

MEDIA RELEASE
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For Immediate Release
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WOMEN, BEWARE THE SILENT CAREER-KILLER

How Women Can Protect Themselves from 'Excessive Subjectivity'

AUSTIN, TEXAS, July 19, 2011 -- "Once upon a time, when managers made implicitly gender-biased judgments about which staff got the pay raises and the promotions, we called a spade a spade: gender discrimination," says executive coach Ann Daly PhD, a specialist in professional development for women.

"When Wal-Mart Stores, Inc. v. Betty Dukes et al. was recently heard by the Supreme Court, we gained a new euphemism for structural sexism in the workplace: '*excessive subjectivity*.'"

In a [recent blogpost](#), Dr. Daly continued:

"This phenomenon is no news to most women: When a company fails to establish objective criteria for its managers to decide on pay raises and promotions, then personal, subjective, unexamined biases kick in. And if you're operating in a male-dominated environment, you can bet that those cultural biases ain't gonna benefit the women. If the workplace lacks a rational process for making a decision (it's called a "policy"), then bosses fall back on the most primitive assumptions, including sexist ones.

The result? In the case of Wal-Mart: Women fill 70% of the hourly jobs but make up only 33% of management employees. Women working in the company's stores are paid less than men in every region, and the salary gap widens over time even for men and women hired into the same jobs at the same time.

Lawyers for the female employees argued that local managers exercise their discretion over pay and promotions disproportionately in favor of men, which has an unlawful disparate impact on female employees, and that Wal-Mart's refusal to restrain its managers' authority amounts to disparate treatment.

While the Supreme Court minority opinion, including all three female justices, found that excessive subjectivity was sufficient grounds to

proceed with the class action suit, the majority did not. For reasons both technical and ideological, the Supreme Court reversed the lower court's opinion that the women of Wal-Mart constitute a legitimate class with a common complaint. Women employees at Wal-Mart can move forward with gender discrimination suits, but on a smaller scale rather than as a single class.

As you can imagine, women's advocates are dissatisfied with this diminished legal protection against gender discrimination in the workplace.

But not to despair! If you find yourself facing the invisible hand of excessive subjectivity, you are far from powerless.

Remember "subliminal advertising"? Take a page from that playbook and launch a subliminal counter-campaign of your own. Here are four simple, on-the-ground tactics to protect yourself from excessive subjectivity. These tactics will enable you to transform it into an objective framework for conversation, evaluation, and decision-making:

- 1. Ask, "What's the policy?"** Or, "What are the criteria?" By asking this neutral question in a neutral tone of voice, you send multiple messages without making a direct challenge. First, there should be a policy, or set of criteria. Second, you speak and think in objective business terms. Third, you won't be willing to accept vague, unsubstantiated, arbitrary decisions about your career advancement.
- 2. Know your worth.** Don't assume that your boss is keeping track of your achievements. Sad, but true. Make it a habit: at the end of every quarter, document your accomplishments in concrete, measureable terms that matter to your boss and to your organization. Use this exercise as a way to figure out the best metrics for your job, and use these documents to prepare a killer annual report. Be prepared to casually communicate these objective metrics whenever your boss veers into la-la-land.
- 3. Keep score.** Career advancement isn't just about your performance. You are also in competition with the performance of your colleagues. So make sure that you keep a private written record of who gets what raise or promotion based on what track record. If push comes to shove, you'll have a set of objective "comparables" to strengthen your own case for advancement.

4. If you want it, say so. Nature hates a vacuum, and so does your boss. If s/he doesn't know what you want, s/he will make it up. And thus creep in all those regressive fantasies about what women want-or don't want. So speak up! If you want an overseas appointment, say so. If you want a rotation, say so. If you want more responsibilities, say so. If you want your boss's job (eventually), say so. This way, you'll be the one who frames the discourse. Remember: she who sets the terms of the debate usually wins.

Because subjectivity is so resistant to rational argument (even the Supreme Court majority was impervious to reasoning), subliminal intervention is likely your best option, at least initially. What's mission-critical is to be consistent and persistent with your counter-campaign tactics. Deploy each and every one of them to make a full-court press. You'll make it near-impossible for your boss to ignore the objective facts of your value. And if s/he tries, you'll be armed with enough objective data to make the strongest possible case for your advancement.

And, of course, once you become the policy-maker, you can be as direct as you want about creating a level playing field . . ."

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Dr. Daly is available for media commentary on this and other women-related topics. To schedule an interview, contact Ann Daly at: 512/454-0531 or media@anndaly.com.

ANN DALY PhD (<http://www.anndaly.com>) is a feminist commentator on women's changing lives. A former professor at The University of Texas at Austin, Dr. Daly specializes in executive coaching and professional development for women. She is the award-winning author of six books, including [*Do-Over! How Women Are Reinventing Their Lives*](#). She has been featured on Oprah & Friends' "Peter Walsh Show," *Family Circle* magazine, ForbesWoman.com, WomenEntrepreneur.com, MariaShriver.com, and More.com. She is the career coaching columnist for TheGlassHammer.com. [Click here for Dr. Daly's media kit.](#)