

CHAPTER 10
BLACKS, HISPANICS, ASIANS, NATIVE AMERICANS

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Visible intentional job discrimination in America is substantial. This discrimination is “visible” because it can be measured through the EEO-1 data as described in Part I of this study. We cannot yet measure the discriminatory behavior that takes place “under” the computer screen’s report on the EEO-1 data. For example, if an establishment has fewer than 20 employees in a particular occupation, we cannot “see” the establishment for purposes of considering minority employment in that category. We know that the kaleidoscope of discriminatory human behavior in the work place is extensive. These findings are cautious, and tend to err, if at all, on the conservative side. The numbers below do not include the extrapolations described in Chapter 4 §2 and thus are not comparable to the numbers that begin and end Chapter 9.

§1. DISCRIMINATING ESTABLISHMENTS AND AFFECTED WORKERS

- **For 1999, 34,107 or 41% of establishments visibly discriminated against Blacks in at least one occupational category. This intentional discrimination affected 586,771 Blacks who were qualified and available to work in the labor markets, industries and occupations of those who discriminated.**
- **For 1999, 19,174 or 35% of establishments visibly discriminated against Hispanics in at least one occupational category. This intentional discrimination affected 283,150 Hispanics who were qualified and available to work in the labor markets, industries and occupations of those who discriminated.**

- **For 1999, 10,888 or 39% of establishments visibly discriminated against Asian Pacific persons in at least one occupational category. This intentional discrimination affected 149,214 Asian Pacific persons who were qualified and available to work in the labor markets, industries and occupations of those who discriminated.**
- **For 1999, 207 or 38.5% of establishments visibly discriminated against Native Americans in at least one occupational category. This intentional discrimination affected 1,983 Native Americans. These statistics may not be as accurate as statistics for other groups.**
- **A “hard core” of 22,269 establishments appear to have discriminated over a ten year period against Minorities, and 13,173 establishments appear to have done so against Women. This “hard core” is responsible for roughly half of the intentional discrimination we have identified.**
- **This means that three fifths of establishments did not visibly intentionally discriminate against minorities, and seventy percent did not visibly intentionally discriminate against women.**

There are several limitations on these findings that are discussed in Chapter 9. They relate to the limitation of the data to employers of more than fifty workers, which eliminates half the workforce, and the exclusion of twenty percent of the reported work force that is located outside of metropolitan areas. If the patterns of discrimination among the smaller employers and those outside the metropolitan areas are similar to those in our study, our numbers would be more than doubled.¹¹⁹ If the patterns in metropolitan areas are similar to those in non-metropolitan areas, the numbers should be increased by another twenty percent. We assume that establishments between 1.65 and 2 standard deviations did not affect any workers, although we know that when discrimination complaints are filed with EEOC or state agencies, roughly 20% of them are found to be meritorious. Additionally, we require 20 employees in an occupation before we make comparisons that could lead to findings of discrimination.¹²⁰ If we had chosen smaller numbers, more discrimination would have been found, but the reliability of our methodology would have been open to question.

One third of the establishments in metro areas with 100 or more employees violated their duty to report the composition of their workforce. For the purposes of general national statistics, we treat these establishments as if they had included minorities and women at the average levels of those who did report.¹²¹ However in this and subsequent chapters, we do not to allocate those minorities and women to specific minority groups. Therefore, we do not use the allocated numbers at all.

With the caveat that the numbers and percentages reflect this cautious analysis, we continue the national portrait of intentional job discrimination.

§2. MINORITIES IN THE EEO-1 SYSTEM.

In the EEO-1 reporting system, minorities are divided into four categories. They are Black, Hispanic, Asian Pacific and Native American for a total of 9,935,610 workers. Each group is the subject of a separate chapter. While inter-group conflicts may occasionally exist, it is clear that the strength of these groups lies in their unity, not in “struggling over the crumbs.”

We have comparisons for 8,193,331 minorities, broken down as follows:

Table 1. Distribution of Affected Workers by Minority Group

DISTRIBUTION OF AFFECTED WORKERS BY MINORITY GROUP					
Group	# Employees in Labor Force with Comparisons	Distribution of Employees by Race/ethnicity	# Affected Workers	Affected Workers as % of Racial/ethnic Labor Force	Distribution of Affected Workers by Race/ethnicity
Black	4,009,478	49%	586,771	14.6%	57.5%
Hispanic	2,690,243	33%	283,150	10.5%	27.7%
Asian-Pacific	1,355,648	17%	149,214	11.0%	14.6%
Native Amer.	137,962	2%	1,983	1.4%	0.2%
All	8,193,331	100%	1,021,118	12.5%	100.0%

§3. HIGHLIGHTS OF TABLE CONCERNING INDIVIDUAL MINORITY GROUPS

The first conclusion that flows from this analysis is that Black workers-- African Americans in the language of 2002 -- continue to suffer the most severe extent of intentional job discrimination. At the national level, they constitute 57% of all the workers affected by discrimination. Discrimination affects nearly 15% of the Black labor force. The largest numbers of affected workers are in semi and unskilled work, sales, and service. These are areas of substantial availability. But in Officials and Managers, Professionals, Technical and Craft workers, where availability is less, the proportion of discrimination is accordingly lower. This further supports the analysis with respect to women and minorities in general, that a low level of discrimination is symptomatic of a limited number in the occupational category involved, which may suggest an inquiry concerning the industry average. The lowest proportion of discrimination is found in officials and

managers, where it is 27 percent. The top three categories (Officials, Professionals, Technicals) with relatively small numbers of affected workers, has rates of discrimination in the high 20's. But in the area of traditionally black jobs (Operatives, Laborers and Service) the discrimination is in the 30+ % range.

The second largest minority group, Hispanic employees, has the second largest number of affected workers, but a percentage of discrimination (8.4%) that is only two thirds that of Blacks. Hispanic workers appear to be discriminated against in the same pattern as Blacks, but at percentages lower than those of Blacks. Hispanics account for 33% of the minority work force, and have about half the affected workers as Blacks. Again the pattern of higher rates of discrimination in traditional minority jobs is apparent.

Asian-Pacific workers are the third largest group, with the third largest number of affected workers, but a discrimination rate of nearly ten-percent, which is higher than that of Hispanics. The Asian-Pacific work force shows a similar picture – higher rates of discrimination with respect to the operatives, laborers, service categories, with relatively small numbers involved. Asian-Pacific workers constitute 17% of the EEO-1 labor force, roughly half the Hispanic labor force and a quarter of the Black labor force. But their percentages of discrimination are higher than Hispanics, although lower than Blacks. The higher levels of discrimination in Professional workers – reflecting greater availability – differentiate the Asian Pacific workforce from both Black and Hispanic workers.

Native Americans, barely visible under our methodology, appear to have the lowest rate of discrimination (5.1%), but the reliability of that conclusion is suspect because of the relatively small numbers involved. The statistics concerning Native American workers are unlikely to be as accurate as those for the other three groups. The Native American workforce is small compared to the other minority groups. National patterns are difficult to ascertain. The small number of affected workers attests to the difficulties of using this methodology with respect to Native Americans. Furthermore, employment on reservations is exempt from reporting, still further limiting the utility of the analysis. The probability of discrimination in some instances is based on few comparisons.

**§4. THE PROBABILITY OF DISCRIMINATION BY
 OCCUPATIONAL CLASSIFICATION**

A. BLACKS

Column A in the table below describes in stark form the burden of appearing to be Black, no matter what kind of job is sought in metropolitan United States. The percentages reflect the probability that a Black person will face discrimination in the occupational category in which he or she seeks an employment opportunity. The discrimination may take any form; denial of initial employment, job assignment, promotion, pay, layoff discipline and termination. The EEO-1 data does not address the specific forms of discrimination.

Table 2. Occupational Discrimination against Blacks

Discrimination Against Blacks, by Occupation-- 1999			
	A. Probability of Discrimination in seeking opportunity	B. Number of Establishments that Discriminate	C. Number of Affected Workers
O & M	26.6%	2,070	15,236
Prof	27.6%	3,305	44,162
Tech	29.1%	2,310	29,341
Sales	39.5%	9,574	126,159
O & C	31.8%	7,226	98,833
Craft	28.7%	1,956	18,195
Oper	33.2%	4,941	67,250
Labor	34.9%	3,120	39,830
Service	40.3%	9,209	147,765
All	41.0%*	34,107*	586,771

Notes: An establishment discriminates if its employment of minorities in the occupational category is 1.65 standard deviations or more below the industry mean of the establishment's MSA.
 *This represents the number of establishments that discriminate in any occupation. Because some establishments discriminate in more than one occupation, this number is smaller than the sum of the number of establishments that discriminate in each occupation.

B. HISPANICS

Column A in the table below describes in stark form the burden of appearing to be Hispanic, no matter what kind of job is sought in metropolitan United States. The percentages reflect the probability that a Hispanic person will face discrimination in the occupational category in which he or she seeks an employment opportunity. The discrimination may take any form; denial of initial employment, job assignment, promotion, pay, layoff discipline and termination. The EEO-1 data does not address the specific forms of discrimination.

Table 3. Occupational Discrimination against Hispanics

Discrimination Against Hispanics, by Occupation--1999			
	A. Probability of Discrimination in Seeking opportunity	B. Number of Establishments that Discriminate	C. Number of Affected Workers
O & M	21.8%	845	6,308
Prof	20.7%	916	8,455
Tech	21.9%	864	7,413
Sales	28.1%	4,230	46,223
O & C	21.8%	2,811	29,091
Craft	27.1%	1,505	15,836
Oper	33.4%	3,751	55,244
Labor	34.4%	2,573	35,803
Service	34.0%	5,841	78,776
All	35.0%*	19,174*	283,150

Notes: An establishment discriminates if its employment of minorities in the occupational category is 1.65 standard deviations or more below the industry mean of the establishment's MSA.

*This represents the number of establishments that discriminate in any occupation. Because some establishments discriminate in more than one occupation, this number is smaller than the sum of the number of establishments that discriminate in each occupation.

C. ASIAN PACIFIC

Column A in the table below describes in stark form the burden of appearing to be of Asian Pacific background no matter what kind of job is sought in metropolitan United States. The percentages reflect the probability that an Asian Pacific origin person will face discrimination in the occupational category in which he or she seeks an employment opportunity. The discrimination may take any form; denial of initial employment, job assignment, promotion, pay, layoff discipline and termination. The EEO-1 data does not address the specific forms of discrimination.

Table 4. Occupational Discrimination against Asian-Pacific Persons

Discrimination Against Asian-Pacific persons, by Occupation-1999			
	A. Probability of Discrimination in seeking opportunity	B. Number of Establishments that Discriminate	C. Number of Affected Workers
O & M	24.6%	835	5,751
Prof	30.8%	3,593	54,117
Tech	30.2%	1,162	12,083
Sales	27.3%	1,485	10,416
O & C	26.4%	1,506	14,627
Craft	35.0%	584	4,659
Oper	42.8%	2,003	24,140
Labor	43.6%	770	7,521
Service	38.1%	1,610	15,899
Any Occupation	39.0%*	10,888*	149,214

Notes: An establishment discriminates if its employment of minorities in the occupational category is 1.65 standard deviations or more below the industry mean of the establishment's MSA.

*This represents the number of establishments that discriminate in any occupation. Because some establishments discriminate in more than one occupation, this number is smaller than the sum of the number of establishments that discriminate in each occupation.

D. NATIVE AMERICANS

Column A in the table below attempts to describe the burden of appearing to be of Native American background no matter what kind of job is sought in metropolitan United States. The percentages, however, may not reflect the probability that a Native American person will face discrimination in the occupational category in which he or she seeks an employment opportunity. The numbers of Native Americans reported on EEO-1 forms is very small compared with the other groups, and does not appear sufficient to demonstrate comparable patterns of discrimination. Employment on reservations is exempt from the reporting requirements, thus limiting the comprehensiveness of the data. The limitation of the study to establishments of 50 or more may have had a greater effect on Native Americans than on other groups.

Table 5. Occupational Discrimination against Native Americans

Discrimination Against Native Americans, by Occupation- 1999			
	A. Probability of discrimination when seeking opportunity	B. Number of Establishments that Discriminate	C. Number of Affected Workers
O & M	53.8%	21	169
Prof	59.3%	32	239
Tech	34.5%	10	145
Sales	25.3%	23	219
O & C	25.0%	19	255
Craft	15.9%	14	123
Oper	33.3%	41	375
Labor	28.8%	19	189
Service	30.5%	29	269
Any Occupation	38.5%*	207*	1,983

Notes: An establishment discriminates if its employment of minorities in the occupational category is 1.65 standard deviations or more below the industry mean of the establishment's MSA.

*This represents the number of establishments that discriminate in any occupation. Because some establishments discriminate in more than one occupation, this number is smaller than the sum of the number of establishments that discriminate in each occupation.

For more details on each group considered separately, see the following chapters.

§5. ENDNOTES

119. See Tables 2, 3 for an analysis of discriminators by size of establishment. See the recommendation in the Conclusions section for expanding the reporting system to include all establishments of 50 or more workers.
120. See Part I.
121. See Part I.
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