

CHAPTER 13
DISCRIMINATION AGAINST ASIAN-PACIFIC
ORIGIN WORKERS¹

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Asians and Pacific Islanders are a single minority group for the purposes of the EEO-1 reports, and many other studies. The term encompasses many peoples whose ancestors were from the Pacific Basin and the Asian mainland, including the Indian subcontinent. Like other minorities, they arrived here as a consequence of a need for labor in the west after the Civil War, the conquest of the Philippines and annexation of Hawaii, our wars in Asia through the Vietnamese struggle and, more recently, by our attraction for well-educated professionals. The common thread among them is sometimes appearance, sometimes color, and sometimes the continuation of Asian cultures through language.

The Civil Rights Act’s broad prohibition on job discrimination because of race, color, sex, national origin and religion swept members of the Asian Pacific culture communities under the protection of federal law. Each of the specific categories of discrimination has had meaning for different facets of the “Asian”

1. EEO-1 definition of “Asian or Pacific Islander” is “All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.”

community. People from these cultures constitute the third largest minority group in the EEO-1 reports. The pattern of discrimination against “Asians” has considerable similarities with that of discrimination against Blacks and Hispanics; it differs primarily in the proportion of professionals and technicals who have joined the EEO-1 workforce since 1975. As with all minorities, establishing the principle of equal opportunities and seeing it implemented in daily life are quite different matters.¹⁴⁴

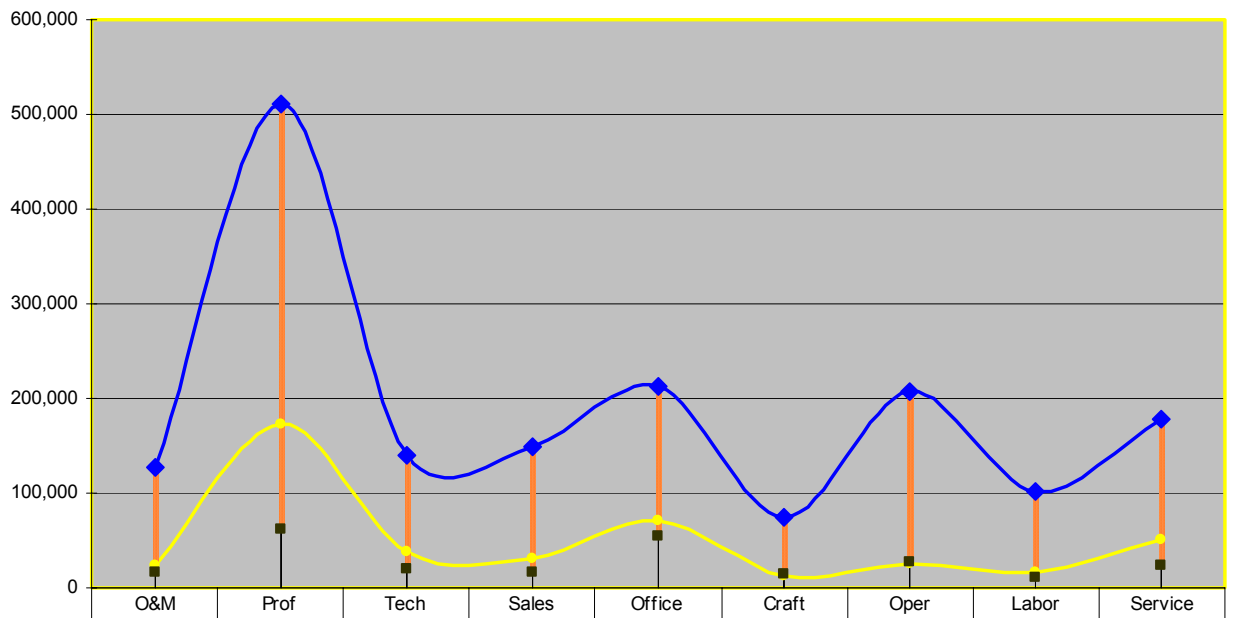
§1. IMPROVEMENT IN JOB OPPORTUNITIES FOR ASIAN PACIFIC WORKERS SINCE 1964.

There has been improvement in job opportunities for Asian 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.¹⁴⁵ 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.¹⁴⁶ 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.

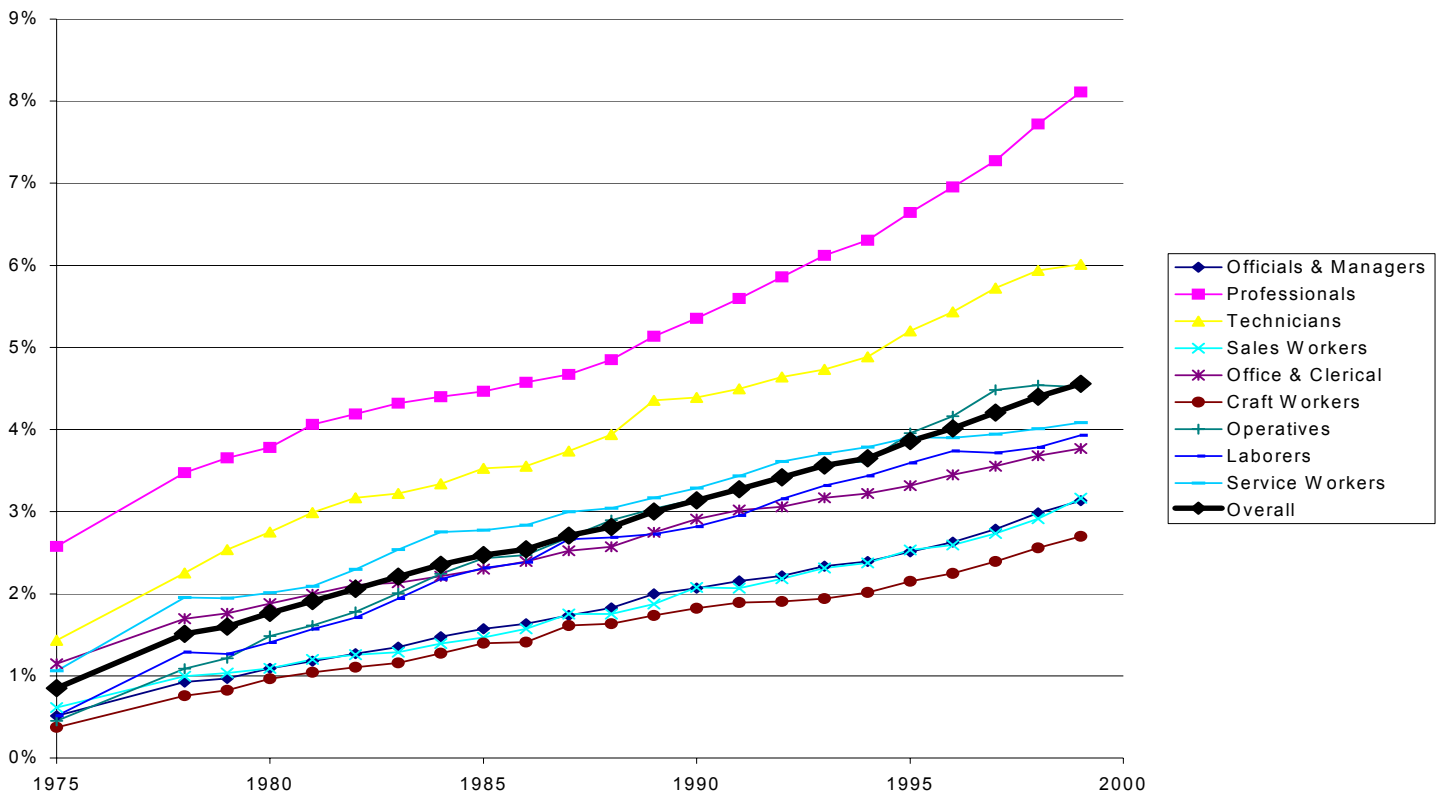
Table 1. Asian Pacific job distribution by occupation in EEO-1 Labor Force, 1975-1999

	ASIANS									
	O&M	Prof	Tech	Sales	Office	Craft	Oper	Labor	Service	All
1975 Asians	15,742	61,080	20,355	15,568	55,170	14,268	26,614	11,426	24,242	244,465
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	0.58%	2.75%	1.60%	0.67%	1.26%	0.45%	0.57%	0.64%	1.17%	0.99%
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 Asians in 99	23,591	173,320	37,522	31,131	71,574	12,373	26,012	16,486	51,348	370,620
1999 Asians	127,394	511,620	140,765	148,202	213,494	74,646	206,825	102,022	178,580	1,703,547
Net Change	103,803	338,300	103,243	117,071	141,920	62,273	180,813	85,536	127,232	1,332,927

Nationally: Asians 1975 - 1999



	O&M	Prof	Tech	Sales	Office	Craft	Oper	Labor	Service
— 75 Dist of Asians in 99	23,591	173,320	37,522	31,131	71,574	12,373	26,012	16,486	51,348
■ 1975 Asians	15,742	61,080	20,355	15,568	55,170	14,268	26,614	11,426	24,242
◆ 1999 Asians	127,394	511,620	140,765	148,202	213,494	74,646	206,825	102,022	178,580



The charts above vividly demonstrate the sharp rise in the employment of Asian-Pacific professionals.

§2. CONTINUED DISCRIMINATION AGAINST ASIAN PACIFIC WORKERS

How well has society served the Asian Pacific beneficiaries of the Civil Rights laws? This chapter addresses a narrow part of that question, dealing with intentional job discrimination against Asian Pacific Islanders 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 Asian Pacific workers. This discrimination is measured by comparing the average employment of qualified Asian Pacific 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 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 Asian Pacific workers continue to be seriously discriminated against in employment throughout the country.

1. For 1999, 10,888 or 39% establishments visibly discriminated against Asian Pacific workers in at least one occupational category. This discrimination affected 149,214 Asian Pacific workers who were qualified and available to work in the labor markets, industries and occupations of those who discriminated.
2. This constituted eleven percent of all Asian Pacific workers. The largest number of Asian Pacific workers who were affected by this discrimination were professional workers.

Table 2. Comparing Asian-Pacific Islanders with Other Minority Groups
 (Differences between table and chart due to rounding.)

# of employees in each minority group, # and % of Affected Employees, and percent affected worker in each minority group				
Race/ethnic group	Distribution of minority employees by group	Distribution of Affected Workers by Minority Group		Affected Workers as percent of each minority group labor force
	%	#	%	%
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%

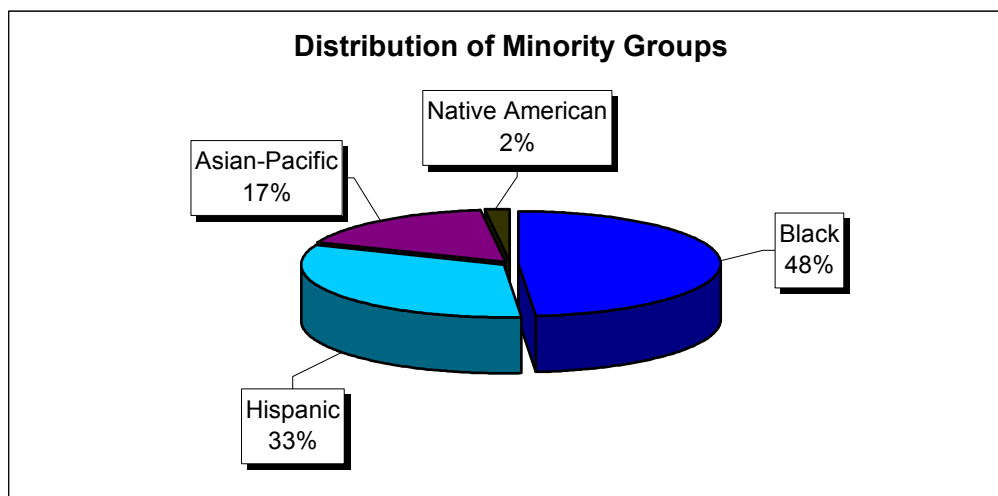


Table 3. Occupational Discrimination Against Asians -- 1999

Discrimination Against Asian-Pacific persons, by Occupation--1999			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
	A	B	C
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
All	39%*	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.

The first conclusion to be drawn from the chart and tables 2 and 3 above is that the largest number of Asian-Pacific workers affected by discrimination — 54,117 — are in the professions. Nearly 3,600 establishments participated in this discrimination. More than a third of Asian-Pacific affected workers are in this category.

The second largest category of affected workers is in the semi-skilled operative category where the 43% risk of discrimination every time an Asian Pacific worker sought an employment opportunity affected 24,140 workers.

On the other hand, the smallest number of affected workers – 584 – are in the craft or skilled blue collar category where the discrimination risk is quite high – 35%.

§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.¹⁴⁷

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.¹⁴⁸ 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 1 is an example of such a comparison, taken from an earlier report in the State of Washington. It graphically explains why we call this a “sore thumb” diagram.

§4. THE VARIETIES OF 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.**”¹⁴⁹ 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 Asians by Occupation

At Risk Discrimination Against Asians, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	7%	230	NA
Prof	6%	667	
Tech	6%	225	
Sales	7%	363	
O & C	6%	363	
Craft	6%	101	
Oper	5%	246	
Labor	5%	89	
Service	7%	305	
Any Occupation	2%	1,950	
Notes: An establishment is at Risk of discrimination if its employment of minorities in the occupational category is between 1.65 and 2 standard deviations 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. 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 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 Asians by Occupation

Presumed Discrimination Against Asians, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	9%	301	1,799
Prof	8%	965	6,822
Tech	8%	316	1,972
Sales	9%	511	2,949
O & C	8%	444	2,736
Craft	11%	184	902
Oper	10%	489	2,531
Labor	12%	213	1,065
Service	12%	512	3,074
Any Occupation	4%	3,067*	23,849
Notes: An establishment is presumed to discriminate if its employment of minorities in the occupational category is 2 to 2.5 standard deviations 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. 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 Asians by Occupation

Clearly Visible Discrimination Against Asians, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	7%	226	2,681
Prof	11%	1,297	24,179
Tech	10%	400	5,742
Sales	8%	430	4,805
O & C	8%	474	6,920
Craft	13%	214	2,325
Oper	17%	800	11,316
Labor	20%	362	4,330
Service	11%	468	6,412
Any Occupation	5%	3,914*	68,711
Notes: An establishment is a Clearly Visible discriminator if its employment of minorities in the occupational category is 2.5 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. 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) in 1999 and in either 1998 or 1997, and in at least one year between 1991 and 1996, and was 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 Asians by Occupation

Hard Core Discrimination Against Asians, by Occupation			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
O & M	2%	78	1,271
Prof	6%	664	23,116
Tech	6%	221	4,369
Sales	3%	181	2,662
O & C	4%	225	4,971
Craft	5%	85	1,432
Oper	10%	469	10,293
Labor	6%	106	2,126
Service	8%	325	6,414
Any Occupation	2%	1,958 *	56,654
Notes: An establishment is a Hard Core discriminator if its employment of minorities in the occupational category is between 2.5 standard deviations or more below the industry mean of the establishment's MSA and has been so for 9 years.			
*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.			

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 one hundred – below the average utilization of Asian Americans account for almost exactly half of the Asian Pacific affected workers (125,366 of 149,214).

**E. SUMMARY OF VISIBLE JOB DISCRIMINATION AGAINST
 ASIAN-PACIFIC WORKERS**

Table 10. Degrees of Intentional Discrimination against Asian-Pacific Islanders and the Number of Workers Affected

Degree	Establishments		Affected Workers
	#	%	
Hard Core	2,354	6%	56,654
Clearly Visible	3,914	5%	68,711
Presumed	3,935	9%	23,849
At Risk	1,950	6%	NA*
Total	12,153 **		149,214
* 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 Asian-Pacific Workers in different occupations.			

**§5. THE RISK OF DISCRIMINATION AGAINST
 ASIAN PACIFIC WORKERS BY OCCUPATION**

Column A in the table below describes in stark form the burden of appearing to be Asian Pacific, no matter what kind of job is sought in metropolitan United States. The percentages reflect the probability that an Asian Pacific 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 Asians, emphasizing Percentage of Establishments

Discrimination Against Asian-Pacific persons, by Occupation--1999			
	Percentage of Establishments that Discriminate	Number of Establishments that Discriminate	Number of Affected Workers
	A	B	C
O & M	24.6%	835	5,751
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Any Occupation	39%*	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.			

**§6. THE INCIDENCE OF INTENTIONAL JOB DISCRIMINATION AGAINST
ASIAN-PACIFIC WORKERS BY INDUSTRY --
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).¹⁵⁰ 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 Asian workers. (A table of the 206 industries that discriminate against Asian workers appears in Chapter 15.) The industries are ranked by the number of affected workers. “Affected Workers” are the difference between the number of Asian 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 Asian 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 Asian workers, and the “*Comparisons with Discrimination*” Column showing the industries which have the highest and lowest probabilities of discriminating against a Asian worker.

Top one third of industries discriminating* against Asian-Pacific Workers, by number of affected workers				
SIC	Industries	Affected Workers		Discrim. Risk**
		Rank	#	%
806	Hospitals	1	23,719	36%
737	Computer and Data Processing Services	2	16,637	36%
367	Electronic Components and Accessories	3	11,748	35%
701	Hotels and Motels	4	6,471	32%
805	Nursing and Personal Care Facilities	5	5,508	34%
531	Department Stores	6	5,414	31%
602	Commercial Banks	7	4,821	30%
357	Computer and Office Equipment	8	4,170	32%
366	Communications Equipment	9	3,839	36%
581	Eating and Drinking Places	10	3,530	40%
384	Medical Instruments and Supplies	11	2,995	31%
481	Telephone Communication	12	2,886	33%
451	Air Transportation, Scheduled	13	2,768	33%
873	Research and Testing Services	14	2,568	29%
308	Miscellaneous Plastics Products	15	2,559	49%
372	Aircraft and Parts	16	2,497	35%
283	Drugs	17	2,301	31%
871	Engineering & Architectural Services	18	2,235	25%
371	Motor Vehicles and Equipment	19	1,732	37%
382	Measuring and Controlling Devices	20	1,676	28%
504	Professional & Commercial Equipment	21	1,632	29%
541	Grocery Stores	22	1,559	24%
809	Health and Allied Services	23	1,478	32%
801	Offices & Clinics Of Medical Doctors	24	1,419	27%
872	Accounting, Auditing, & Bookkeeping	25	1,409	27%
506	Electrical Goods	26	1,158	34%
621	Security Brokers and Dealers	27	1,122	21%
632	Medical Service and Health Insurance	28	944	26%
201	Meat Products	29	916	58%
275	Commercial Printing	30	878	43%
349	Misc. Fabricated Metal Products	31	835	39%
501	Motor Vehicles, Parts, and Supplies	32	803	44%
633	Fire, Marine, and Casualty Insurance	33	754	23%
573	Radio, Television, & Computer Stores	34	746	23%
209	Misc. Food and Kindred Products	35	695	43%
807	Medical and Dental Laboratories	36	620	32%
594	Miscellaneous Shopping Goods Stores	37	619	28%
631	Life Insurance	38	553	30%
489	Communication Services	39	544	25%

Top one third of industries discriminating* against Asian-Pacific Workers, by number of affected workers				
SIC	Industries	Affected Workers		Discrim. Risk**
		Rank	#	%
514	Groceries and Related Products	40	534	36%
344	Fabricated Structural Metal Products	41	511	48%
421	Trucking & Courier Services, Ex. Air	42	501	32%
267	Misc. Converted Paper Products	43	456	44%
225	Knitting Mills	44	414	59%
358	Refrigeration and Service Machinery	45	405	48%
203	Preserved Fruits and Vegetables	46	399	41%
473	Freight Transportation Arrangement	47	398	42%
565	Family Clothing Stores	48	397	30%
608	Foreign Bank & Branches + Agencies	49	384	54%
811	Legal Services	50	381	14%
836	Residential Care	51	378	35%
591	Drug Stores and Proprietary Stores	52	363	26%
369	Misc. Electrical Equipment & Supplies	53	358	36%
356	General Industrial Machinery	54	357	30%
569	Misc. Apparel & Accessory Stores	55	357	22%
271	Newspapers	56	337	31%
364	Electric Lighting and Wiring Equipment	57	330	44%
783	Motion Picture Theaters	58	325	33%
394	Toys and Sporting Goods	59	323	41%
362	Electrical Industrial Apparatus	60	320	33%
*	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 WORKERS.

- **The above table contains only the top 60 industries that discriminate against Asian-Pacific workers. There were a total of 179 industries that discriminate against 149,214 workers.**
- **The industries in the top third account for 136,986 of the affected Asian-Pacific workers.**
- **Eight of those industries account for one half of the total Asian Pacific affected workers.**

Table 12. Eight Industries Discriminate against half the Asian Pacific Affected Workers

Eight Industries account for half of the Asian Pacific Affected Workers				
SIC	Industry	Rank	# affected	% Risk
806	Hospitals	1	23,719	36%
737	Computer and Data Processing Services	2	16,637	36%
367	Electronic Components and Accessories	3	11,748	35%
701	Hotels and Motels	4	6,471	32%
805	Nursing and Personal Care Facilities	5	5,508	34%
531	Department Stores	6	5,414	31%
602	Commercial Banks	7	4,821	30%
357	Computer and Office Equipment	8	4,170	32%
Total for these Industries			78,487	
Total Affected Asian Pacific Workers			149,214	

**§8. PROPORTION OF COMPARISONS SHOWING
 DISCRIMINATION AGAINST ASIAN PACIFIC WORKERS**

The proportion of comparisons that show discrimination by industry (see above) shows the probability of discrimination should an Asian-Pacific worker seek an employment opportunity in that industry. This is the risk that an Asian-Pacific worker takes because of his or her 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 13. Top and Bottom Industries Discriminating against Asian Pacific Workers.

Top Sixteen industries in the percentage of comparisons showing Discrimination against Asian Pacific Workers				
SIC	Industry	Affected Workers	% of Comparisons showing Discrimination	
327	Concrete, Gypsum, and Plaster Products	114	69%	1
593	Used Merchandise Stores	106	64%	2
225	Knitting Mills	44	59%	3
201	Meat Products	29	58%	4
243	Millwork, Plywood & Structural Members	140	55%	5
391	Jewelry, Silverware, and Plated Ware	108	55%	6
351	Engines and Turbines	133	55%	7
608	Foreign Bank & Branches + Agencies	49	54%	8
863	Labor Organizations	150	50%	9
526	Retail Nurseries and Garden Stores	165	50%	10
396	Costume Jewelry and Notions	136	50%	11
308	Miscellaneous Plastics Products	15	49%	12
344	Fabricated Structural Metal Products	41	48%	13
202	Dairy Products	122	48%	14
239	Misc. Fabricated Textile Products	89	48%	15
358	Refrigeration and Service Machinery	45	48%	16
Bottom Fifteen industries in the percentage of comparisons showing Discrimination against Asian Pacific Workers				
SIC	Industry	Affected Workers	% of Comparisons showing Discrimination	
562	Women's Clothing Stores	171	6%	180
206	Sugar and Confectionery Products	179	8%	179
152	Residential Building Construction	180	9%	178
792	Producers, Orchestras, Entertainers	176	9%	177
861	Business Associations	178	10%	176
483	Radio and Television Broadcasting	167	11%	175
491	Electric Services	147	11%	174
273	Books	138	12%	173
386	Photographic Equipment and Supplies	174	13%	172
291	Petroleum Refining	132	13%	171
811	Legal Services	50	14%	170
272	Periodicals	100	15%	169
637	Pension, Health, and Welfare Funds	173	15%	168
511	Paper and Paper Products	128	15%	167
616	Mortgage Bankers and Brokers	78	16%	166

§9. CONCLUSION

The discrimination against Blacks and Hispanics appears similar, but the pattern respecting Asian-Pacific Islanders is different. The Asian-Pacific pattern reflects higher proportions in Professional and Technical occupations, who may face the “glass ceiling” situation, and smaller numbers in the “blue collar” occupations. The immigration and education of Asian-Pacific people illustrates how a “brain drain” from that area of the world has both enriched our nation and created new issues of equal opportunity. The seriousness of this discrimination is emphasized by the fact that the 40 industries that discriminate against roughly 75% of White Women, Blacks and Hispanics discriminate against 84% of Asian-Pacific workers. (See Chapter 15, §2).

§10. ENDNOTES

144. Alfred W. Blumrosen, MODERN LAW: THE LAW TRANSMISSION SYSTEM AND EQUAL EMPLOYMENT OPPORTUNITY, 3-14 (1993).
 145. Herbert Hammerman, A DECADE OF NEW OPPORTUNITY, AFFIRMATIVE ACTION IN THE 1970's, pp. 39-50 (Washington: The Potomac Institute, 1984).
 146. Teamsters v. United States, 431 US at 324, 335, n. 15 (1977).
 147. 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.
 148. Alfred W. Blumrosen and Ruth G. Blumrosen, THE REALITIES OF INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA, 1999.
 149. §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
 150. Statistical Abstract, 2000, p. 533-34.
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