

Implicit Bias and Coded Language in Employment

Coded language refers to seemingly neutral terms that carry discriminatory implications.

Common patterns:

- "Articulate" or "well-spoken" - often applied to minorities, implies surprise
- "Cultural fit" - vague term that can mask racial/ethnic bias
- "Aggressive" vs "assertive" - gendered interpretation of same behavior
- "Professional appearance" - can enforce dominant culture norms

Legal framework:

- Disparate impact doctrine prohibits practices with discriminatory effects
- Coded language can establish pattern of discrimination
- Vague performance language makes bias harder to challenge

Red flags in performance reviews:

- Subjective personality assessments without behavioral examples
- Different standards applied to similar performance
- Focus on communication "style" over substance
- Comments on appearance unrelated to job requirements

Mitigation strategies:

- Use behavioral, observable criteria
- Require specific examples for all assessments
- Standardize evaluation frameworks
- Regular bias training for evaluators