoring programs for employees, and (iii) increase education and understanding of discrimination and bias issues in the workplace

Your company can – and should where appropriate – acknowledge that it can “do better” to improve diversity and inclusion.

- DO acknowledge (if appropriate) that your company can and will do more to improve diversity and inclusion
- DO identify the specific actions that your company has taken, or will take, to improve diversity and inclusion
- DO provide opportunities for leadership’s commitment to your company’s diversity and inclusion efforts to be seen and heard by employees

Your company can make supervisors and managers responsible for ensuring that underrepresented employees are assigned to high-value clients and projects

- DO evaluate company culture to eliminate activities that promote bias and/or disincentivize participation by underrepresented employees
- DO prioritize bias interrupting activities
- DO review work assignments to ensure that “glamour” work and “office housekeeping” work are evenly assigned