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Avoiding Gatekeeper Bias in Hiring Decisions

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In the context of employment decisions, gatekeeper bias happens when an employment decision is based on the decision maker’s perceived preferences of the existing employers or co-workers with whom the new employee would be working.¹¹

When we think of bias, we often think of discrimination. This bias or prejudice involves “dislike, hostility, or unjust behavior deriving from preconceived and unfounded opinions.” We also tend to link bias with negative emotions.⁸ Some forms of bias, however, come from positive feelings, such as in-group favoritism.⁹ In other words, some forms of bias come from positive feelings toward an individual that result in “significant discriminatory results from differential helping or favoring.”¹⁰ Additionally, while some bias is overt and conscious, oftentimes bias is the result of implicitly held beliefs of which a person is completely unaware.

In the context of employment decisions, gatekeeper bias happens when an employment decision is based on the decision maker’s perceived preferences of the existing employers or co-workers with whom the new employee would be working.¹¹ Gatekeeper bias—allowing the perceived bias of co-workers to influence employment decisions—happens even when the gatekeeper herself believes in the importance of diversity.¹² In fact, gatekeepers may not even be aware that these considerations are factoring into the hiring, or other employment, decision. It is not uncommon for such decisions to be considered simply a commentary on who best “fits” the company culture or mission. In other words, even a commitment to diversity doesn’t necessarily prevent employers from accommodating biases in hiring decisions.

This gatekeeping bias happens because employers face a challenge with each hire: they must match unknown applicants to well-known, ex-
experience-based requirements. Thus, each new hire represents a risk to the employer, and the persons charged with hiring decisions often allow emotions, including the desire to avoid risk and reproduce the current situation with a new employee, to creep in. This isn’t always bad, but these emotions can mean certain candidates are excluded from consideration based on the candidate’s social characteristics, which could include race, gender, or ethnicity.

Idaho and federal employment law

Gatekeeper bias is especially concerning not only because diversity in the workplace makes good business sense, but also because it could open up employers to legal liability. The Idaho Human Rights Act prohibits discrimination in employment based on race, color, religion, sex, national origin, disability, and age. Employment decisions that cannot be based on these protected classes include hiring, termination, compensation, promotions and discipline, and other conditions or privileges of employment.

The Idaho Human Rights Act applies to employers with five or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, any agent of such employer, and various federal governmental entities. In addition to the Civil Rights Act, a patchwork of other federal laws prohibit discrimination based on various characteristics in the employment context including on the basis of a disability, age, genetic information, and others.

Tips to avoid gatekeeper bias

We have extolled the virtues of diversity in the workplace; uncovered for you the sometimes subconscious and unintentional role of gatekeeper bias as an obstacle to achieving such diversity; and illustrated how this phenomenon can open up employers to legal issues in light of prevailing anti-discrimination laws. The question remains, especially if gatekeeper bias is sometimes subconscious and unintentional, how does your or your client’s organization prevent gatekeeper bias from happening? Here is some guidance and some suggestions on how to prevent gatekeeper bias.

First, be aware of your implicit biases. We all have them. Unfortunately, too often we do not want to admit, to ourselves or others, that we categorize people based on their appearances, history, or yes, specific culture-conforming attributes. We do not want to admit that we feel more comfortable with people who act, look, and think like us. It is time to get over that. Until we do, we will never win the battle against implicit bias. Have your hiring managers take implicit bias tests or training.

Second, create definable rubrics for your hiring process. Systemizing your hiring process will go a long way towards ensuring your hiring process results in the most qualified, successful candidate. For example, keep your job description handy and only ask questions related to job-related duties. Consider asking the same questions to all candidates. Assign numbers for candidate answers with “1” being unable/incompetent to complete the required task and “10” being perfectly able/competent to complete the required task.

Third, be very careful of assigning too much weight to “likability,” “fit,” or “gut-feeling.” These feelings could just be implicit biases in disguise. Consider, instead, including another element to your hiring rubric for personal interaction or ability to work well in a team setting, if those are truly important components of the job at issue. Then make sure you rate the candidates based on the definite qualities in the rubric.

Finally, diversify your hiring panel. Have multiple employees in your office responsible for giving input on job candidates. You can have the candidates meet one-on-one with multiple employees, or in a group setting. Regardless of the format, ensure that the hiring panel includes different genders, cultures, and ages.

Diversifying your panel does not mean that every member will have an equal say in who gets hired, but it does ensure that the feedback that goes into the decision is varied and more likely to be free from individual bias. This diversifying can also go a long way toward ensuring that a single person’s feelings about how a candidate’s co-workers would feel about him are based on explicit ratings or reactions, not biased assumptions.
Endnotes


8. Id. at 670.

9. Id.

10. Id. at 672.


12. See id. (noting that the gender biases of potential co-workers can influence hiring decisions even when the gatekeeper is committed to gender diversity).

13. Emotionalizing Organizations and Organizing Emotions, 86 (Barbara Sieben ed., 2010).

14. Id. at 87, 100.

15. Id. at 100.


17. Id.


21. Id.


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