

The Punishment Gap:

Women and People of Color Experience a More Punitive Workplace

The Data Series, Issue 3, March 20, 2024



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We are all fallible. But do we all face equal consequences for our workplace mistakes?

Although the majority of modern movements advocating for women's equality concentrate on employment-related concerns, such as pay disparity, there is a variant of gender bias that has largely remained unnoticed: the punishment gap in the workplace. Every human being errs, yet the repercussions of these errors are not evenly distributed. Research shows that women and those from minority groups are subject to more severe consequences for similar errors in comparison to their white, male counterparts. Cultural misunderstandings and implicit biases often amplify the perception of mistakes, leading to escalated punitive measures—from formal reprimands to terminations. The punishment gap refers to this disparity in consequence, a troubling and, as our data shows, a widespread reality.

While research is limited, Harvard Business School's Mark Egan shed light on the unforgiving landscape female financial advisors navigate when they err on the job: women in finance are dealt with more severely than men for comparable transgressions, a disparity not as visible as wage discrepancies but

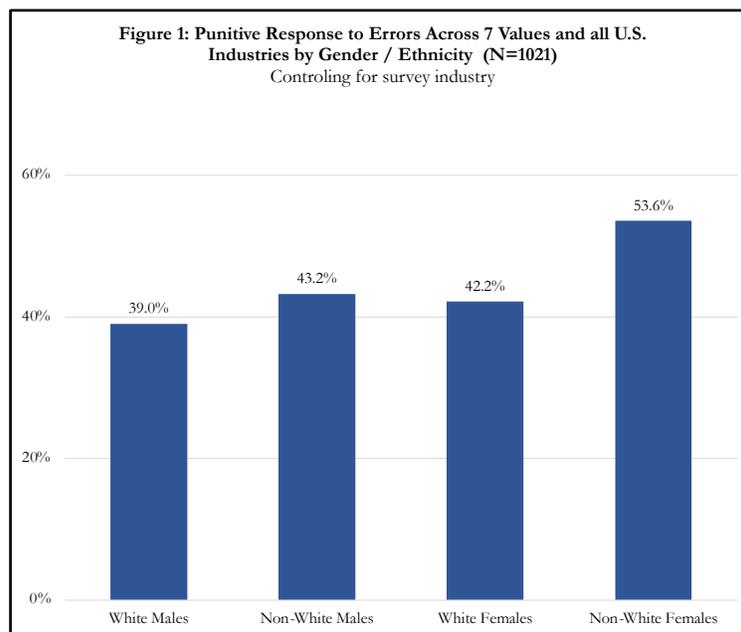
equally damaging.¹ According to the study, women's likelihood of being dismissed post-misconduct is 20% higher than men's for similar mistakes; and finding subsequent employment proves 30% more challenging, demonstrating how the impacts of the bias extend further than the initial response. Ethnic minority men are similarly disadvantaged, facing weightier consequences for comparable errors. The inequality in repercussions is also evident in healthcare. Research indicates that female surgeons

experiencing the death of a patient experience a dramatic 34% decrease in future referrals, an outcome not mirrored for male surgeons.² Furthermore, an error by a female surgeon seemed to spill over, negatively impacting referral rates for all women within that medical specialty.

Is this a phenomenon that transcends industries and sectors, manifesting itself in workplaces across the U.S.?

Using our Just Culture Improvement Index (JCII), we conducted a nationwide survey assessing employee

perceptions (N=1021) of punitive response to errors across 12 industries, including healthcare, aviation, EMS, police, energy, utilities, construction, research labs, manufacturing, hotel and



¹ Egan, M., Matvos, G., & Seru, A. (2022). When Harry fired Sally: The double standard in punishing misconduct. *Journal of Political Economy*, 130(5), 1184-1248.

² Sarsons, H. (2017). Interpreting signals in the labor market: evidence from medical referrals. *Job market paper*, 141-145.

food services, education (K-12) and education (university).³ The question reads, “In my department, we refrain from disciplining team members who make inadvertent human errors or mistakes that may jeopardize _____”, measured across seven organizational values⁴. We then analyzed the results across gender and ethnicity. Looking at the overall scores in Figure 1, controlling for industry, punitive treatment was rated highest by *non-white females* where $M=53.6\%$ believe they will be punished for making mistakes. The results show *non-white males* rated punitive response second highest ($M=43\%$), which is 10% lower than *non-white females* but just 1% higher than *white females* ($M=42\%$), who rated punitive response third highest. *Non-white females* rated 12% higher than *white females*, a difference significant at the $p<.05^*$ level. Finally, *white males* ranked punitive response lowest ($M=39\%$) among all groups - nearly 15% lower than *non-white females*, a difference significant at the $p<.01^{**}$ level.

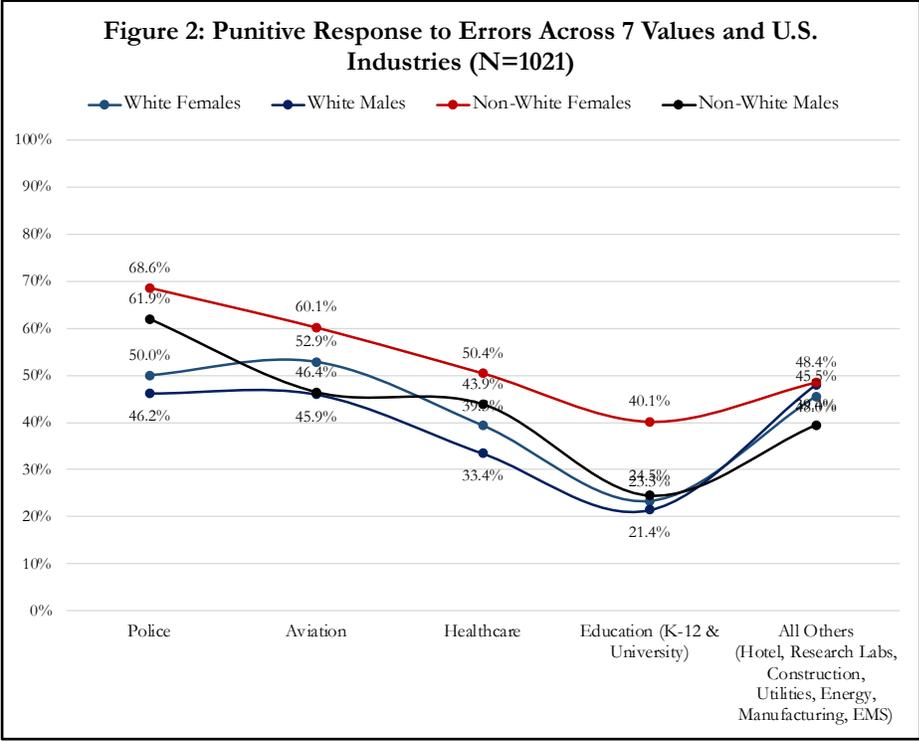
Next, to further illustrate the differences, we compared punitive response scores by ethnicity/gender and by industries. Figure 2 shows that *non-white females*, on average, consistently see more punitive treatment across all industries. In healthcare, for example, *non-white females* score 17% higher than *white males* ($p<.01^{**}$) and 11% higher than *white females* ($p<.05^*$). *White females* score second most punitive in aviation ($M=52.9\%$), their highest rating among all industries. *White females* score 1-10% lower than *non-white males* across industries, who rate punitive response higher in police than they do in any other industry ($M=61.9\%$). *White males*, on average, perceive the least punitive environment among all groups across the industries, averaging 10-20% lower scores than *non-white females*, and even 5-15% less than *non-white males* and *white females* in industries such as police, aviation, and healthcare.

Punitive cultures are felt across the board. Often, as our client surveys show, sanctioning for errors is often seen as appropriate accountability. Managers might also feel the need to show something got fixed, or they are being pushed by leadership, regulators, or the press to punish errors. In either case, this research suggests that punishment is not distributed fairly across all individuals, with minority groups consistently reporting the most punitive work environments in various industries.

³ The JCII survey measures a range of Just Culture behavioral indicators, including open reporting, peer-peer coaching, search for causes, system design, transparency, punitive response to error, fair response to reckless behavior, severity bias, and equity.

A Call to Action

The existence of a punishment gap within workplaces is a call for introspection and action—a shift from passively acknowledging its presence to actively dismantling the structures that support it. This entails a commitment to equality, not just in opportunities but in how mistakes are addressed and rectified. Creating an environment where all employees can learn from their errors without fear of unequal punishment is not just an ethical imperative—it's a strategic one. As organizations strive to outpace competitors, the full potential of their workforce can only be tapped when fairness and support replace bias and unequal action.



Cite as: Huntsman, D., & Marx, D. (2024). How Women and People of Color See a Different Workplace. *The Data Series*, (1), 1–2. www.justculture.com

The Just Culture Benchmark Survey is a tool for evaluating workplace culture using nine key behavioral markers tied to seven generally universal organizational values: customer service; patient/customer safety; employee safety; financial stewardship; data privacy & protection; environmental protection; and diversity, equity and inclusion. We use the survey, and its associated Just Culture Improvement Index, as key measurement tools aiding organizations’ implementation of Just Culture.

⁴ We ask the question across seven representative values (i.e., inserted into blank above): 1) customer service, 2) customer safety, 3) employee safety, 4) financial stewardship, 5) data/privacy and protection, 6) environmental protection, 7) diversity, equity, and inclusion.