

CHAPTER 14
DISCRIMINATION AGAINST WOMEN -
A MORE DETAILED ANALYSIS

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This Chapter contains a more detailed analysis of discrimination against women than did Chapter 9, which compared discrimination against women with discrimination against minorities. The pattern of restriction on opportunities for women came with the settlement of America, inherited from an age when raw physical strength determined the shape of the culture, backed by centuries of tradition. Our initial quest was for independence for men; as colonists claimed the rights of Englishmen. Abigail Adam’s injunction to John as he went off to shape the new nation, to “remember the ladies,” was ignored, until 1787, when the Northwest Ordinance declared that daughters could inherit equally with sons when a parent died intestate.

Women identified their situation with slaves by 1848, supported abolition and the Civil War, but were consciously left out of the protective statutes passed after the war. The right to vote was won in 1920, but attempts to secure an Equal Rights for Women amendment to the Constitution failed in the 1970’s.

But by then, the new Women’s Movement, in conjunction with the Equal Pay Act of 1963 and the Civil Rights Act of 1964, produced an explosion of Women into the work force, as traditional barriers gave way. Initially, sex had not been included in the proposed Civil Rights Act, but a determined small group of Female members of the House of Representatives persuaded the House in a floor debate to include protection for women in the statute.¹⁵¹

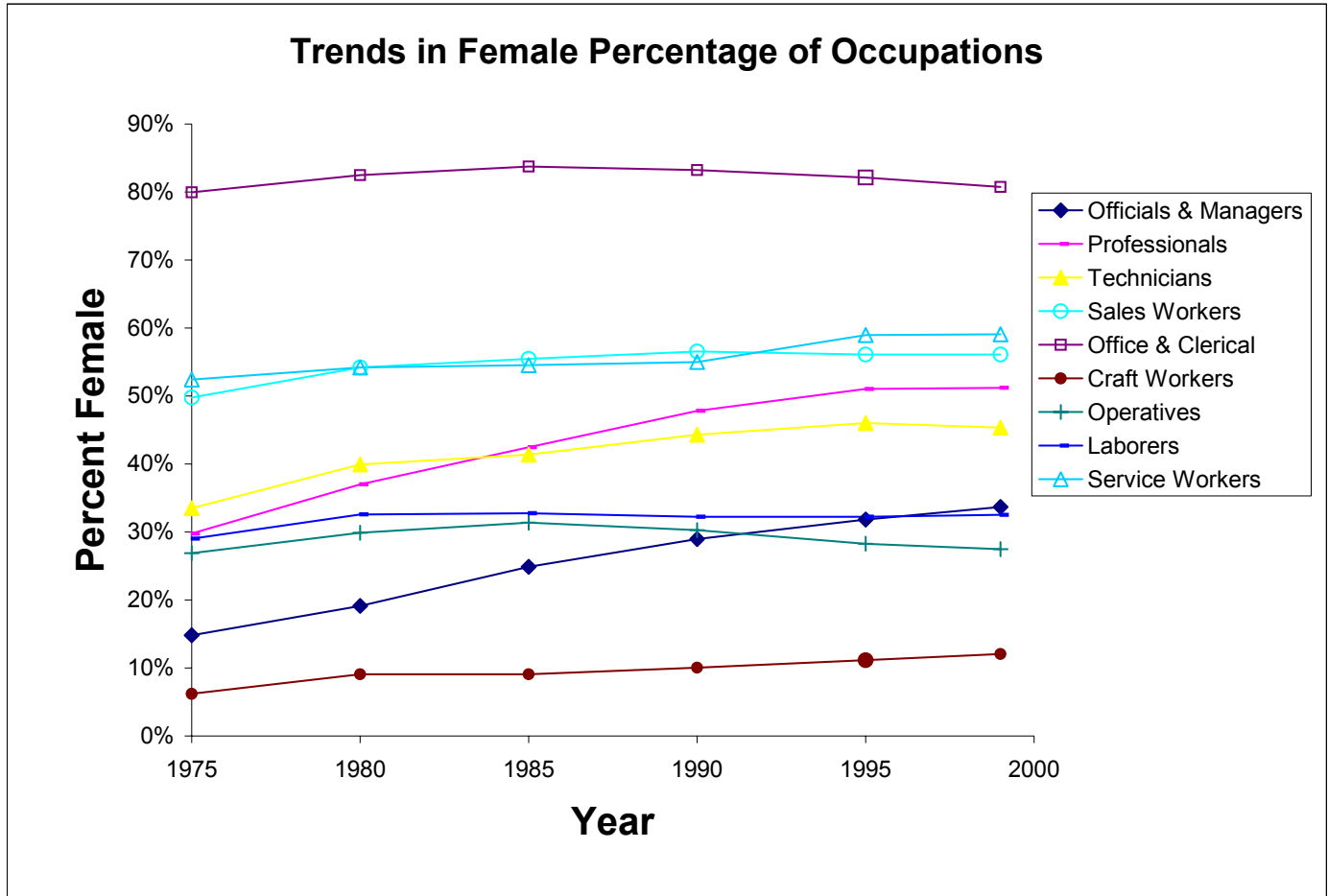
The formal exclusion of women from “men’s jobs” ended in the late 1960’s as the result of pressures from the new women’s movement and the Civil Rights Act of 1964’s prohibition on discrimination because of sex. The EEOC was slow to read this prohibition broadly, thus delaying the formal implementation of this provision for several years. That hesitancy changed in the early 1970’s under Chairman William Brown.¹⁵²

The improvement in women’s opportunities since 1975 has been examined briefly in Chapters 3 and 9. Here, we examine this improvement in greater depth, and then the pattern of discrimination by occupation and industries, the continuation of job segregation in office and clerical work, and the extent to which women have penetrated the “Glass Ceiling” of Officers and Managers.

There has been improvement in job opportunities for Women 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 women were still clearly traceable to their roots in the pre-65 era when such oppression was legal. But change was afoot, as Hammerman’s study of the 1970-1980 period shows.¹⁵³ 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. The improvement in opportunities that occurred between 1964 and 1999 created over that time an increased pool of qualified and available women workers in virtually every field of endeavor. The findings of this Chapter build on the improvement in female opportunity that has created a larger labor pool of qualified and available workers and a culture better structured to receive them.

§1. IMPROVEMENT IN JOB OPPORTUNITIES FOR WOMEN SINCE 1964.

Table 1. Increase in Female Job Distribution: 1975 – 1999



WOMEN										
	O&M	Prof	Tech	Sales	Office	Craft	Oper	Labor	Service	All
1975 Women	397,951	653,642	418,873	1,113,945	3,499,424	203,214	1,251,700	516,722	1,079,489	9,134,960
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	14.67%	29.44%	32.99%	47.59%	80.16%	6.37%	26.73%	28.74%	52.29%	37.07%
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 Women in 99	596,360	1,854,773	772,143	2,227,535	4,539,957	176,218	1,223,407	745,532	2,286,499	13,849,005
1999 Women	1,363,845	3,194,622	1,043,531	2,613,123	4,535,741	334,321	1,270,798	865,216	2,428,932	17,650,129
Net Change	767,485	1,339,849	271,388	385,588	-4,216	158,103	47,391	119,684	142,433	3,801,124

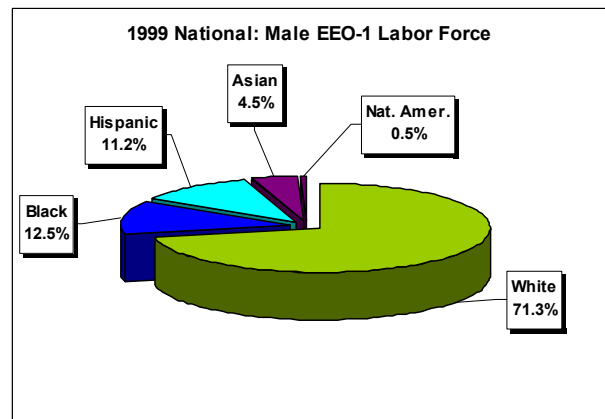
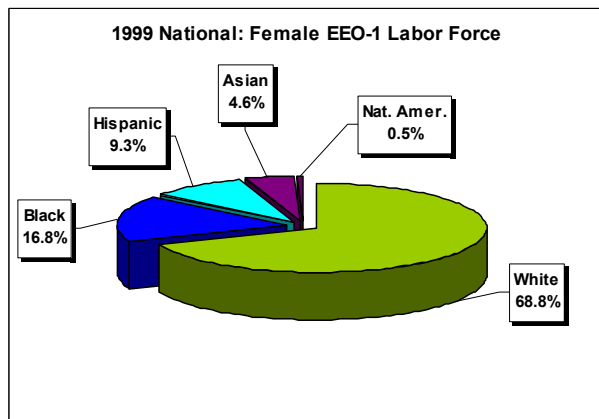
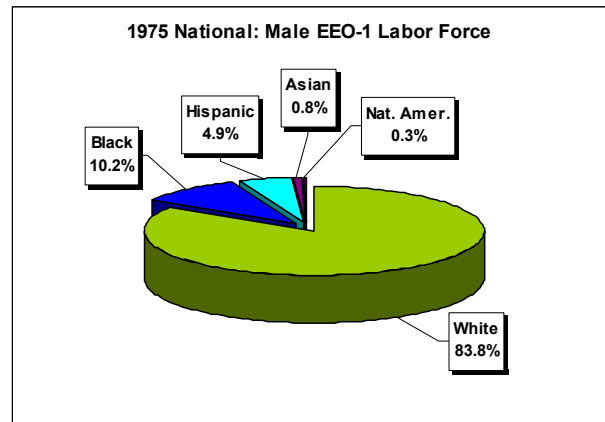
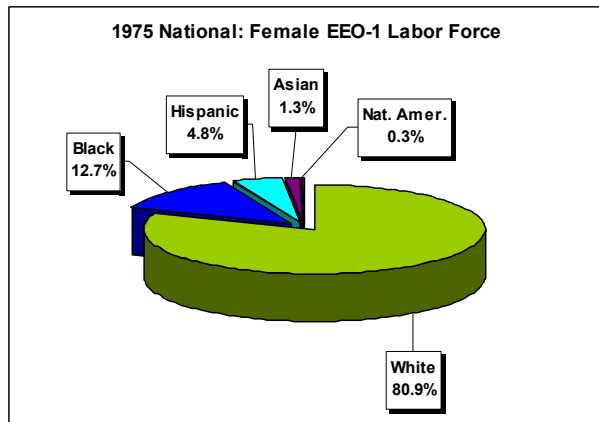
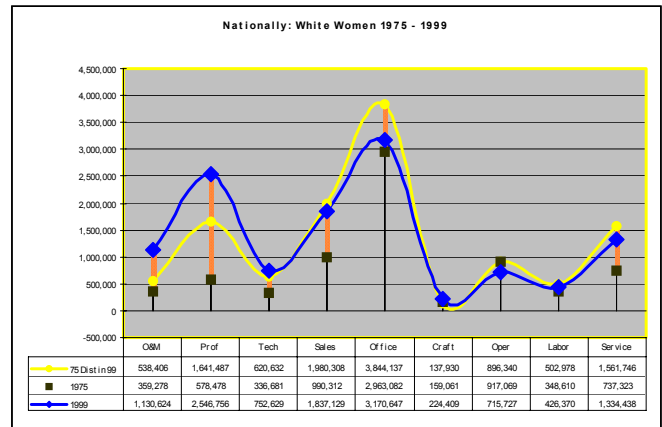
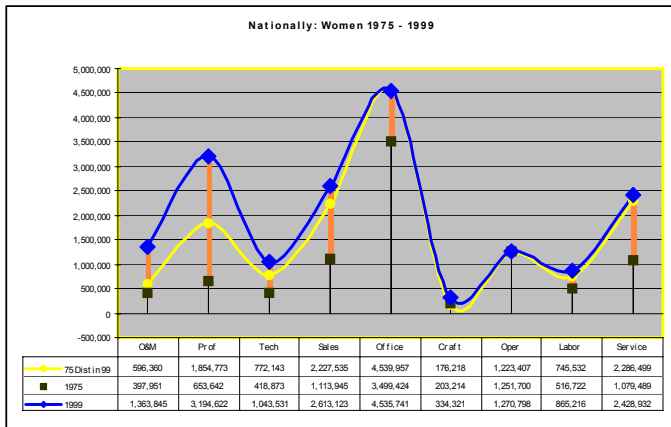
These tables and charts tell a remarkable story of Women’s liberation from the confines of the pre 1964 industrial relations system. By 1999, nearly four million women had been employed in excess of the proportion of jobs held by women in 1975. The number of women in the EEO-1 labor force in 1999 is the result of two figures: the “normal” increase resulting from a growing labor force, and the additional four million jobs that appear to be related to the totality of the political and legal circumstances of the period.¹⁵⁴ Other statistics provide confirmation of the EEO-1 data. White Female Labor Force participation rates increased from 45% in 1975 to 59% in 1999, a 76% increase; Black Female Labor force participation rates increased from 51% in 1975 to 66% in 1999, a 77% increase.¹⁵⁵

The women in the 1999 EEO-1 Labor force are 69% White, 17% Black, 9% Hispanic, 5% Asian-Pacific and 1% Native Americans. This is a vast difference with the 1975 labor force that was 81% White, 13% Black, 5% Hispanic and 1% Asian-Pacific. The contrast between 1975 and 1999 in terms of the composition of the female labor force, and its relation to the male labor force is evidence of the combined efforts to address all forms of discrimination.

Table 2. Change in Employees in MSA Establishments of 50 or more: 1975-1999

Change in Employment in MSAs in Establishments over size 50: 1975 - 1999									
	Number				%	Percent of Total			
	Female	Male	All			Female	Male	All	
1975									
All Groups	9,134,960	15,508,584	24,643,544		37.07%		100.00%	100.00%	100.00%
White	7,389,894	12,995,473	20,385,367		36.25%		80.90%	83.80%	82.72%
Black	1,161,135	1,578,211	2,739,346		42.39%		12.71%	10.18%	11.12%
Hispanic	439,552	761,353	1,200,905		36.60%		4.81%	4.91%	4.87%
Asian	117,370	127,095	244,465		48.01%		1.28%	0.82%	0.99%
Nat. Amer.	27,009	46,452	73,461		36.77%		0.30%	0.30%	0.30%
1999									
All Groups	17,650,129	19,710,579	37,360,708		47.24%		100.00%	100.00%	100.00%
White	12,138,729	14,061,674	26,200,403		46.33%		68.77%	71.34%	70.13%
Black	2,961,989	2,459,145	5,421,134		54.64%		16.78%	12.48%	14.51%
Hispanic	1,636,977	2,200,576	3,837,553		42.66%		9.27%	11.16%	10.27%
Asian	819,856	883,691	1,703,547		48.13%		4.65%	4.48%	4.56%
Nat. Amer.	92,578	105,493	198,071		46.74%		0.52%	0.54%	0.53%

Proportions of White Women in the workforce from 1975 to 1999 mirrored changes, both for Women and for Whites. The lines on the following two “rising tides” charts show the effects of change for all Women and for White Women in the nine occupations. The following four pie charts show that the proportion of White Women to all women was about the same as the proportion of White Men to all Men both in 1975 and in 1999, although the proportion of Whites (both male and female) to other groups changed over that period of time in the EEO-1 workforce generally.



§2. INTENTIONAL DISCRIMINATION AGAINST WOMEN IN 1999.

The profound change in life patterns of women made possible by the Civil Rights Act has effectively buried some of the most obvious barriers to equal employment opportunity for women. But, just as for minorities, this does not mean that intentional discrimination against them is a thing of the past, or the act of a “bad apple.” The statistics tell the story of continued systematic discrimination. The EEO-1 reports permit us to view discrimination in several ways.

§3. DISCRIMINATING ESTABLISHMENTS AND AFFECTED WORKERS

- **For 1999, 60,425 or 29% of establishments discriminated against Women in at least one occupational category, using the extrapolated numbers. This discrimination affected 952,131 Women who were qualified and available to work in the labor markets, industries and occupations of those who discriminated. These Women were 69% White, 17% Black, 9% Hispanic, 5% Asian and 1% Native American.**
- **A “Hard Core” of 13,173 establishments appears to have discriminated over a nine year period against Women. This “Hard Core” is responsible for roughly half of the intentional discrimination we have identified.**

§4. THE PROBABILITY THAT A WOMAN WILL FACE DISCRIMINATION WHEN SEEKING AN EMPLOYMENT OPPORTUNITY IN AN OCCUPATION BECAUSE OF SEX – - THE “GLASS CEILING”

The risks that a woman faces in seeking an employment opportunity will vary depending on a wide range of factors, including the area in which the opportunity is located, the type of job sought, the industry in which the opportunity is located, and the sex of the person seeking the opportunity. The opportunity may take any form: initial employment, job assignment, promotion, transfer, training, discharge, discipline or hostile work environment. The EEO-1 data does not address specific forms of discrimination. The personal characteristics of the opportunity seeker also matter greatly. We know that qualified and available workers who have these characteristics exist in each labor market, but they work

primarily for employers who do not discriminate. With these considerations in mind, we now examine the probability of discrimination based on being of the female sex as reported on the EEO-1 form.

The percentages in the columns below represent in stark form the burden of being a woman that female workers carry, no matter what kind of job they seek in metropolitan United States. They represent the probability that a woman will face discrimination when they seek an employment opportunity in one of the nine occupational categories. These percentages are the proportion of comparisons that revealed discrimination.

Table 3. Probability of Facing Discrimination by Occupational Category

Discrimination Against Females, 1999				
HARD CORE DISCRIMINATION				
	Percentage of Establishments	Number of Establishments	Number of Victims	Average # of Victims
Officials & Managers	3.1%	791	16,081	20
Professionals	4.6%	1,322	48,587	37
Technicians	4.7%	581	13,817	24
Sales Workers	4.2%	1,508	33,506	22
Office & Clerical	3.6%	1,112	28,757	26
Craft Workers	8.5%	555	10,027	18
Operatives	12.7%	2,019	48,705	24
Laborers	7.9%	857	18,207	21
Service Workers	3.2%	876	23,221	27
All			240,908	
CLEARLY VISIBLE DISCRIMINATION				
	Percentage of Establishments	Number of Establishments	Number of Victims	Average # of Victims
Officials & Managers	6.0%	1,557	22,671	15
Professionals	10.3%	2,926	63,529	22
Technicians	9.6%	1,192	21,469	18
Sales Workers	7.7%	2,753	44,704	16
Office & Clerical	10.0%	3,059	55,119	18
Craft Workers	14.2%	928	11,107	12
Operatives	15.2%	2,429	39,633	16
Laborers	13.6%	1,475	22,807	15
Service Workers	8.1%	2,206	43,884	20
All			324,924	

Discrimination Against Females, 1999				
PRESUMED DISCRIMINATION				
	Percentage of Establishments	Number of Establishments	Number of Victims	Average # of Victims
Officials & Managers	4.2%	1,081	7,792	7
Professionals	4.1%	1,162	10,896	9
Technicians	4.8%	603	4,345	7
Sales Workers	3.6%	1,274	11,613	9
Office & Clerical	2.0%	605	5,056	8
Craft Workers	9.5%	624	3,387	5
Operatives	6.5%	1,036	6,505	6
Laborers	4.8%	519	3,272	6
Service Workers	3.4%	931	<u>9,697</u>	10
All			62,563	
AT RISK DISCRIMINATION				
	Percentage of Establishments	Number of Establishments	Number of Victims	
Officials & Managers	4.6%	1,184	na	
Professionals	4.4%	1,254	na	
Technicians	4.2%	523	na	
Sales Workers	4.2%	1,499	na	
Office & Clerical	3.1%	952	na	
Craft Workers	5.1%	336	na	
Operatives	3.5%	562	na	
Laborers	3.7%	403	na	
Service Workers	3.8%	1,041	na	
ANY DISCRIMINATION CATEGORY				
	Percentage of Establishments that are in any Discrimination Category	Number of Establishments that are in any Discrimination Category	Number of Victims	Average Number of Victims
Officials & Managers	17.9%	4,613	46,544	10
Professionals	23.4%	6,664	123,012	18
Technicians	23.3%	2,899	39,631	14
Sales Workers	19.7%	7,034	89,823	13
Office & Clerical	18.7%	5,728	88,931	16
Craft Workers	37.3%	2,443	24,521	10
Operatives	37.9%	6,046	94,843	16
Laborers	30.0%	3,254	44,286	14
Service Workers	18.5%	5,054	<u>76,802</u>	15
All			628,395	

The largest group of affected women is those in professional occupations. This group appears to be pressing against the “glass ceiling” to managerial jobs, just as in earlier years it had difficulties getting into professional ranks. They are the largest single component of the women’s movement into “white collar” jobs as Officials and Managers, Professionals, Technicals and Sales workers. As Table 1 (above) demonstrates, by 1999 Women had increased their participation in those jobs by 7,943,475 above their proportion in the labor force of 1975. This was 78%

-- more than three-quarters -- of the entire net improvement of women beyond the distribution of 1975. Even though the Female Officials and Managers category made a 19.5% increase in the period, increasing the net by 2.3 million jobs, which was the second greatest occupational increase, it appears that the “glass ceiling” continues to be a salient issue because of the increasing participation of Women in those occupations that are normal pathways to the officials and managers category.

The women’s movement has long claimed that males have continued to dominate the policy making and high income producing jobs in the Officials and Managers category on the EEO-1 form. In the Civil Rights Act of 1991, Congress created the Glass Ceiling Commission to investigate and make recommendations about these claims. The Commission reported in 1996 recommending a variety of steps by different groups to accelerate the penetration of the ceiling. The EEO-1 reports show that inroads on the ceiling began before the Federal government knocked.¹⁵⁶

§5. CONTINUED CONCENTRATION OF WOMEN IN OFFICE AND CLERICAL POSITIONS.

As is evident from Table 1 and the trend graph, women have increasingly entered the Officials & Managers, Professional and other classifications that had traditionally been closed to them. This integration of “men’s jobs,” however, has happened without a similar integration of “women’s jobs,” such as Office & Clerical work.

Women have continued to occupy 80% of the office and clerical positions since 1975. The statistics reflect a continuation of the segregation of women into those jobs, as one of the extensions of the role of women as “helper” to men in an earlier era rather than any positive effect of either the Women’s movement or the equal opportunity laws. Further inroads by men into those jobs, many of which have low pay and little promotional future, would probably benefit all workers in that category.

Although the male/female proportions in office and clerical jobs have not changed much since 1975, there has been a substantial change in the racial/ethnic composition of the occupation. From being 85% White in 1975, these jobs have increasingly been occupied by minority women, until by 1999, fewer than 70% are White. Some of the decrease in White participation probably represents women who have moved into “white collar” jobs previously closed, as well as women who have chosen initially to prepare for and enter those occupations instead of clerical jobs. For the 31% of Women workers who are minorities, clerical and

administrative opportunities may provide access to better opportunities than they would otherwise have expected.

Hispanic Women have more than doubled from 3.6% in '75 to almost 8.5% in '99. Black Women have nearly doubled, from 10% in '75 to nearly 18% in '99. Asian Women moved from 1% in '75 to more than 3% in '99, and Native Americans up to .5%. The numbers associated with these percentage changes are substantial, as the following table shows.

Female Office and Clerical Workers -- 1975-1999 and net change						
	All	Hispanic	Native Amer.	Black	Asian-Pac.	White
1999	4,535,741	381,629	22,530	810,417	150,518	3,170,647
1975	3,499,424	127,842	9,463	357,598	41,439	2,963,082
% distribution '99		8.41%	0.50%	17.87%	3.32%	69.90%
% distribution '75		3.65%	0.27%	10.22%	1.18%	84.67%
75 distribution in '99		165,701	12,265	463,497	53,711	3,840,567
*net change		215,928	10,265	312,735	96,807	-669,920
Black + Hispanic net increase			528,663			
Black + Hispanic + Asian net increas			625,470			
* Net increase /change is the difference between the number of workers who would have been employed in 1999 under the distribution of 1975, and the number actually employed in 1999.						

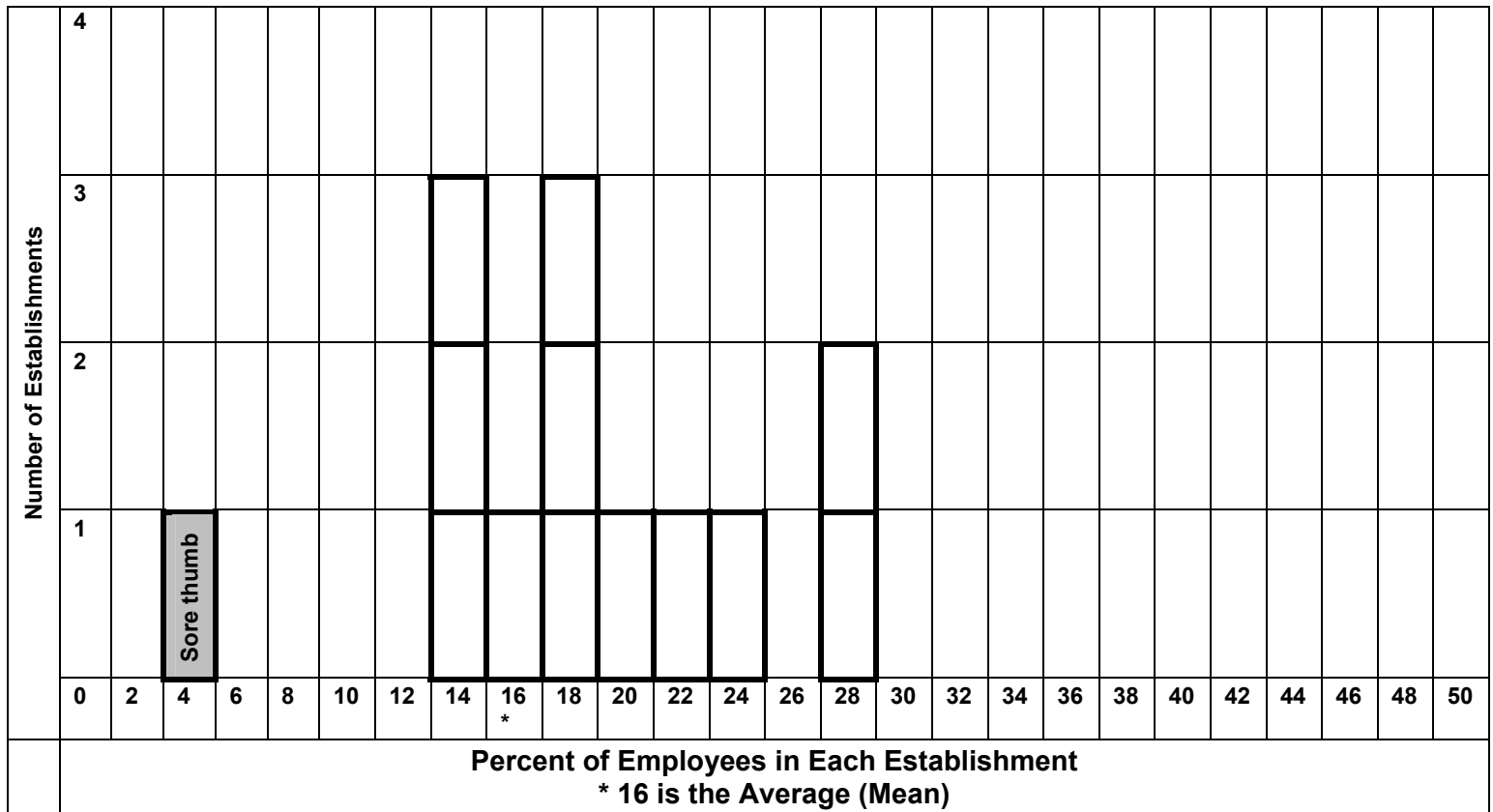
§6. BACKGROUND OF THIS STUDY

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.¹⁵⁷

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.¹⁵⁸ 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.

Table 2. Sore Thumb Example: Percent Females Among Sales Employees Security Dealers and Brokers in the Seattle Metropolitan Area, 1997



To determine whether the utilization of minorities or women by an establishment, such 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. The law uses this concept to identify a pattern of intentional job discrimination. The greater the deviations, the stronger the evidence of intentional job discrimination.

§7. 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.**”¹⁵⁹ 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. Evidence of intentional discrimination 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 4. 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 10yrs			Hard Core	

Chapter 9 contains a detailed explanation of each category and the statistics concerning Women and Minorities. Here is the summary of the findings about discrimination against Women in that chapter.

A. HARD CORE DISCRIMINATORS

These establishments not only demonstrate a severe statistical case of discrimination, but also reflect that this condition has existed over a long period of time. This suggests that the discrimination is persistent. It is not likely to dissipate without thoughtful effort, and pressure for a change in corporate behavior. These establishments are so far below average in an occupation that there is only one in one hundred chances 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 1999. This category includes establishments that are more than 2.5 standard deviations below the mean, and have been so for longer than ten years. It also includes establishments where, in some occupations, the discrimination far exceeds the 2.5 standard deviation criteria.

- **240,908 WOMEN WORKERS**

Hard core establishments accounted for 240,908 of the affected women, 1999.

Table 5. Hard Core Discrimination against Women

HC v. Women	% Establishments that are Hard Core	# Establishments that are Hard Core	# Affected Workers	Average # Affected Workers
Officials & Managers	3%	791	16,081	20
Professionals	5%	1,322	48,587	37
Technicians	5%	581	13,817	24
Sales Workers	4%	1,508	33,506	22
Office & Clerical	4%	1,112	28,757	26
Craft Workers	8%	555	10,027	18
Operatives	13%	2,019	48,705	24
Laborers	8%	857	18,207	21
Service Workers	3%	876	23,221	27
All *	5%	8,222	240,908	

*Number is smaller than sum of individual occupations because of discrimination in multiple occupations

B. 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.

• **324,924 WOMEN WORKERS**

Clearly visible discriminators accounted for 324,924, or nearly half, of the female affected workers.

Table 6. Clearly Visible Discrimination Against Women.

CV v. Women	Percentage of Clearly Visible Establishments	Number of Clearly Visible Establishments	# of Affected Workers	Average # of Affected Workers
Officials & Managers	6.0%	1,557	22,671	15
Professionals	10.3%	2,926	63,529	22
Technicians	9.6%	1,192	21,469	18
Sales Workers	7.7%	2,753	44,704	16
Office & Clerical	10.0%	3,059	55,119	18
Craft Workers	14.2%	928	11,107	12
Operatives	15.2%	2,429	39,633	16
Laborers	13.6%	1,475	22,807	15
Service Workers	8.1%	2,206	<u>43,884</u>	20
All *	10.0%	14,801	324,924	

*Number is smaller than sum of individual occupations because of discrimination in multiple occupations

C. 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) in 1999.

- **62,563 WOMEN WORKERS**

Presumed discriminating establishments accounted for 62,563 of the affected female workers.

Table 7. Presumed Discrimination Against Women

PD v. Women	% Establishments. Presumed to Discriminate	# Establishments Presumed to Discriminate	# of Affected Workers	Average # Affected Workers
Officials & Managers	4.2%	1,081	7,792	7
Professionals	4.1%	1,162	10,896	9
Technicians	4.8%	603	4,345	7
Sales Workers	3.6%	1,274	11,613	9
Office & Clerical	2.0%	605	5,056	8
Craft Workers	9.5%	624	3,387	5
Operatives	6.5%	1,036	6,505	6
Laborers	4.8%	519	3,272	6
Service Workers	3.4%	931	<u>9,697</u>	10
All	4%	5,590*	62,563	

*Number is smaller than sum of individual occupations because of discrimination in multiple occupations

D. “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. This finding, plus fact specific evidence relating individual complainants to the occupation addressed by the statistics, with the statistics playing a supporting role, can establish discrimination. We do not know the specific facts in these situations and therefore report no “affected workers” in this category.

• **WOMEN WORKERS**

Table 8. At Risk Discrimination Against Women

AR v. Women	% Establishments “At Risk.”	# Establishments “At Risk.”
Officials & Managers	4.6%	1,184
Professionals	4.4%	1,254
Technicians	4.2%	523
Sales Workers	4.2%	1,499
Office & Clerical	3.1%	952
Craft Workers	5.1%	336
Operatives	3.5%	562
Laborers	3.7%	403
Service Workers	3.8%	1,041
All *	4%	5,590

*Number is smaller than sum of individual occupations because of discrimination in multiple occupations

The establishments that are 2.5 standard deviations – the “Hard Core” and “Clearly Visible” – where there is only a 100 to one chance that the result was produced “by accident” account for 90% of the affected minority and women workers in this study.

**E. SUMMARY OF VISIBLE JOB DISCRIMINATION AGAINST
 WOMEN WOKERS**

**Table 9. Degrees of Intentional Discrimination against Women and the
 Number of Workers Affected**

Degree	Establishments		Affected Workers
	#	%	
Hard Core	8,222	5%	240,908
Clearly Visible	14,801	10%	324,924
Presumed	5,696	4%	62,563
At Risk *	5,590	4%	NA
Total **	33,309	23%	628,395
* 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 Women Workers in different occupations.			

§8. THE INCIDENCE OF DISCRIMINATION AGAINST WOMEN 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).¹⁶⁰ 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. Chapter 9 used the two-digit level of analysis.

This Chapter uses the more specific three-digit level of generalization. The following tables include the industries that were in the top one third of industries that discriminated at the 2 standard deviations or more against Women in 1999. The industries are ranked by this criterion. An extensive list of such industries appears in Chapter 15, §2. “Affected Workers” are the difference between the number of Female 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 third column shows the proportion of comparisons that show discrimination at 1.65 standard deviations or more in these same industries. This reflects the probability that a Female 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 Workers*” column highlighting establishments with the largest numbers of affected Women workers;

the *Comparisons with Discrimination* column showing the industries which have the highest and lowest probabilities of discriminating against a Black worker and the *Discriminating establishments* column showing industries with the highest and lowest proportions of establishments that discriminate against Black workers.

Table 10. Top 1/3 Industries Discriminating Against Women Workers

Top 1/3 industries discriminating* against Women Workers, by # of affected workers**				
SIC	Industries	Affected Workers		Discrimination Risk ***
		Rank	#	%
806	Hospitals	1	63,908	21%
531	Department Stores	2	42,271	22%
581	Eating and Drinking Places	3	35,370	19%
737	Computer & Data Processing Services	4	31,114	26%
481	Telephone Communication	5	29,394	30%
541	Grocery Stores	6	28,253	14%
602	Commercial Banks	7	18,673	18%
371	Motor Vehicles and Equipment	8	18,084	32%
451	Air Transportation, Scheduled	9	15,651	32%
805	Nursing and Personal Care Facilities	10	13,865	14%
701	Hotels and Motels	11	13,127	17%
367	Electronic Components & Accessories	12	11,965	26%
514	Groceries and Related Products	13	11,184	32%
308	Miscellaneous Plastics Products	14	11,109	33%
809	Health and Allied Services	15	10,329	21%
421	Trucking & Courier Services, Ex. Air	16	10,119	42%
873	Research and Testing Services	17	9,130	28%
633	Fire, Marine, and Casualty Insurance	18	7,858	18%
621	Security Brokers and Dealers	19	7,506	21%
871	Engineering & Architectural Services	20	6,487	23%
504	Professional & Commercial Equipment	21	6,440	26%
594	Miscellaneous Shopping Goods Stores	22	6,186	30%
372	Aircraft and Parts	23	5,901	29%
357	Computer and Office Equipment	24	5,814	27%
632	Medical Service and Health Insurance	25	5,733	19%
384	Medical Instruments and Supplies	26	5,474	25%
533	Variety Stores	27	5,326	17%
283	Drugs	28	5,301	23%
801	Offices & Clinics Of Medical Doctors	29	4,936	19%
275	Commercial Printing	30	4,869	29%
631	Life Insurance	31	4,649	25%
366	Communications Equipment	32	4,500	25%
382	Measuring and Controlling Devices	33	4,316	26%
422	Public Warehousing and Storage	34	4,285	40%
811	Legal Services	35	4,246	18%
872	Accounting, Auditing, & Bookkeeping	36	4,123	18%
641	Insurance Agents, Brokers, & Service	37	3,943	19%
491	Electric Services	38	3,814	28%

Top 1/3 industries discriminating* against Women Workers, by # of affected workers**				
SIC	Industries	Affected Workers		Discrimination Risk ***
		Rank	#	%
267	Misc. Converted Paper Products	39	3,505	33%
349	Misc. Fabricated Metal Products	40	3,440	35%
205	Bakery Products	41	2,956	38%
271	Newspapers	42	2,924	19%
751	Automotive Rentals, No Drivers	43	2,813	31%
506	Electrical Goods	44	2,664	26%
501	Motor Vehicles, Parts, and Supplies	45	2,579	29%
489	Communication Services	46	2,530	30%
346	Metal Forgings and Stampings	47	2,498	37%
836	Residential Care	48	2,481	21%
208	Beverages	49	2,381	35%
201	Meat Products	50	2,286	32%
344	Fabricated Structural Metal Products	51	2,242	37%
356	General Industrial Machinery	52	2,189	32%
265	Paperboard Containers and Boxes	53	2,094	35%
596	Nonstore Retailers	54	2,054	32%
209	Misc. Food and Kindred Products	55	2,024	32%
521	Lumber and Other Building Materials	56	1,973	14%
203	Preserved Fruits and Vegetables	57	1,938	32%
251	Household Furniture	58	1,888	24%
508	Machinery, Equipment, and Supplies	59	1,884	29%
284	Soap, Cleaners, and Toilet Goods	60	1,875	30%
653	Real Estate Agents and Managers	61	1,744	26%
364	Electric Lighting and Wiring Equipment	62	1,699	31%
832	Individual and Family Services	63	1,636	19%
354	Metalworking Machinery	64	1,635	31%
539	Misc. General Merchandise Stores	65	1,559	15%
808	Home Health Care Services	66	1,535	15%
358	Refrigeration and Service Machinery	67	1,455	32%
415	School Buses	68	1,413	25%
225	Knitting Mills	69	1,396	34%
484	Cable and Other Pay TV Services	70	1,366	19%
573	Radio, Television, & Computer Stores	71	1,341	18%
483	Radio and Television Broadcasting	72	1,340	15%
282	Plastics Materials and Synthetics	73	1,263	24%
272	Periodicals	74	1,257	22%
616	Mortgage Bankers and Brokers	75	1,255	19%
335	Nonferrous Rolling and Drawing	76	1,252	32%
833	Job Training and Related Services	77	1,250	22%
864	Civic and Social Associations	78	1,207	16%
565	Family Clothing Stores	79	1,175	20%
331	Blast Furnace & Basic Steel Products	80	1,145	41%
			566,392	

*Discrimination at 1.65 standard deviations or more below average utilization in same labor market and occupation.

**Affected workers defined as the difference between the number of Female employees in an occupation and labor market employed by an employer who was 2 or more standard deviations below the average, and the number it would have been if

Top 1/3 industries discriminating* against Women Workers, by # of affected workers**				
SIC	Industries	Affected Workers		Discrimination Risk ***
		Rank	#	%
employed at the average				
***The probability of discrimination is based on the proportion of comparisons that are more than 1.65 standard deviations below the average utilization in the same labor market and occupation				

§9. ANALYSIS OF RANKING BY NUMBER OF AFFECTED WOMEN WORKERS.

- The above table is limited to the 80 industries that were in the top one third of industries that discriminated against 566,392 or 90% of affected Women in 1999. It does not include the other 155 industries that discriminated against an additional 62,003 Women workers.
- Ten industries account for 296,583 of the 628,395 affected women workers or 47% of those affected by discrimination

Top ten industries discriminating* against Women Workers, by number of affected workers**

SIC	Industries	Affected Workers		Discrimination Risk ***
		Rank	#	%
806	Hospitals	1	63,908	21%
531	Department Stores	2	42,271	22%
581	Eating and Drinking Places	3	35,370	19%
737	Computer and Data Processing Services	4	31,114	26%
481	Telephone Communication	5	29,394	30%
541	Grocery Stores	6	28,253	14%
602	Commercial Banks	7	18,673	18%
371	Motor Vehicles and Equipment	8	18,084	32%
451	Air Transportation, Scheduled	9	15,651	32%
805	Nursing and Personal Care Facilities	10	13,865	14%
			296,583	

* Discrimination at 1.65 standard deviations or more below average utilization in same labor market and occupation.

** Affected workers defined as the difference between the number of Female employees had in an occupation and labor market employed by an employer who was 2 or more standard deviations below the average, and the number it would have had if it had been employing at the average

*** The probability of discrimination is based on the proportion of comparisons that are more than 1.65 standard deviations below the average utilization in the same labor market and occupation

For a more extensive list of industries that discriminate against White Women, Blacks, Hispanics and Asians, see Chapter 15, §2.

§10. PROPORTIONS OF COMPARISONS SHOWING DISCRIMINATION

The proportion of comparisons that show discrimination by industry also shows the probability of discrimination should a Woman worker seek an employment opportunity in that industry. This is the risk that a woman takes because of her sex in seeking an employment opportunity in that industry. The table that follows gives the sixteen industries with the highest risk of discrimination and the sixteen with the lowest.

[Continued on next page.]

Top Sixteen industries in the percentage of comparisons showing Discrimination against Women Workers				
SIC	Industry	Affected Workers	# and % of Comparisons showing Discrimination	
078	Landscape and Horticultural Services	1	53	58%
351	Engines and Turbines	76	868	47%
423	Trucking Terminal Facilities	108	62	47%
339	Miscellaneous Primary Metal Products	67	46	47%
421	Trucking & Courier Services, Ex. Air	106	10,119	42%
202	Dairy Products	11	1,036	42%
331	Blast Furnace and Basic Steel Products	63	1,145	41%
386	Photographic Equipment and Supplies	100	741	40%
422	Public Warehousing and Storage	107	4,285	40%
363	Household Appliances	86	184	39%
329	Misc. Nonmetallic Mineral Products	62	256	39%
306	Fabricated Rubber Products	55	530	39%
401	Railroads	103	567	38%
373	Ship and Boat Building and Repairing	94	354	38%
205	Bakery Products	14	2,956	38%
325	Structural Clay Products	60	111	38%
	Total Affected Workers	1,113		
Bottom Sixteen industries in the percentage of comparisons showing discrimination against Women workers				
SIC	Industry	Affected Workers	# and % of Comparisons showing Discrimination	
593	Used Merchandise Stores	157	51	10%
591	Drug Stores and Proprietary Stores	156	925	11%
783	Motion Picture Theaters	192	402	12%
805	Nursing and Personal Care Facilities	198	13,865	14%
551	New and Used Car Dealers	144	794	14%
569	Misc. Apparel & Accessory Stores	152	693	14%
554	Gasoline Service Stations	145	106	14%
541	Grocery Stores	142	28,253	14%
521	Lumber and Other Building Materials	137	1,973	14%
483	Radio and Television Broadcasting	115	1,340	15%
808	Home Health Care Services	201	1,535	15%
539	Misc. General Merchandise Stores	141	1,559	15%
835	Child Day Care Services	208	38	16%
864	Civic and Social Associations	224	1,207	16%
866	Religious Organizations	228	231	16%
606	Credit Unions	163	248	16%
	Total Affected Workers	2,703		

The seriousness of intentional job discrimination against Women workers by major and significant industries is evident. The “playing field” is far from level. The situation of those industries where there are large numbers of affected Women is even more serious by the fact that there are 206 industries, including many of them listed here, that discriminate against 99 % of all the affected Women, Blacks and Hispanics in the EEO-1 Labor Force. (See Chapter 15 §2).

§11. ENDNOTES

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151. See Congressional Record, 88th Cong. 1st Sess., 1964, 110: 6417-27.
 152. Alfred W. Blumrosen, MODERN LAW: THE LAW TRANSMISSION SYSTEM AND EQUAL EMPLOYMENT OPPORTUNITY, 134-142, University of Wisconsin Press, 1993.
 153. Herbert Hammerman, A DECADE OF NEW OPPORTUNITY, AFFIRMATIVE ACTION IN THE 1970s, pp. 39-50 (Washington: The Potomac Institute, 1984).
 154. See Blumrosen, MODERN LAW, note 2, supra, 306-317.
 155. Bureau of Labor Statistics, Detailed Statistics, LABOR FORCE PARTICIPATION RATE- Civilian population 20 yrs and over, White Female Series ID LFU601712. LABOR FORCE PARTICIPATION RATE- Civilian population 20 yrs and over, Black Female Series ID LFU601712 LFU6011732 .
 156. Glass Ceiling Commission documents can be found at ILR School: Library: E-Archive: Gov. Reports: Glass Ceiling: Official Documents
 157. 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.
 158. Alfred W. Blumrosen and Ruth G. Blumrosen, THE REALITIES OF INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA, 1999.
 159. §3 (m) of Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991.
 160. Statistical Abstract, 2000, p. 533-34.
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