

Do black lives really matter in the workplace? Restorative justice as a means to reclaim humanity

Do black lives really matter in the workplace?

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Abstract

Purpose – Overwhelming evidence suggests that black lives have not and do not matter in the American workplace. In fact, disturbing themes of black labor dehumanization, exploitation and racial discrimination appear throughout history into the present-day workplace. Yet, curiously, organizations and organizational scholars largely ignore how racism and slavery have informed management practice (Cooke, 2003) and contemporary workplace racism. The authors address this gap, using the Black Lives Matter (BLM) movement as a platform. BLM is a social justice movement created in response to the pervasive racism experienced by black people. The purpose of this paper is to accomplish five goals, which are summarized in the following sections.

Design/methodology/approach – First, the authors outline historical themes of black labor dehumanization, exploitation and racial discrimination, providing specific examples to illustrate these themes and discussing their contemporary workplace implications. Second, key challenges that may arise as organizations seek to make black lives matter in the workplace are discussed. Third, the authors provide examples of organizations where black lives have mattered as an inspiration for how workplaces can affirm the humanity and self-actualization of black people.

Findings – Fourth, the authors provide organizations with helpful tools to truly make black lives matter in the workplace, using restorative justice as a framework to remedy workplace racism. Finally, while the paper is largely focused on business organizations, as two management scholars, the authors felt compelled to briefly articulate how academic scholarship might be influenced if black lives truly mattered in management scholarship and management education.

Originality/value – This paper begins to articulate how black lives matter in the workplace. The goal is to intervene and upend the exploitation of black workers so that they are finally recognized for their worth and value and treated as such. The authors have provided historical context to illustrate that contemporary workplace racism is rooted in the historical exploitation of black people from enslavement to contemporary instances of labor exploitation. The authors offer a restorative justice framework as a mechanism to redress workplace racism, being careful to outline key challenges with implementing the framework. The authors concluded with steps that organizations may consider as they work to repair the harm of workplace racism and rebuild trust amongst employees. Specifically, the authors discuss the benefits of organizational interventions that provide intergroup contact with an emphasis on perspective taking, and present a case example and suggested key indicators that black lives matter in today's workplace.

Keywords Organizational culture, Workplace, African Americans, Black Lives Matter, Restorative justice, Perspective taking

Paper type Viewpoint

Overwhelming evidence suggests that black lives do not matter in the American workplace. Historically, individuals, private enterprises, prisons and corporations have enslaved, illegally detained, coerced to work and underpaid (or not paid) black people. Today, black employees are persistently paid less (Pew Research Center, 2015) than their white counterparts and experience more wage theft (e.g. forcing overtime work but not paying for it, violating minimum wage laws, etc.) (Bernhardt *et al.*, 2009; UCLA Labor Center, n.d.). Additionally, black people are underrepresented in senior leadership positions and on corporate boards (Catalyst, 2016a, b; McGirt, 2016); are underrepresented relative to Caucasian males in the highest paying jobs (Bertrand and Hallock, 2001; Oakley, 2000); and



face discrimination in hiring, evaluation, promotion and other employment domains (e.g. Bertrand and Mullainathan, 2004; Milkman *et al.*, 2012; Pager *et al.*, 2009).

Ironically, today's bleak outcomes exist in the midst of organizational efforts to pursue diversity (Dobbin and Kalev, 2015). This fact makes it important to examine how organizations are pursuing diversity efforts and the extent to which diversity efforts themselves, in their discourse, may thwart the progression of the same constituents they intend to help. Curiously, organizations and organizational scholars have largely ignored how racism and slavery have informed both management practice (Cooke, 2003) and contemporary workplace racism. We assert that true diversity and inclusion may be elusive until scholars and practitioners explore the racist history that undergirds contemporary workplace discrimination and subsequently addresses it in ways that encourage actual change. We address this gap by utilizing a restorative justice framework that we believe increases the value of black lives in organizations. Restorative justice refers to a system of justice that is focused on repairing relationships damaged by harmful behavior, typically criminal behavior (Zehr and Gohar, 2002).

Restorative justice emerged as a counterpoint to typical Western approaches to criminal justice (Zehr and Toews, 2004), which were based on retributive justice. We selected a restorative justice framework for two key reasons: first, common approaches to justice, such as retributive justice are punitive to offenders (Okimoto *et al.*, 2012). In contrast, restorative justice confronts and disapproves of offender wrongdoing while also exploring how best to reintegrate offenders back into the community (Weitekamp and Kerner, 2002) and to motivate offenders not to repeat the wrongdoing (Tyler, 2006). Second, restorative justice heeds victims' voices and allows victims and offenders to work together to heal relationships harmed when values were violated by the offense (Van Ness and Strong, 2014) rather than relying on external authorities to determine consequences (Kidder, 2007). Those involved in or affected by the wrongdoing can work together to determine the best way to repair the harm caused by the wrongdoing (Weitekamp and Kerner, 2002).

The restorative justice framework has helped to resolve interpersonal and intergroup conflict in other contexts beyond the criminal justice system (von Hirsch *et al.*, 2003). For example, government officials have used restorative justice practices to address human rights abuses in post-apartheid South Africa (Gade, 2013) as well as in Canada, Greenland, Norway, South America and New Zealand (Strang and Braithwaite, 2001). In the USA, officials have used restorative justice to address racist violence against social justice workers (Inwood, 2012). Although successful in these contexts, the restorative justice framework is relatively new in management scholarship and practice. We aim to deepen the understanding of restorative justice as it relates to workplace racism. Specifically, we offer research on perspective taking; an example of strong, thoughtful corporate leadership; and a series of structural, human resource, political and symbolic recommendations to explore how organizations can increase the likelihood of repairing the harm of workplace racism.

Our paper is organized around three questions informed by research and training in restorative justice[1]:

- RQ1. What was/is the harm of workplace racism?
- RQ2. What challenges may thwart the repair of harm done by workplace racism?
- RQ3. What can be done to eliminate workplace racism and rebuild trust between workplace stakeholders?

What was/is the harm of racism against black people in the workplace?

Restorative justice toward black workers first requires an understanding of the cumulative harm of enslavement. Indeed, black bodies long fed the engine of the US economy. In the

first 60 years of the nineteenth century, raw cotton, almost exclusively grown by enslaved people, comprised more than half of the US exports (Beckert and Rockman, 2016). Enslaved people themselves represented one of the largest US “commodities,” valued at \$3.0 billion according to the 1860 Census. Thus, the value of enslaved people was roughly equivalent to the value of all capital invested in manufacturing, railroads, banks and currency in circulation (valued at \$3.1 billion) (Deyle, 2006).

While slavery throughout the USA was formally prohibited in 1865 with the 13th Amendment to the US Constitution, black people were not necessarily free. Although the amendment prohibited slavery and involuntary servitude, it allowed an exception in the form of “punishment for crime where of the party shall have been duly convicted.” This clause allowed corporations to continue their use of free or reduced rate labor (Blackmon, 2008; Pollard *et al.*, 2012) in the form of convict leasing. Convict leasing, where states receive money for leasing out convicts for involuntary work assignments, was used to maximize economic gain particularly in the South, though the practice was also utilized in states such as Massachusetts, California and Oregon (Mancini, 1996). This government-sanctioned practice was highly lucrative and used by nearly every Southern industry (e.g. railroads, coal mines, sugar). For instance, the leading US companies such as US Steel and the US Sugar Company utilized convict labor (Blackmon, 2008; Pollard *et al.*, 2012). Today, this clause in the 13th amendment allows prisons and jails to force imprisoned people to work (Benms, 2015). Because black people are disproportionately represented in prison populations, they are more susceptible to convict labor. A seminal work on this topic is Michelle Alexander’s (2010) “*The New Jim Crow*”, a meticulously researched and beautifully written history of how black lives, especially the lives of imprisoned black people, have been devalued and used for economic gain since the reconstruction.

While the exploitation of imprisoned people seems largely unchecked, the US federal government has not completely ignored workplace discrimination against black people. During the Civil Rights movement, the USA passed the Civil Rights Act (1964) which legally prohibited discrimination based on race, color, religion, sex or national origin; established the Equal Employment Opportunity Commission, a federal agency that enforces civil rights laws prohibiting workplace discrimination; and legislated “affirmative action” such that organizations that received federal monies could not discriminate due to race, color, religion or national origin (Equal Employment Opportunity, 1965). As a result, the percentage of establishments with black-white segregation decreased from about 70 percent in 1965 to just below 50 percent in 2005, suggesting that legislation, and not voluntary changes, increased workplace racial diversity (Tomaskovic-Devey *et al.*, 2006).

And, yet, contemporary workplace racism still very much exists (Dovidio and Gaertner, 1998). Aside from the previously mentioned examples of underpayment and wage theft, it is important to note that workplaces are more often than not characterized by Eurocentric norms (Bell and Nkomo, 2003; Combs, 2003) that may pressure black people to conform by suppressing black cultural expression in the workplace (Hewlin, 2003, 2009; Roberts, 2005; Roberts and Roberts, 2007; Rosette and Dumas, 2007; Yoshino and Smith, 2013). Black people are assessed as less professional if they wear their naturally textured hair to work (Opie and Phillips, 2015), and black men are more readily accepted in corporate America if they appear disarming (e.g. removing facial hair, etc.) (Livingston and Pearce, 2009). These negative assessments are often made on the basis of cultural stereotypes rather than demonstrated performance (Rosette *et al.*, 2008). The result? Black people have less opportunity merely for being black or signaling their blackness (Bertrand and Mullainathan, 2004; Pager and Quillian, 2005).

What challenges may thwart the repair of harm done by workplace racism against black workers?

If organizations desire to foster a cohesive, equitable and inclusive workplace, restorative justice seems to be a helpful path to both surface and resolve issues of workplace racism, providing employees with the tools necessary to reduce workplace racism against black people. Yet, organizations may find it difficult to implement restorative justice to address workplace racism because of the denial of racism, controversy about the Black Lives Matter (BLM) language, perceived threat to existing racial power dynamics in the workplace and diversity diversions. We detail these challenges in the following section.

Denial of racism

We argue that restorative justice is impeded by an unwillingness to acknowledge the existence of racism against blacks in the workplace, and the subsequent denial of harm inflicted by racism. This denial of racism is evidenced by the invisibility or silencing of discourse about the black experience (Nkomo, 1992); the normalization of whiteness (Opie and Phillips, 2015); the portrayal of non-whiteness from a deficit perspective (Nkomo and Hoobler, 2014; Roberts *et al.*, 2016); and prioritizing intergroup harmony over the reduction of intergroup inequalities (Todd *et al.*, 2012). Further, whiteness is not typically salient to white employees as it is a “prompted identity” (McKinney, 2005), hence white employees may not think about their whiteness unless specifically asked about it (Geiger and Jordan, 2013). Workplace racism may be rendered invisible unless white employees choose to notice race.

Controversy about the language of BLM

The phrase “BLM” and the organization it represents have been attacked for being exclusionary of whites and even promoting anti-white behavior (CBSnews.com, 2016; Southern Poverty Law Center, n.d.). The fervor rose to such a level that leadership at the Southern Poverty Law Center, an organization that maintains a database of hate groups throughout the globe to aid in its focus on fighting hatred against society’s most vulnerable communities, issued a statement defending BLM. Here is an excerpt:

Many of its harshest critics claim that Black Lives Matter’s very name is anti-white, hence the oft-repeated rejoinder “all lives matter.” This notion misses the point entirely. Black lives matter because they have been marginalized throughout our country’s history and because white lives have always mattered more in our society. As BLM puts it, the movement stands for “the simple proposition that ‘black lives also matter’” (Southern Poverty Law Center, 2016).

Opposition to BLM has also manifested with cries of ALL Lives Matter (Kluger, 2016; May, 2016; Olasov, 2016; Victor, 2016; Viney, 2016), and BLUE Lives Matter (Dokoupil, 2015; Lennard, 2016). A restorative justice framework would welcome these dissenting opinions because, as we discuss below, restorative justice is best achieved when expert facilitators engage diverse perspectives so that no perspective dominates the conversation.

Threat to existing racial power dynamics in the workplace

Similar to reactions to BLM, workplace initiatives designed to reduce black inequality and provide equal opportunity, such as affirmative action, have been met with mixed reactions (Thomas, 2005). For example, people tend to respond more positively when affirmative action policies are perceived as “soft” (e.g. outreach programs) vs “hard” (e.g. programs where race is used to break a tie when making hiring decisions) (Kravitz and Klineberg, 2004). Additionally, if affirmative action is described as a quota system, attitudes tend to be negative as people perceive quotas as a breach of merit and, therefore, unfair (Golden *et al.*, 2001).

Attitudes about affirmative action are also influenced by demographic characteristics of the person (Harrison *et al.*, 2006). For example, in general, women tend to have more favorable attitudes toward affirmative action than men (Aberson and Haag, 2003; Golden *et al.*, 2001), and people of color tend to have more favorable attitudes than whites (Bell *et al.*, 1997; Klineberg and Kravitz, 2003). Attitudes are also influenced by the beneficiary group; for example, programs designed to benefit black people are more opposed than affirmative action programs designed to benefit women or disabled people (Beaton and Tougas, 2001). Further, social dominance orientation (Aquino *et al.*, 2005), racism (Federico and Sidanius, 2002), sexism and other political ideologies are negatively associated with endorsement of affirmative action policies (Harrison *et al.*, 2006).

Given these varying reactions, organizations may be unwilling to broach the topic of racism or BLM due to concerns about intergroup hostility and other negative workplace repercussions. These organizational concerns may be reasonable as whites appear to fear that their rights will be violated if race-based policies or interventions are enacted. For example, survey study results indicate that white Americans believe that, while prejudice toward black Americans has decreased over the last half century, prejudice toward whites has actually increased (King *et al.*, 2013; Norton and Sommers, 2011). Unfortunately, these beliefs may be facilitating a continuous cycle that denies blacks the ability to fully assert their rights as human beings.

Diversity diversions

When black people share their thoughts about racism with white people, white people may become defensive, deny racism, blame black people for racism and resist structural changes designed to eliminate workplace racism (Bonilla-Silva, 2017; Kivel, 2002). Such denial and blaming tends to divert attention from black voices onto how and why white people are not complicit in creating, maintaining or benefitting from structural systems that disadvantage black people. This underscores how people are happy to talk about diversity in the abstract but unwilling or resistant to concrete discussions about race, racism and inequalities (Bell and Hartmann, 2007). Additionally, white people may feel that it is politically incorrect to express their personal concerns about workplace racism once black people begin to express their thoughts about racism (Ely *et al.*, 2006). For example, proponents of “All Lives Matter” or “Blue Lives Matter,” or white employees who believe BLM discriminates against white people, may remain silent if they feel that it is politically incorrect to voice their disagreement with BLM.

What can be done to eliminate workplace racism and rebuild trust between workplace stakeholders?

It is critical that organizational leaders and facilitators encourage open and honest discourse that reflects varying perspectives. We propose three ways to help organizations make black lives matter in the workplace.

Perspective taking

Perspective taking is defined as “the active cognitive process of imagining the world from another’s vantage point or imagining oneself in another’s shoes to understand their visual viewpoint, thoughts, motivations, intentions, and/or emotions” (Ku *et al.*, 2015). Perspective taking increases other focus (Schmid and Hall, 2009), facilitates the acknowledgment of racial discrimination, increases support for policies that redress discrimination (Todd *et al.*, 2012) and reduces the expression of prejudice and endorsement of racist stereotypes (Sparkman and Eidelman, 2016). Perspective taking has been facilitated by having experimental participants directly interact with (Vorauer *et al.*, 2009), read vignettes (Finlay and Stephan, 2000), watch a

video (Dovidio *et al.*, 2004), listen to audiotapes or write (Galinsky *et al.*, 2008) about a target. We are not aware of large-scale organizational efforts to introduce employees to perspective taking as a way to reduce workplace racism; however, research suggests that perspective taking may be a promising avenue.

Increasing the frequency of interaction between employees can help facilitate perspective taking, but it must be managed carefully (Ku *et al.*, 2015). While a meta-analysis of studies on the intergroup contact theory indicates that increased frequency of contact is related to reductions in prejudice (Pettigrew and Tropp, 2006), the relationship between intergroup contact and prejudice is also mediated through anxiety (Paolini *et al.*, 2004; Stephan *et al.*, 2002; Voci and Hewstone, 2003). That is, if intergroup contact induces anxiety, prejudice may increase.

Overall, the research on intergroup contact suggests that organizations may want to enlist the assistance of rigorously trained researchers or group facilitators who can help to design intergroup contact interventions that minimize anxiety and emphasize perspective taking, specifically for white employees taking the perspective of black employees. Facilitators should also emphasize non-domination, which is an important principle of restorative justice because restorative justice practices are not “restorative” if power is imbalanced (Braithwaite, 2002). Hence, during perspective taking, it is imperative that neither the facilitator nor any participant or group dominate the conversation or overpower other participants during the discussion. A facilitator can help groups create discussion norms that facilitate this type of expression while simultaneously discourage participants from brashly offending one another.

In addition, research shows that intergroup contact interventions that required participation yielded larger reductions in prejudice than interventions that allowed individuals to choose whether or not they participated (Pettigrew and Tropp, 2006). Thus, while stopping short of forcing employees to participate, organizational leadership may have to be courageous and encourage full participation from all employees to reap the strongest benefit from such interventions.

Finally, given the risk of conducting firm-wide organizational interventions, we recommend that organizations engage pilot groups in intergroup contact interventions that emphasize perspective taking in order to document firm-specific best practices and highlight potential pitfalls before engaging in firm-wide initiatives.

Strong, thoughtful leadership

We argue that the tone set at the top of an organization is vital to making black lives matter at work. A contemporary example illustrates how restorative justice principles can combat workplace racism. Tim Ryan, the CEO of PricewaterhouseCoopers (PwC), initiated a firm-wide discussion on race after reflecting on national, racial turmoil in the USA (Tahmincioglu, 2016). Ryan stated, “people are uncomfortable talking about race in the workplace. But, many of our people were thinking of this in their heads” and “we needed to create forums, for Black people to talk about it, and for others to listen” (Tahmincioglu, 2016, Ease Employee Baggage section, para. 1). Interestingly, by encouraging employees to listen to black employees’ concerns, Ryan engaged in a crucial step of restorative justice, that is, creating an environment for authentic discussion. Ryan strives to get 100 percent from all of his employees and he wisely recognized that employees would not be able to give 100 percent if they were worried about personal or family safety (McGirt, 2017).

The PwC example provides several takeaways that may help other organizations that strive to promote equity for black employees as well as other marginalized group members. From an internal perspective, Ryan and his team had in-depth leadership team discussions about strategy before making firm-wide announcements (Davidson, 2011). Also, the team was explicit about goals and approach directly addressing employees’ specific concerns

rather than obfuscating the discussion in broader discussions about diversity (Mannix and Neale, 2005). Finally, leadership did not convey expertise on the topic but rather facilitated open discourse about workplace racism, allowing employees to guide the conversation (Kidder, 2007).

Do black lives really matter in the workplace?

Structural, HR, political and symbolic changes within organizations

Though numerous books and articles offer tools and frameworks to increase diversity and inclusion in work organizations, scant resources address the key indicators of full inclusion, actualization and thriving among black men and women at work. We aim to address this by using our experience as scholar practitioners who focus on diversity and inclusion to explore four operational ways (Bolman and Deal, 2003) Black lives can matter in the workplace. We have found that these indicators are often present in organizations that affirm the dignity and fulfillment of black lives.

From a structural standpoint, organizations are more likely to be successful in affirming that black lives matter in their workplaces if they make roles and responsibilities clear and allow for coordination between workplace partners to equitably address racial inequity. For example, if an employee experiences workplace racism, a clear reporting process with controls to ensure protection against retaliation may be more likely to lead to positive change than a structure characterized by unclear processes and roles. Further, organizations that develop relationships with black organizations (professional, membership, churches, etc.) may be best equipped to ensure a pipeline of talent for black workers at various career stages. In addition, organizations that affirm the livelihood of black workers will have structures in place that allow them to monitor numeric representation (i.e. diversity) and inclusion.

From a human resources standpoint, organizations are more likely to be successful in affirming that black lives matter if their workplace hiring and development practices ensure that: employees possess requisite skills and attitudes to accomplish the firm's goals; and employees experience need fulfillment through work. Hiring and development practices grounded in the belief that BLM will affirm the unique cultural experiences, resourcefulness and ingenuity of black people who have overcome tremendous structural obstacles. Contrary to historical examples, black employees' experiences and insight will be viewed as a valued resource to be cultivated, rather than devalued and/or exploited. In organizations in which black lives matter, black employees are equally represented among potential leaders, who possess the freedom to challenge organizational traditions and strategic direction (in contrast to human resources approaches that stifle employee input or emphasize the need for compliance). In such organizations, employees are also able to express disagreement with the firm's diversity and inclusion efforts, and still be deemed a valuable employee who is able to lead to positive change.

When black lives matter in the workplace, there is a reduced likelihood that organizational members will view black employees through an uninformed lens of racial other, rendering black employees as marginal members of the workplace. When black employees are "othered," they are misrecognized (Harris-Perry, 2011) and misidentified (Clair *et al.*, 2012), viewed as outsiders who do not belong. Armed with renewed focus on making black lives matter in the workplace, organizations can increase the likelihood that black employees are more accurately recognized for their contributions in the workplace. This could have tremendous positive influence on black employees' sense of belonging in the workplace.

From a political standpoint, it is important for organizations to acknowledge historical and contemporary power dynamics in the workplace when signifying how and why black lives matter. Power dynamics yield different access to organizational resources. Organizations that signify that BLM are more transparent about resource allocation and actively document and monitor recruitment, promotions, salaries, job assignments, other

resources, etc. to ensure equal access. Organizations are more likely to affirm that black lives matter when employees perceive that their non-task related group memberships (e.g. gender, race, etc., attributes unrelated to task performance) are not related to the resources they receive from the organization. Further, organizations can demonstrate the extent to which they value black lives by investing in local and/or national black communities; for example, organizations might help develop community centers, eliminate the school to prison pipeline, and train and develop black people to become future members of the workforce particularly in fields related to the organization's industry.

Finally, from a symbolic standpoint, organizational culture is reflected in the interconnected pattern of norms, values and beliefs that has developed over time and guides organizational members' thoughts and actions (Schein, 2006). Organizations that are successful at making black lives matter in the workplace might have symbolic manifestations such as displaying art that depicts successful black leaders throughout history (year-round, not just during the black history month); including updates on efforts to eliminate workplace racism in leaders' speeches and meetings; and publically acknowledging organizational members who have helped to make black lives matter.

Conclusion

Black people have a unique history in the USA that originates in the social and economic exploitation of African enslaved peoples and their descendants. The distinctiveness of the black experience in the US labor market and workforce has persisted post-emancipation over 150 years ago. Much can be learned about resilience, ingenuity, sacrifice, oppression and liberation through the lens of black peoples' experiences in the US workplace. Through systemic, intentional initiatives directed toward understanding and acknowledging harm, taking steps to repair the harm, and rebuilding trust, organizations and their members will be able to confidently assert that black lives do, indeed, matter in the workplace.

Note

1. See Project on Restorative Justice, Skidmore College.

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