

CHAPTER 12
DISCRIMINATION AGAINST HISPANICS¹

CHAPTER 12 DISCRIMINATION AGAINST HISPANICS 133

§1. *Improvement in Job Opportunities for Hispanic Workers Since 1964*..... 134

§2. *Continued Discrimination Against Hispanic Workers*..... 136

§3. *Background of this Study*..... 138

§4. *Intentional Discrimination*..... 140

 A. AT RISK DISCRIMINATORS..... 141

 B. PRESUMED DISCRIMINATORS..... 142

 C. CLEARLY VISIBLE DISCRIMINATORS..... 143

 D. HARD CORE DISCRIMINATORS..... 144

 E. SUMMARY OF VISIBLE JOB DISCRIMINATION AGAINST HISPANICS..... 145

 Hard Core..... 145

§5. *The Risk Of Discrimination Against Hispanics By Occupation*..... 146

§6. *The Incidence of Discrimination Against Hispanics by Industries – Craters In The Playing Field* 147

§7. *Analysis of Industry Ranking by number of affected Hispanic workers*..... 150

§8. *Proportion of Comparisons showing Dscrimination against Hispanics*..... 150

§9. *Conclusion*..... 152

§10. *Endnotes*..... 153

Hispanics are a single minority group for the purposes of the EEO-1 reports, and many other studies. The term encompasses many peoples who are products of a Spanish influenced environment and have different histories reflecting explorations and conquests of the past. The Mexican American Community was initially created by our conquest of the Southwest. The Cuban American community was created in important part by recent exiles from Cuba. The Puerto Rican Community emerged as a result of our war with Spain. People from many other offshoots of Spanish culture have arrived for the same reasons that white Europeans fled here beginning in the seventeenth century. The common thread is a Spanish cultural dimension, usually characterized by language and sometimes by Color.

The Civil Rights Act’s broad prohibition of job discrimination because of race, color, sex, national origin and religion swept members of the Spanish culture communities under the protection of federal law. Each of the specific categories of discrimination has had meaning for different facets of the “Hispanic” community. People from these cultures constitute the second largest minority group in the

1. This term, used in the EEO-1 reports, includes “All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.” See Appendix to National Report. The EEO-1 report does not break down employees into more specific origin groups.

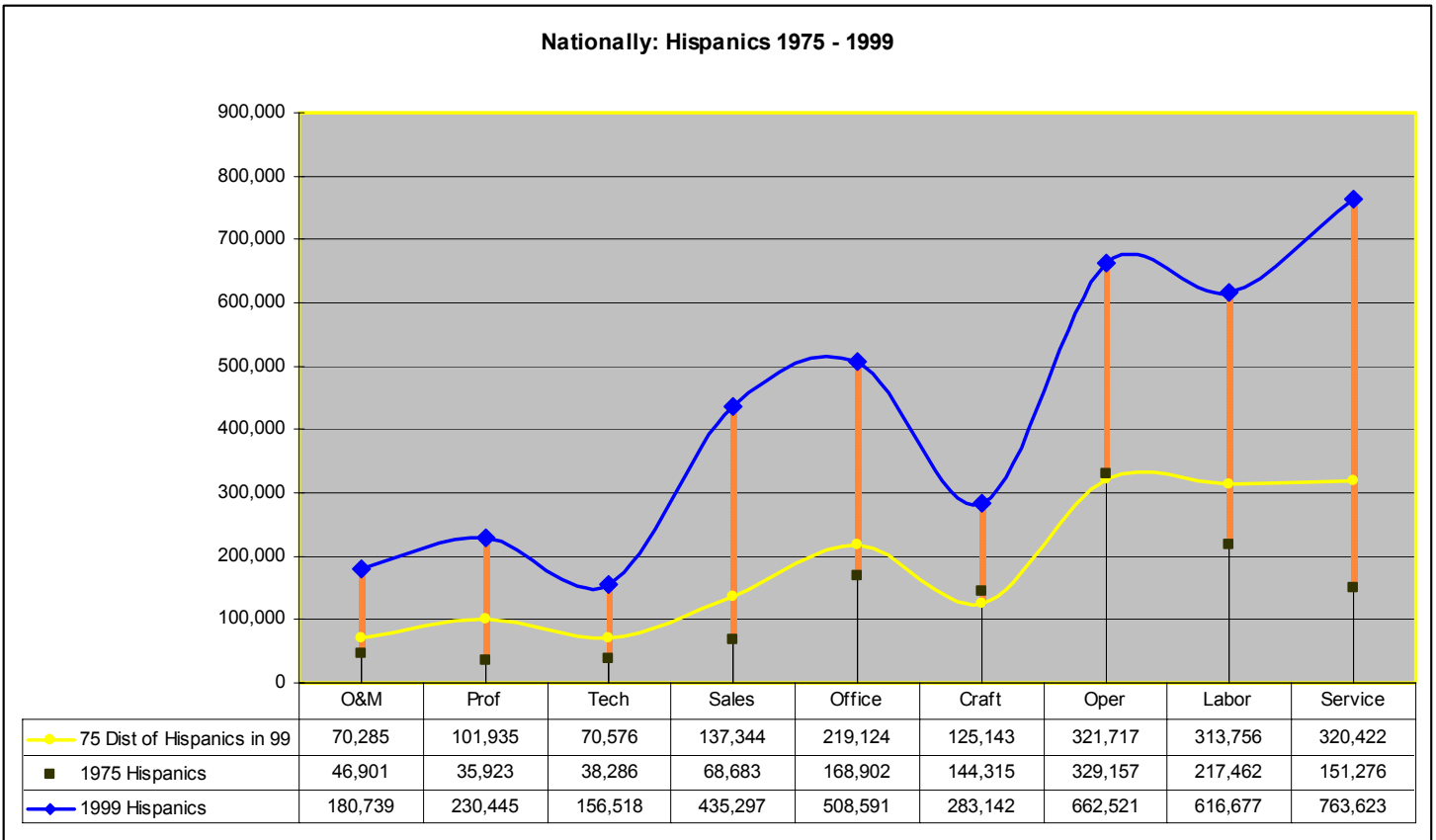
EEO-1 reports. The pattern of discrimination against Hispanics has considerable similarities with that of discrimination against Blacks. As with the Black community, establishing a principle and seeing it implemented in daily life are quite different matters.¹³⁵

§1. IMPROVEMENT IN JOB OPPORTUNITIES FOR HISPANIC WORKERS SINCE 1964.

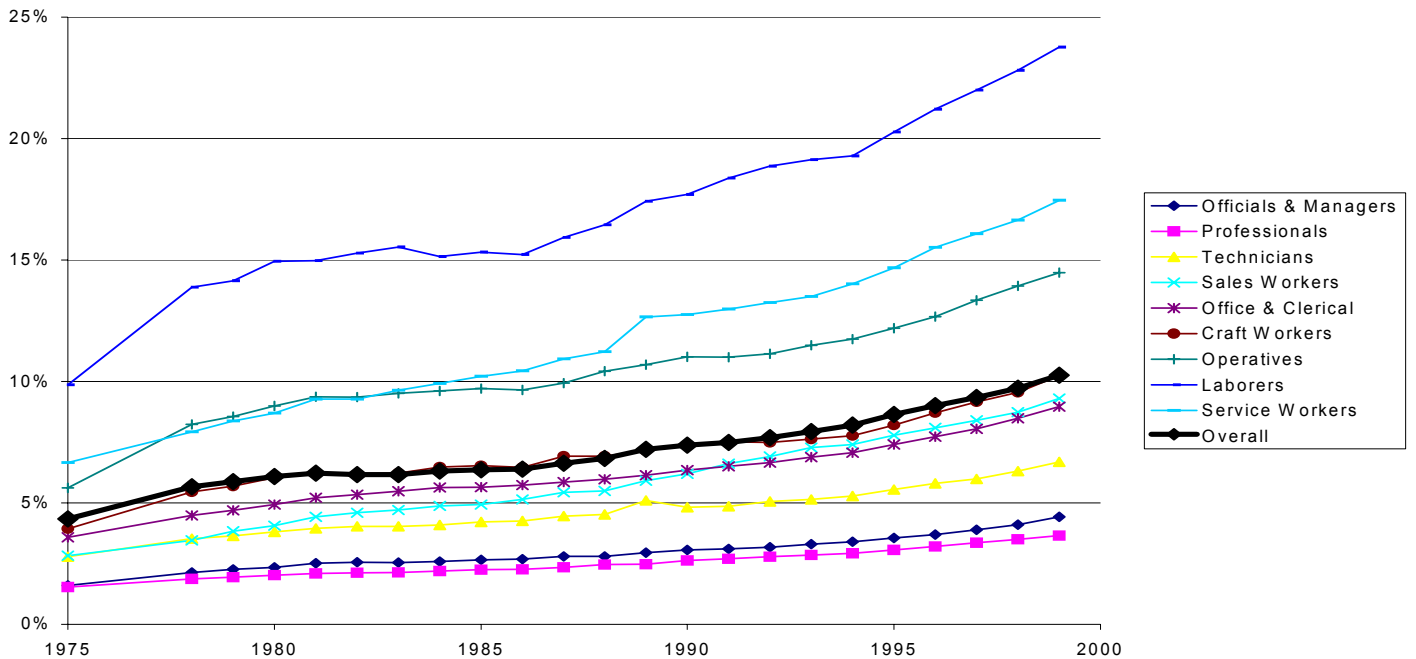
There has been improvement in job opportunities for Hispanic workers since the Civil Rights Act was passed. In 1975, Title VII – the equal employment opportunity provision of the 1964 Civil Rights Act – had been in effect for only a decade. Many employer practices that had subordinated minorities and women were still clearly traceable to their roots in the pre-65 era when such oppression was legal. But change was afoot, as Herbert Hammerman’s study of the 1970-1980 period shows.¹³⁶ This study takes up in 1975, but it addresses a narrower aspect of employment opportunity – the extent of intentional employment discrimination. That discrimination was the “most obvious evil” to which the law was directed.¹³⁷ The improvement in opportunities that occurred between 1964 and 1999 created over that time an increased pool of qualified and available minorities and women workers in virtually every field of endeavor. The findings of this study build on the improvement in minority and female opportunity that created a larger labor pool of qualified and available workers and a culture better structured to receive them.

Table 1. Increases in Hispanic Job Distribution 1975 – 1999

	HISPANICS									
	O&M	Prof	Tech	Sales	Office	Craft	Oper	Labor	Service	All
1975 Hispanics	46,901	35,923	38,286	68,683	168,902	144,315	329,157	217,462	151,276	1,200,905
1975 All Groups	2,712,997	2,220,476	1,269,851	2,340,845	4,365,745	3,188,002	4,683,252	1,798,075	2,064,301	24,643,544
1975 % of All Groups	1.73%	1.62%	3.01%	2.93%	3.87%	4.53%	7.03%	12.09%	7.33%	4.87%
1999 All Groups	4,065,634	6,300,816	2,340,820	4,680,944	5,663,873	2,764,488	4,577,393	2,594,281	4,372,459	37,360,708
75 Dist of Hispanics in 99	70,285	101,935	70,576	137,344	219,124	125,143	321,717	313,756	320,422	1,820,625
1999 Hispanics	180,739	230,445	156,518	435,297	508,591	283,142	662,521	616,677	763,623	3,837,553
Net Change	110,454	128,510	85,942	297,953	289,467	157,999	340,804	302,921	443,201	2,016,928



Trends in Hispanic Employment as a Percentage of All Employees in Metropolitan Statistical Areas, 1975-1999



§2. CONTINUED DISCRIMINATION AGAINST HISPANIC WORKERS

How well has society served the Hispanic beneficiaries of the Civil Rights laws? This chapter addresses a narrow part of that question, dealing with intentional job discrimination against Hispanics in the EEO-1 labor force, consisting of employers of 50 or more workers in establishments located within metropolitan areas.

This Chapter is concerned with intentional job discrimination against qualified and available Hispanic workers. This discrimination is measured by comparing the average employment of qualified Hispanic employees in the same labor market, industry and occupation to identify any establishment that employs so few that it stands out like a sore thumb. Thus we are not concerned with root problems of poor education, poverty, welfare or other social ills often cited as the causes of inferior social and economic status.

We have reached two key findings that suggest that Hispanics continue to be seriously discriminated against in employment throughout the country.

- **For 1999, 19,174 or 35% of establishments visibly discriminated against Hispanics in at least one occupational category. This discrimination affected 283,150 Hispanics who were qualified and available to work in the labor markets, industries and occupations of those who discriminated.**
- **This constituted eleven percent of all Hispanic workers.**

Table 2. Minority Group Summary with emphasis on Hispanics

(Differences between table and chart due to rounding.)

Table 1 # of employees in each minority group, # and % of Affected Employees, and percent affected worker in each minority group--1999				
Race/ethnic group	Distribution of minority employees	Distribution of Affected Workers by Minority Group		Affected Workers as percent of each minority group
	by group	#	%	
Black	49%	586,771	57%	15%
Hispanic	33%	283,150	28%	11%
Asian-Pacific	17%	149,214	15%	11%
Native American	2%	1,983	0%	1%
All	100%	1,021,118	100%	12%

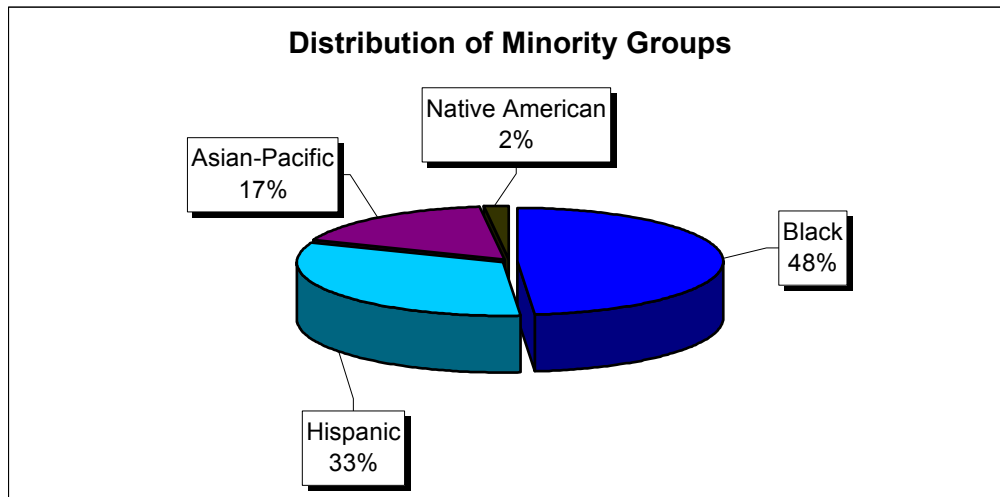


Table 3. Discrimination against Hispanics, by Occupation

Discrimination Against Hispanics, by Occupation -- 1999			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	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
Any Occupation	35%*	19,174	* 283,150

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

*This represents the number of establishments that discriminate in any occupation. Due to establishments discriminating in more than one occupation, this number is not equal to the sum of the number of establishments that discriminate in each occupation.

The first conclusion that flows from Tables 1 and 2 is that Hispanic workers continue to suffer serious intentional job discrimination. At the national level, they constitute 28% of the minority victims of discrimination, only slightly less than their 33% of the minority labor force.¹³⁸

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, and Technical Workers, where availability is less, the proportion of discrimination is accordingly lower.

This further illustrates that a low level of discrimination may be symptomatic of a limited number of Hispanics in the occupational category involved.¹³⁹ The lowest proportion of discrimination is found in the top three categories (officials, professionals, and technical). With relatively small numbers of affected workers, they have rates of discrimination in the high 20's. But in the area of traditionally minority jobs (operatives, laborers and service) the discrimination is in the 30+ % range.

§3. BACKGROUND OF THIS STUDY

Each year, private sector employers of more than 100 employees and government contractors of more than 50 employees are required to file a report, named EEO-1, on the race, sex, and ethnic composition of its workforce by nine occupational categories.¹⁴⁰

This study describes the extent of intentional job discrimination among private sector establishments in metropolitan areas with 50 or more employees who have filed EEO-1 reports in metropolitan statistical areas (MSA's). It includes discrimination by occupational category and by industries for which we have sufficient data. The industries are identified by the Standard Industrial Classification system, 1987 (SIC). The definitions of MSA and SIC are set forth in Part I of the National Report, and in its Appendix.¹⁴¹ The analysis of employer EEO-1 reports is explained in Part I of the National Report. See the National Report, Part I for a full explanation of the definitions and methodology used in this study.

This study has identified the average – mean – use of minorities or women by industry and occupation in a labor market of all establishments that have 20 or more employees in the occupational category in the same industry. All establishments in that industry and occupation are then compared to the mean. Table 4 is an example of such a comparison, taken from an earlier report in the State of Washington. It graphically shows why we call this a “sore thumb” diagram.

**Table 4. Sore Thumb Example:
 Percent Females Among Sales Employees
 Security Dealers and Brokers in the Seattle Metropolitan Area, 1997**

Number of Establishments	Percent of Employees in Each Establishment																							
	0	2	4	6	8	0*	2	4	6	8	0	2	4	6	8	0	2	4	6	8	0			
Sore thumb																								

* 20 is the Average (Mean) due to size differences of establishments.

To determine whether the utilization of members of any group studied, as in the above table, has occurred by chance, statisticians use a measurement device called “standard deviations.” The greater the standard deviations below the average, the less likely it is that the observed event occurred by chance, and the more likely, under the law, that it reflects intentional job discrimination. The law uses the standard deviation concept to identify a pattern of intentional job discrimination. The greater the deviations, the stronger the evidence of intentional job discrimination.

§4. INTENTIONAL DISCRIMINATION

“Intentional Discrimination” exists “when a complaining party demonstrates that **race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.**”¹⁴² This means that the intent need not be the sole factor in an employment decision. It is enough to show that it was one of the motivating factors. If an employer has both a legitimate reason for its practices and also a discriminatory reason, then it is engaged in intentional discrimination under the Civil Rights Act.

Intentional discrimination may exist when an establishment’s utilization of minorities or women is so far below the average in the same metropolitan area and industry, and in the same occupational category, that it is unlikely to have occurred by chance. The legal significance of statistical evidence varies with the distance an establishment falls below that average as measured by standard deviations; a statistical measure of the probability that an observed event occurred by chance.

Table 5. Probabilities of Discrimination and Legal Presumptions

Standard Deviations	Probability		Described in this study as:	Legal effect
	Chance	Not chance		
1.65	1 in 10	90%	At Risk	Admissible if relevant; weighed with all other evidence; worker must prove that he/she was discriminated against.
2.0	1 in 20	95%	Presumed	Admissible; creates presumption of discrimination; employer must prove it had only legitimate non-discriminatory reasons. As the probability of result occurring by chance declines, the presumption of discrimination strengthens and raises the risk that employer will lose litigation; most such cases settle.
2.5	1 in 100	99%	Clearly Visible	
2.5 over 9 yrs			Hard Core	

This study identifies four degrees of intentional job discrimination depending on the statistics in particular situations.

A. AT RISK DISCRIMINATORS.

“At Risk” Discriminators are so far below average in an occupation that there is only a one in ten (10%) chance that the result occurred by accident (1.65 standard deviations) in 1999 plus fact specific evidence relating individual complainants to the occupation addressed by the statistics. The statistics play a supporting role. We do not know the specific facts in those situations and therefore report no “affected workers” in this category.

Table 6. At Risk Discrimination against Hispanics by Occupation

At Risk Discrimination Against Hispanics, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	6%	217	NA
Prof	6%	261	
Tech	6%	251	
Sales	6%	878	
O & C	5%	696	
Craft	5%	294	
Oper	5%	512	
Labor	4%	316	
Service	5%	880	
All Comparisons	5%	4,305	
Any Occupation	6%	4,838	

Notes: An establishment is an "At Risk" discriminator if its employment of minorities is 1.65 to 2 standard deviations below the industry mean in the occupation and MSA.

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

B. PRESUMED DISCRIMINATORS.

“Presumed Discriminators” are so far below average in an occupation that there is only a one in twenty (5%) chance that the result occurred by accident (2 – 2.5 standard deviations). Intentional discrimination is presumed by law at this level, subject to the employer demonstrating that it had a legitimate non-discriminatory reason and overcoming the presumption of discrimination. Number of affected workers is identified.

Table 7. Presumed Discrimination against Hispanics by Occupation

Presumed Discrimination Against Hispanics, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	7%	277	1,579
Prof	7%	289	1,992
Tech	6%	252	1,781
Sales	7%	1,094	7,587
O & C	6%	776	5,278
Craft	6%	327	1,942
Oper	6%	680	4,277
Labor	6%	447	2,670
Service	7%	1,282	9,219
Any Occupation	5%	4,309	36,326
Notes: An establishment is a "Presumed" discriminator if its employment of minorities is 2 to 2.5 standard deviations below the industry mean in the occupation and MSA. * This represents establishments that discriminate in any occupation. Because some establishments discriminate in more than one occupation, this number is smaller than the sum of the establishments that discriminate in each occupation			

C. CLEARLY VISIBLE DISCRIMINATORS.

“Clearly Visible Discriminators are so far below average in an occupation that there is only a one in one hundred (1%) chance that the result occurred by accident (2.5 standard deviations) in 1999. Number of affected workers is identified.

Table 8. Clearly Visible Discrimination against Hispanics by Occupation

Clearly Visible Discrimination Against Hispanics, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	6%	252	2,975
Prof	6%	262	4,045
Tech	7%	273	3,582
Sales	9%	1,335	18,884
O & C	7%	906	13,678
Craft	11%	588	7,867
Oper	15%	1,685	26,983
Labor	17%	1,306	20,908
Service	14%	2,383	38,977
Any Occupation	9%	7,582	137,899
Notes: An establishment is a "Clearly Visible" discriminator if its employment of minorities is 2.5 standard deviations or more below the industry mean in the occupation and MSA. * This represents establishments that discriminate in any occupation. Because some establishments discriminate in more than one occupation, this number is smaller than the sum of the establishments that discriminate in each occupation			

D. HARD CORE DISCRIMINATORS.

“Hard Core” discriminating establishments demonstrate a severe statistical case of discrimination that has existed over a long period of time. They are so far below average in an occupation that there is only a one in one hundred chance that the result occurred by accident (2.5 standard deviations or more) in 1999 and either 1998 or 1997, and at least one year between 1991 and 1996, and not above average between 1991 to 1996. Included are establishments that are more than 2.5 standard deviations below the mean and have been so for longer than ten years.

Table 9. Hard Core Discrimination against Hispanics by Occupation

Hard Core Discrimination Against Hispanics, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	3%	99	1,754
Prof	2%	104	2,419
Tech	2%	88	2,050
Sales	6%	923	19,752
O & C	3%	433	10,135
Craft	5%	296	6,027
Oper	8%	874	23,983
Labor	7%	504	12,225
Service	8%	1,296	30,580
Any Occupation	5%	3,972	108,925
Notes: An establishment is a "Hard Core" discriminator if its employment of minorities is 2.5 standard deviations or more below the industry mean in the occupation and MSA over 9 years. * This represents establishments that discriminate in any occupation. Because some establishments discriminate in more than one occupation, this number is smaller than the sum of the establishments that discriminate in each occupation			

Hard Core and Clearly Visible Discriminators – both of which are at least 2.5 Standard Deviations – meaning that the likelihood of chance is only 1 in 100 – below the average utilization of Hispanics account for 220, 404 of the 283,150 Hispanic affected workers, or 78% of all affected Hispanic workers.

E. SUMMARY OF VISIBLE JOB DISCRIMINATION AGAINST HISPANICS

Table 10. Degrees of Intentional Discrimination against Hispanics and the Number of Workers Affected

Degree	Establishments		Affected Workers
	#	%	
Hard Core	3,972	6%	108,925
Clearly Visible	7,582	11%	137,899
Presumed	4,309	7%	36,326
At Risk	4,838	5%	NA*
Total	20,701 **		283,150
* Affected workers are not identified with “At Risk” discrimination.			
** Actual number of establishments may be lower because this number may include employers who discriminate in more than one degree of discrimination against Hispanics in different occupations.			

§5. THE RISK OF DISCRIMINATION AGAINST HISPANICS BY OCCUPATION

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 11. Occupational Discrimination against -- 1999

Discrimination Against Hispanics, by Occupation -- 1999				
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate		Number of Affected Workers
	A	B		C
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
Any Occupation	35%*	19,174	*	283,150

Notes: An establishment "discriminates" if its employment of minorities in the occupational category is 1.65 standard deviations below the industry mean of the establishment's MSA.
 *This represents the number of establishments that discriminate in any occupation. Due to establishments discriminating in more than one occupation, this number is not equal to the sum of the number of establishments that discriminate in each occupation.

§6. THE INCIDENCE OF DISCRIMINATION AGAINST HISPANICS BY INDUSTRIES – CRATERS IN THE PLAYING FIELD

Each establishment describes its principal product or activity on its EEO-1 form. Establishments are then classified by industry in accordance with the 1987 *Standard Industrial Classification (SIC) Manual*, Office of Management and Budget. This is a classification structure for the national economy. It provides data according to the level of detail, from the general to the quite specific. For example, manufacturing is a major industrial division; food and kindred products (Code 20) is one of its major groups. One of the ways this group is further divided is into meat products (Code 201) and meat packing plants (Code 2011).¹⁴³ The major industrial divisions are identified by 1-digit codes, major groups by 2 digits, and further subdivisions by 3 and 4 digits. The major divisions in the private sector are: Agriculture, forestry and fishing; Mining; Construction; Manufacturing; Transportation, Communications, Electric, gas and sanitary services; Wholesale trade; Retail trade; Finance, Insurance and real estate; and Services. The SIC number in the following tables refers to that classification system. Appendix B contains a list of SIC codes including the 1, 2, and 3 digits used in this report. The following table uses the three-digit level of generalization.

The following table identifies those industries that discriminate at two standard deviations or more against more than a thousand Hispanic workers. The industries are ranked by the number of affected workers. “Affected Workers” are the difference between the number of Hispanic workers in an establishment that discriminates at the two standard deviation level or greater, and the number the establishment would have had if it had been employing at the average in the same industry, labor market, and occupational category. Ranking by “affected workers” places the industries with the most jobs toward the top of the list. Thus Health Services, Eating and Drinking Places, General Merchandise stores and Food Stores appear at or near the top of such lists because of the extensive employment in those industries.

The right hand column shows the proportion of comparisons that show discrimination at 1.65 standard deviations or more in these same industries. This reflects the probability or risk that a Hispanic worker will face discrimination when he or she seeks an employment opportunity in that industry. Following the table will be an analysis of the “*Affected Worker*” column highlighting establishments with the largest numbers of affected Hispanic workers, and the “*Comparisons with*

Discrimination” Column showing the industries which have the highest and lowest probabilities of discriminating against a Hispanic worker.

Table 12. Top Third of Industries discriminating against Hispanics

Top one third of industries discriminating* against Hispanic Workers, by number of affected workers				
SIC	Industries	Affected Workers		Discrim. Risk **
		Rank	#	%
581	Eating and Drinking Places	1	43,702	40%
541	Grocery Stores	2	20,681	33%
531	Department Stores	3	20,615	29%
806	Hospitals	4	19,562	22%
701	Hotels and Motels	5	18,651	25%
805	Nursing and Personal Care Facilities	6	7,247	34%
308	Miscellaneous Plastics Products	7	7,216	35%
514	Groceries and Related Products	8	6,077	32%
367	Electronic Components and Accessories	9	5,808	23%
421	Trucking & Courier Services, Ex. Air	10	5,304	26%
451	Air Transportation, Scheduled	11	4,057	22%
602	Commercial Banks	12	4,006	23%
481	Telephone Communication	13	3,654	25%
201	Meat Products	14	3,517	28%
371	Motor Vehicles and Equipment	15	3,206	32%
533	Variety Stores	16	2,638	24%
372	Aircraft and Parts	17	2,611	17%
344	Fabricated Structural Metal Products	18	2,476	32%
203	Preserved Fruits and Vegetables	19	2,469	25%
209	Misc. Food and Kindred Products	20	2,091	25%
809	Health and Allied Services	21	2,063	29%
737	Computer and Data Processing Services	22	1,986	27%
521	Lumber and Other Building Materials	23	1,942	28%
594	Miscellaneous Shopping Goods Stores	24	1,888	33%
384	Medical Instruments and Supplies	25	1,821	27%
205	Bakery Products	26	1,733	26%
349	Misc. Fabricated Metal Products	27	1,683	29%
162	Heavy Construction, except Highway	28	1,675	29%
208	Beverages	29	1,541	24%
331	Blast Furnace and Basic Steel Products	30	1,537	30%
267	Misc. Converted Paper Products	31	1,516	33%
275	Commercial Printing	32	1,486	31%
422	Public Warehousing and Storage	33	1,482	35%
489	Communication Services	34	1,474	29%
265	Paperboard Containers and Boxes	35	1,434	27%
154	Nonresidential Building Construction	36	1,415	31%
346	Metal Forgings and Stampings	37	1,382	26%
539	Misc. General Merchandise Stores	38	1,354	22%
751	Automotive Rentals, No Drivers	39	1,351	32%

Top one third of industries discriminating* against Hispanic Workers, by number of affected workers				
SIC	Industries	Affected Workers		Discrim. Risk **
		Rank	#	%
251	Household Furniture	40	1,261	43%
327	Concrete, Gypsum, and Plaster Products	41	1,253	26%
283	Drugs	42	1,185	24%
832	Individual and Family Services	43	1,137	32%
483	Radio and Television Broadcasting	44	1,131	24%
808	Home Health Care Services	45	1,077	35%
357	Computer and Office Equipment	46	1,066	21%
801	Offices & Clinics Of Medical Doctors	47	1,028	22%
271	Newspapers	48	1,016	26%
551	New and Used Car Dealers	49	1,015	20%
356	General Industrial Machinery	50	1,011	30%
501	Motor Vehicles, Parts, and Supplies	51	1,010	31%
364	Electric Lighting and Wiring Equipment	52	1,008	29%
458	Airports, Flying Fields, & Services	53	982	31%
366	Communications Equipment	54	978	20%
504	Professional & Commercial Equipment	55	977	25%
495	Sanitary Services	56	967	27%
632	Medical Service and Health Insurance	57	914	21%
783	Motion Picture Theaters	58	882	42%
864	Civic and Social Associations	59	865	30%
138	Oil and Gas Field Services	60	864	22%
653	Real Estate Agents and Managers	61	856	33%
836	Residential Care	62	854	28%
401	Railroads	63	833	31%
621	Security Brokers and Dealers	64	817	23%
591	Drug Stores and Proprietary Stores	65	816	32%
382	Measuring and Controlling Devices	66	799	24%
508	Machinery, Equipment, and Supplies	67	790	24%
633	Fire, Marine, and Casualty Insurance	68	772	20%
506	Electrical Goods	69	768	23%
206	Sugar and Confectionery Products	70	765	22%
641	Insurance Agents, Brokers, & Service	71	756	25%
596	Nonstore Retailers	72	755	34%
239	Misc. Fabricated Textile Products	73	727	35%
871	Engineering & Architectural Services	74	715	18%
335	Nonferrous Rolling and Drawing	75	701	28%
225	Knitting Mills	76	700	46%
*	Discrimination at 1.65 standard deviations below average utilization in labor market, industry and occupation			
**	Probability of discrimination based on Comparisons			

**§7. ANALYSIS OF INDUSTRY RANKING BY NUMBER OF
 AFFECTED HISPANIC WORKERS**

- **The above table only includes the top 76 out of 228 industries that discriminate against Hispanic workers. This top third discriminates against 250,402 Hispanic workers out of the total of 283,150 Hispanic Affected Workers.**
- **Ten industries accounted for 154,863 or 54% of these workers.**

Table 13. Ten Industries Discriminate against 54% of Affected Hispanic Workers

Discrimination against Hispanics by top ten industries -- 1999				
SIC	Name of Industry	Affected Workers		% Comparisons w. Discrimination
		#	Rank	%
581	Eating and Drinking Places	43,702	1	40%
541	Grocery Stores	20,681	2	33%
531	Department Stores	20,615	3	29%
806	Hospitals	19,562	4	22%
701	Hotels and Motels	18,651	5	25%
805	Nursing and Personal Care Facilities	7,247	6	34%
308	Miscellaneous Plastics Products	7,216	7	35%
514	Groceries and Related Products	6,077	8	32%
367	Electronic Components, Accessories	5,808	9	23%
421	Trucking & Courier Services, Ex. Air	5,304	10	26%
	Total for these industries	154,863		
	Total Hispanic Affected Workers	283,150		

**§8. PROPORTION OF COMPARISONS SHOWING
 DISCRIMINATION AGAINST HISPANICS**

The proportion of comparisons that show discrimination by industry (see above) shows the probability of discrimination should a Hispanic worker seek an employment opportunity in that industry. This is the risk that a Hispanic worker takes because of his race or color in seeking an employment opportunity in that industry. The table that follows gives the eighteen industries with the highest risk of discrimination and the fifteen with the lowest.

Table 14. Top and Bottom Industries Discriminating Against Hispanics

Table -- Top Eighteen Industries in the percentage of comparisons showing Discrimination Against Hispanics-1999			
SIC Name of Industry	# Affected Workers	% of Comparisons %	Rank
295 Asphalt Paving and Roofing Materials	58	59%	1
229 Miscellaneous Textile Goods	57	58%	2
222 Broadwoven Fabric Mills, Manmade	71	55%	3
228 Yarn and Thread Mills	402	49%	4
415 School Buses	596	49%	5
306 Fabricated Rubber Products	193	48%	6
227 Carpets and Rugs	139	48%	7
339 Miscellaneous Primary Metal Products	47	47%	8
225 Knitting Mills	700	46%	9
754 Automotive Services, except Repair	72	45%	10
516 Chemicals and Allied Products	126	44%	11
563 Women's Accessory & Specialty Stores	43	44%	12
251 Household Furniture	1,261	43%	13
783 Motion Picture Theaters	882	42%	14
325 Structural Clay Products	41	42%	15
386 Photographic Equipment and Supplies	9	42%	16
359 Industrial Machinery	327	42%	17
503 Lumber and Construction Materials	148	42%	18
	5,170		
Table-- Bottom fifteen industries in the percentage of comparisons showing discrimination against Hispanics			
SIC Name of Industry	Affected Workers #	% of Comparisons w. Discrimination %	Rank
753 Automotive Repair Shops	13	7%	228
448 Water Transportation Of Passengers	111	8%	227
396 Costume Jewelry and Notions	80	10%	226
523 Paint, Glass, and Wallpaper Stores	65	10%	225
842 Botanical and Zoological Gardens	7	10%	224
823 Libraries	35	12%	223
672 Investment Offices	35	13%	222
381 Search and Navigation Equipment	152	13%	221
365 Household Audio and Video Equipment	411	14%	220
376 Guided Missiles, Space Vehicles, Parts	211	14%	219
291 Petroleum Refining	100	14%	218
262 Paper Mills	135	15%	217
351 Engines and Turbines	40	15%	216
517 Petroleum and Petroleum Products	14	15%	215
608 Foreign Bank & Branches + Agencies	77	16%	214

§9. CONCLUSION.

The seriousness of intentional job discrimination against Hispanic workers by major and significant industries is evident. The “playing field” is far from level. The situation of some of those industries, which are in the top one third of industries discriminating against Hispanic workers, is even more serious because of the fact that 28 of these industries are also in the top third of industries that discriminate against Black workers (see Chapter 11), and many are among the 40 industries that also discriminate against White Women, Blacks and Asian-Pacific workers. (See Chapter 15, §2).

§10. ENDNOTES

135. Alfred W. Blumrosen, MODERN LAW: THE LAW TRANSMISSION SYSTEM AND EQUAL EMPLOYMENT OPPORTUNITY, 3-14 (1993).
 136. Herbert Hammerman, A DECADE OF NEW OPPORTUNITY, AFFIRMATIVE ACTION IN THE 1970's , pp. 39-50 (Washington: The Potomac Institute, 1984).
 137. Teamsters v. United States, 431 US at 324, 335, n. 15 (1977).
 138. See Chapters on Hispanics and on Asians.
 139. The average utilization of minorities and women on which this study is based includes the discriminating establishments. The average does not purport to be “non discriminatory’ or “fair.’ See Part 1 of the National Report.
 140. The data on Native Americans is so limited in comparison with the other groups that its reliability is in doubt. EEO-1 forms are not required for establishments on Reservations, and the exclusion of establishments not in metropolitan areas and those with fewer than 50 employees may affect Native Americans more severely than other groups. For these reasons, this study will not further detail the conditions of Native Americans.
 141. Alfred W. Blumrosen and Ruth G. Blumrosen, THE REALITIES OF INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA, 1999.
 142. §3 (m) of Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991. See Part 1, Ch. 5, §2, National Report.
 143. Statistical Abstract, 2000, p. 533-34.
-