

Discrimination and Desegregation: Equal Opportunity Progress in U.S. Private Sector Workplaces since the Civil Rights Act

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Numerous commentators have concluded that the Civil Rights Act was effective in promoting increased access to quality jobs for racial minorities. Many have worried as well that the pace of change has been too slow or stalled, particularly after 1980. Few have directly discussed under what conditions we might expect equal employment opportunity (EEO) to flourish. Explanations of status inequalities in the workplace have primarily relied on theories of social conflict and discrimination. Organizational perspectives on stratification, while not completely absent from previous research, remain a road less traveled. In this paper we present trends in race-sex inequality in U.S. workplaces since the Civil Rights Act of 1964 and describe the organizational practices and discrimination processes that are likely to maintain status inequalities in the workplace and those which might be catalysts of change.

Keywords: race; sex; workplace; segregation; inequality

In 1964 the U.S. Congress enacted and President Johnson signed the Civil Rights Act. Although it was not the first or the last legislative moment in the struggle for civil rights, it was a particularly powerful one. As outlined in the preamble to the Act, it was designed:

to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes. (Civil Rights Act of 1964)

The Civil Rights Act went on to outlaw segregation and discrimination by race, ethnicity, and religion in public education; public accommodations; voting; and federal assistance. Title VII of the Act also extended the equal opportunity principle to employment and for the first time

explicitly mentioned sex as a protected category. Title VII of the Civil Rights Act of 1964 made it illegal for an employer to

(1) fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. (SEC. 2000e2. [Section 703a])

The Act also created the Equal Employment Opportunity Commission (EEOC) to monitor Title VII of the Act concerning employment discrimination. Initially the commission was not granted the power to impose sanctions, or even file suit against employers in violation of Title VII, but was authorized to monitor progress and issue guidelines for Title VII compliance. The Equal Employment Opportunity Act of 1972 amended Title VII such that the EEOC was able to file lawsuits. Private sector firms with more than fifty employees, twenty-five if federal contractors, were required to submit yearly reports on the race/ethnic and sex composition of their workforce in each establishment with twenty-five or more employees.¹

In 1965, less than a year after the passage of the Civil Rights Act, the Office of Federal Contract Compliance (OFCC) was established under Executive Order 11246 to advance the hiring of people of color in firms engaged in contractual relations with the federal government. Federal contractors or first-tier subcontractors with more than fifty employees or contracts amounting to \$50,000 were subject to oversight by the OFCC. These contractors were required to maintain a plan of affirmative action detailing how equity goals would be reached. If a firm was audited by the OFCC and affirmative action plans were not on file or over longer periods progress toward goals was not apparent, firms could potentially be subject to severe sanctions such as exclusion from federal contract bidding or less

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harsh penalties including fines, back payment, and affirmative relief. In 1978 the Office of Federal Contract Compliance Programs (OFCCP) was created, which subsumed the OFCC and eleven other federal compliance agencies.

Evaluating the impact of this extension of rights to equal opportunity in employment is the central goal of this article. The article accomplishes two linked tasks. First, we explain why the simple enactment of equal employment opportunity (EEO) law should not be expected to automatically produce EEO progress by design. We then empirically chart what progress has been made and for whom in private sector employment since 1966. Strong theoretical expectations at the level of individuals as well as organizations suggest that EEO progress requires much more than simple changes in law to be achieved. We examine trends in race/ethnic segregation and access to quality employment to illustrate the unevenness of progress toward equal opportunity in U.S. workplaces.

Numerous commentators have concluded that the Civil Rights Act was effective in promoting increased access to good-quality jobs for minorities. Many have worried as well that the pace of change has been too slow or stalled, particularly after 1980. Few have directly discussed under what conditions we might expect EEO to flourish. A naive view might be that after equal opportunity laws were enacted, organizations responded and EEO became widespread. A political struggle continues, however, over the enforcement, interpretation, and managerial commitment to those laws. In the next section of this article, we describe the organizational practices and processes that are likely to maintain status inequalities in the workplace and those that might be catalysts of change.

The Inertial Tendencies of All Organizations

Organizational research and theory reveals the stability of organizational structure and practice. Organizations are “action generators.” Successful organizations reproduce behavior regardless of the individuals who populate them. Organizations produce jobs defined in terms of tasks that need to be accomplished and specify the responsibilities, authority, reporting and career linkages, and rewards associated with these positions. Typically people are hired to fill positions; more rarely are positions created to employ a specific person. Organizations also develop informal cultures that script expected behaviors for people in different jobs. Such cultures may in some circumstances discourage following formal rules and procedures.

The combination of the formal structure of positions and the informal culture of practice ensures that behaviors are relatively stable in organizations, even as individual employees come and go. Thus, organizational theory predicts that change is the exception rather than the rule. This is the case because of the strong weight of inertia created by existing divisions of labor and cultural expectations (Stinchcombe 1965; Hannan and Freeman 1984). In addition, when innovation is required, perhaps because of the founding of a new firm or uncertainty in the environment introduced by equal opportunity law, the typical behavioral strategy

of organizations is the copying of organizational practices from existing firms in the same organizational field (DiMaggio and Powell 1983). The implications of this line of reasoning is that eliminating discrimination or reaching EEO goals will not simply follow from legal change. Organizations are inherently conservative in the sense that they tend to reproduce past behaviors irrespective of the personalities or preferences of their employees.

This is not to say that organizations never change and EEO progress is impossible. Rather, the point is that change in employment practices are far from mechanical responses to law. At the most general level, we see three generic forces influencing organizational change. The first is inertia, the tendency of organizations to resist change. Inertia is probably the most powerful force and tends to reproduce organizational practices over time.

The second force is pressure from the environment to adopt new organizational routines and practices (Pfeffer and Salancik 1978; DiMaggio and Powell 1983). In the case of employment discrimination this pressure can be coercive (e.g., government regulation or discrimination lawsuits) or normative (e.g., expectations for appropriate human resource practices or in the culture more generally). The Civil Rights Act of 1964 is certainly such an, albeit diffuse, environmental pressure, which may have encouraged expanded minority access to desirable positions. EEOC reporting and OFCCP monitoring are unquestionably more direct pressures than the simple passage of legislation. Lawsuits might be a much more direct pressure from the environment. Moreover, the firm, industry, and community context of workplaces may also encourage or discourage equal opportunity behaviors and practices.

The third force is internal pressures for organization change. This pressure might come from organizational leadership (Baron 1991), human resource professionals with an EEO agenda (Cockburn 1991), or female and minority workforces demanding increased access to good jobs or fair treatment from management (Smith and Elliott 2002). Internal pressures, of course, may also have the effect of retarding progress toward EEO goals.

Pressures to Preserve and Expand Racial Status Inequalities

The inertial tendencies of organizations are typically recognized to emerge from the routine scripting of behavior within specific organizations, as well as the isomorphic tendencies in the selection of expected divisions of labor, managerial orientations, recruitment and promotion practices, and other behavioral routines from the environment. Routine practices assume cognitive legitimacy in the sense that they are culturally appropriate repertoires of action, which are deemed successful and reasonable methods to achieve organizational goals.

For EEO practice we see inertia as built around the institutional and interactional processes that create and reinforce status distinctions and expectations (Ridgeway 1997). Status groups become associated with certain types of work, in

certain industries, and within specific firms (Tomaskovic-Devey 1993). Prior to the Civil Rights movement, racial segregation in employment was required under Jim Crow in some southern states and normatively legitimate in most American workplaces. Although we do not have any workplace-level estimates of black-white employment segregation prior to 1964, we can assume it was high but had already been declining since World War II, based on occupational desegregation trends after 1950 documented by previous scholars (Carlson 1992) and the enactment of both federal and local Fair Employment Practice (FEP) laws prior to the 1964 Civil Rights Act (Stainback, Robinson, and Tomaskovic-Devey 2005).

Employment segregation is the product of a series of well-recognized micro-level mechanisms—prejudice, cognitive bias, statistical discrimination, social closure around desirable employment opportunities, and network-based recruitment. These mechanisms tend to be mutually reinforcing and lead to status expectations about the appropriateness of different types of people for different jobs as well as to the value of those jobs to the organization (Ridgeway 1997). It is important to note that the negative impact that these micro-mechanisms have on reproducing workplace inequality are likely to be reduced by formal rules and procedures (Bielby 2000; Reskin 2000); however, these are also the same social processes that are deployed to circumvent the interference of formal rules and procedures. We outline these mechanisms to make explicit that the relation between legal shifts in equal opportunity law and the production of intended social change is not path dependent; instead, there are also considerable countervailing pressures in the society and in workplaces that encourage continued and even expanded discrimination.

Prejudice and cognitive bias

Normative explanations for discrimination are widespread in popular treatments of civil rights change. In these explanations, discrimination reflects the prejudiced behavior of individuals. A great deal of evidence shows that the endorsement of racist statements declined dramatically during and after the civil rights movement (Schuman et al. 1997). Some scholars have asserted that racial discrimination has withered because of these general normative changes (Thernstrom and Thernstrom 1997). Other scholars have concluded that the historical mutation of racial prejudice into cultural rather than naturalistic explanations of difference suggests that the civil rights movement may have defeated only the most obvious expressions of status prejudice (Sears, Henry and Kosterman 2000).

When most people think of discrimination they think of some active bigot, deliberately excluding certain groups because of their stereotyped or even hostile evaluation of all members of a status group. It is clear that this kind of active bigotry is less socially acceptable than it was prior to the civil rights movements for racial equality. It is likely that active self-conscious racial animus has declined because of these more general social prohibitions. On the other hand, the use of cultural stereotypes to justify exclusionary decisions clearly remains prevalent in U.S. society.

We can think of employment discrimination as resulting from a series of decisions to include or exclude job candidates that are linked to the status characteristics of job or promotion candidates. While some decisions may be explicitly bigoted in justification, many are the result of more subtle social psychological processes of cognitive bias, stereotyping, and in-group preferences (Bielby 2000; Reskin 2000). Bigoted decision making relies on active status-linked animus or dislike by powerful decision makers. Bigots with no decision-making power are merely rude, but cannot discriminate, although they can, if not properly supervised, create a hostile work environment. Cognitive bias, on the other hand, refers to how information is routinely processed and distorted in decision making. The human brain tends to process information in terms of preexisting cognitive categories, such as race, gender, or age (Fiske 1998). These cognitive shortcuts can lead to misperception and bias in the evaluation of information. New information is most easily assimilated when it is distorted to fit preexisting categories. Three aspects to cognitive bias processes are typically relevant to discussions of employment bias—stereotyping, attribution errors, and in-group bias.

Stereotyping refers to the attribution of traits associated culturally with a group to all members of the group (Hamilton and Sherman 1994; Hilton and Von Hippel 1996). Stereotypes are culturally flexible and can be adapted to explain almost any exclusionary decision. For example, in the United States today, common stereotypes about African Americans include that they as a group are lazy, intellectually slow, and aggressive; women are often stereotyped as more concerned with family than work or as indecisive leaders; and Asians as studious but weak.

In practice, stereotypes are used to describe all members of a group. This is more likely when individuals are not well known to decision makers, and so they use stereotypes to “fill in the blanks.” Stereotypes, in addition to being culturally flexible, can be deployed selectively. Perhaps an African American worker has a series of positive employee evaluations suggesting that he or she is not slow or lazy. Decision makers may downplay the positive evaluations and attribute the stereotype of being too aggressive to the candidate, thus justifying a negative employment decision. Importantly, individuals attend to and remember more clearly information that is consistent with a stereotype and miss or ignore information that is inconsistent with it. This does not suggest ill will, but is simply a function of how we process information. Information that is consistent with prior categorizations and cultural content is simply easier to make sense of and remember.

People are often unaware of how stereotypes affect their perceptions and behavior, and individuals whose personal beliefs are relatively free of prejudice or animus are susceptible to stereotypes in the same ways as people who hold a personal animosity toward a minority group (Devine 1989; Bodenhausen and MacCrae 1996). The practice of crossing the street or locking car doors in the presence of African American or Hispanic males is an example of stereotyping. Assuming that all black women are single mothers is another example. Assuming Asians are great technical workers but poor managers is a third.

Attribution errors tend to focus on the successes of in-group members, attributing them to skill or talent, while ignoring or downplaying mistakes,

attributing them to bad luck or situational factors. For out-group members attribution errors tend to be reversed; mistakes are taken as evidence of lack of skill or potential; and successes may be overlooked or treated as situational, luck, or even the work of others (Hewstone 1990; Brewer and Kramer 1985). Attribution errors tend to reinforce the success of high-status groups and the failures of low-status groups; thus they will tend to lead to bias in evaluation contexts, such as hiring or promotion decisions. Ignoring positive evidence in favor of a minority candidate is an attribution error. Assuming aggressive tendencies in the absence of the observation of aggression is the application of a stereotype.

In-group bias refers to social preferences for people similar to the observer (Perdue et al. 1990; Fiske 1998). Substantial evidence indicates that most whites prefer whites to nonwhites in social encounters and that much of this preference is precognitive; that is, it is largely automatic and emotional in character. A long history of workplace studies on this phenomenon holds that people are more comfortable working with members of their own group. One of the earliest scholarly examples of in-group bias was Rosabeth Moss Kanter's 1977 study *Men and Women of the Corporation*. She studied a 1970s workplace and termed the strong preference of the white male top management to reproduce themselves with other white males "homosocial reproduction."

In-group bias influences not only hiring and promotion decisions but also the sharing of information about potential new employees and among informal work groups and the creation of bonds of friendship and mentoring within organizations (Braddock and McPartland 1987; Ibarra 1993, 1995). Many organizations rely on their current employees to find new employees. Sometimes these systems of network-based recruitment are even formalized through incentive systems that pay employees for recruiting new workers. Historically, some union hiring halls required new candidates to be nominated by existing employees. Some estimates suggest that in the United States about 50 percent of hiring is done through various types of network-based referrals. Since networks tend to be ethnically homogeneous, informal recruitment will tend to reproduce the current ethnic composition of a workforce (Stainback 2006b).

Friendship, influence, and information tend to travel through networks of socially similar others. While the motivations for these informal ties are likely to be social similarity and comfort, they can also lead to the marginalization of people who do not share the dominant status characteristics. These informal manifestations of in-group bias lead to increased positive information and visibility of majority members to decision makers higher in the chain of command. Cognitive bias processes often require minorities to demonstrate superior credentials to comparable majorities to be competitive for hiring and promotion (Wilson, Sakura-Lemessy, and West 1999; Wilson 1997a, 1997b).

Although there is evidence of secular decline in classic racial bigotry in the United States since the civil rights era, it is clear that cultural prejudice as well as the more subtle processes of cognitive bias against minority group members and in favor of whites remain culturally widespread and active at the societal level. Thus,

at the level of individual perception and preferences, discriminatory tendencies remain widespread in U.S. society.

Statistical discrimination

The theory of statistical discrimination explains why employers in particular might *consciously* use stereotypes to exclude minority job candidates or to demand higher credentials before hiring them. Statistical discrimination refers to employers using known average differences in competencies between groups to discriminate against all members of the subordinate group. When statistical discrimination is happening, the employer relies on stereotypes about status group productivity to justify making discriminatory hiring decisions against individuals. Although in some accounts this behavior is described as economically rational, it is clearly discrimination under the law, since individuals are denied employment because of their status group membership. We really have no idea how widespread this type of direct self-conscious discrimination by employers is, but evidence from studies of employer hiring decisions demonstrates that it continues to operate in workplaces (Neckerman and Kirschenman 1991; Holzer 1996; Moss and Tilly 2001).

The key distinction between statistical discrimination and prejudice as discriminatory mechanisms is that employers are expected to be able to justify their actions in terms of business goals. Statistical discrimination is different from a cognitive bias discrimination mechanism in that the deployment of stereotypes is used as a self-conscious justification of discriminatory behavior. In both cases, stereotypes are treated as accurate. When cognitive processes reacting to preexisting categories of people arouse stereotypes, these stereotypes are seen as self-evident truths in their own right. When stereotypes are deployed in a statistical discrimination framework, an employer may be aware that they are unfair but justify his or her actions in terms of some presumed added financial risk or cost associated with employing the stereotyped group.

Social closure

Of course, discrimination is not just about individual psychology or even simply a misguided profit motive. It is also clearly the case that individuals have identities tied to group membership, and these identities influence how we interact with members of our own group and of others. Shared ethnicity, nationality, race, and even gender can be the basis for pride and a sense of mutual obligation (Tilly 1998; Tomaskovic-Devey 1993). In-group bias and network-based referrals are forms of discrimination that can be justified in terms of being amicable to socially similar others. Helping people you like and know is expected of friends and even acquaintances. When opportunities are closed to outsiders and reserved only for members of our own group, we refer to that process as social closure.

Social closure processes are widespread in social life generally; because they are tied to identities they are prominent mechanisms for both creating discrimination and justifying it. A manager who hires his friend's or current employee's son

rather than a minority applicant may not be discriminating against the minority candidate as much as discriminating in favor of his friend's son. He may also know that if he had hired the minority candidate he would have to justify to his friend or employees why the son was not hired. Thus, social-closure-based discrimination is both about protecting opportunities for the dominant group but also acts to preserve the status distinctions between in-group and out-group.

Social closure processes are consistent with any of the discriminatory mechanisms we have already outlined—prejudice, cognitive bias, and statistical discrimination—but are not merely conditioned by individual psychology or the profit motive but by both social accountability to one's status group and the elaboration of cultural stories that explain and justify status based inequalities.

Social closure processes are also contextual in a way that processes of cognitive bias or prejudice often are not. Since social closure is about the exclusion of out-groups from opportunities, a social closure analysis of discrimination always assumes that social boundaries and segregation are less clearly demarcated where the cost to dominant groups is low or nonexistent. Thus, we would expect workplaces to integrate in the face of the various pressures arising from the civil rights movement before desirable jobs within those workplaces would. Under a social closure model, we would expect desirable jobs to integrate more slowly, if at all, as dominant groups attempt to continue to maintain their monopoly over the most desirable jobs, even as they lose the ability to control all jobs.

Given organizational tendencies toward inertia, equal opportunity employment change is likely to arise not simply because of the enactment of law but when there are significant coercive or normative pressures for change in workplaces or their environments.

But of course, social closure can fail (Parkin 1979). Dominant groups can be forced to give up their control over valuable positions and resources. The desegregation of hotels and restaurants in the United States since the Civil Rights Act of 1964 is a clear example. The expulsion of colonial powers from many non-European countries after World War II is another. The end of apartheid in South Africa is another. In all of these cases, subordinate groups struggled continually to usurp the power of dominant groups and gain access to opportunities previously

hoarded for the dominant nationality, ethnicity, or race. At this point in U.S. history, the desegregation of public accommodations stands in stark contrast to the continued race segregation of neighborhoods and workplaces. Of course, from a social closure perspective, integrated restaurants and hotels may have generated less threat and less resistance than leveling the economic benefits of segregated housing and employment.

Consistent with a social closure account, strong evidence demonstrates that when women or minorities have gained access to managerial jobs, it has often been supervising other women or minorities. Elliott and Smith (2001) discussed this as a process of bottom-up ascription in which the integration of workplaces leads eventually to demands for access to more desirable jobs in those workplaces. This usurpation of the managerial jobs traditionally controlled by white male managers is, however, typically only partially successful as women and minorities gain access to lower-level supervisory jobs but continue to be excluded from higher-level managerial ones.

Organizational Innovation

Prejudice, cognitive bias, statistical discrimination, and social closure are all potential sources of racial discrimination in employment decision making. They operate through the flows of information and influence they produce about applicants and jobs, as well as how that information is evaluated by decision makers. The implication is that EEO law faces a powerful set of countervailing forces that both reinforce existing employment segregation and set the stage for new rounds of discrimination. Given organizational tendencies toward inertia, equal opportunity employment change is likely to arise not simply because of the enactment of law, but when there are significant coercive or normative pressures for change in workplaces or their environments. Progress can be expected to be most rapid when the costs to dominants are small and environmental pressures for change are strong.

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Burstein (1985) and others have suggested that general societal normative change has driven EEO progress. This explanation is inconsistent with most organizational theory, which sees institutional norms as emanating from much more

proximate organizational environments. Mimetic isomorphism—the copying of organizational practices—is typically conceptualized to happen within an organizational field (DiMaggio and Powell 1983). Normative pressures for change inhere in social relationships and legitimate practices within an organizational field. Organizational practices are not compulsory as much as obvious and proper. For this reason, we expect that organizational change tracks change in organizational fields rather than societal norms. Practically, this suggests that when prominent firms in an industry begin to employ more African Americans or perhaps move women into management, we should see the behavior generalizing across the industry. Some industries will change for one dimension (say, race) but not for another (sex), some may never change at all. Some very recent research suggests that equal opportunity workplace change is more strongly tied to federal regulation or lawsuits in an industry than to the regulation or lawsuits targeted at specific firms (Hirsch 2005; McTague, Stainback, and Tomaskovic-Devey 2006). The interpretation is that the coercive regulation or legal action changes behavior in an industry rather than in the target firm. Thus, equal opportunity gains happen through the diffusion of new less discriminatory practices through the industry.

When there is greater uncertainty in dynamic environments, organizations are particularly likely to seek out field-specific legitimate practices. We think that the early years after the Civil Rights Act, when firms were unsure of the demands or sanctions they would face from the EEOC, OFCC, or other actors, probably qualifies as such a period of uncertainty in EEO practice. When organizations are uncertain about normatively appropriate behavior, experimentation in practices may arise, leading to higher variance in observed organizational practices. As behaviors become legitimate, institutionalized variance drops. We have observed such a phenomenon for black-white segregation trends, suggesting to us that racial EEO practice has become institutionalized even as EEO progress has stalled (McTague, Stainback, and Tomaskovic-Devey 2006).

Another model of organizational change is that powerful actors in the environment *coerce* organizational change. This may be because certain organizational forms or practices are viewed as legitimate and so become required by powerful actors, such as the EEOC. On the other hand, actors that are relatively powerful in their environments are more able to resist coercive pressures emanating from the environment. Organizations comply or resist influence based on their relative power in resource exchange relationships (Pfeffer and Salancik 1978). New institutional theory recognizes this process with the concept of *coercive isomorphism*, in which a position of exchange or regulatory dependence leads to isomorphic change at the demand of the more powerful actor (DiMaggio and Powell 1983).

These power relations become particularly evident when interdependency is paired with uncertainty in the ability to predict the actions of the more powerful organization. To ensure its viability, the weaker organization will adapt to or even anticipate demands from the more powerful organization through strategic action. Asymmetrical interdependence not only allows more powerful organizations to effectively influence weaker organizations within the resource exchange relationship,

but it also allows powerful organizations to resist the influence of weaker organizations (Salancik 1979).

Past research has shown that job opportunities for minorities, and women to a lesser extent, have improved in firms and industries that depend on government support and are subjected to the most extensive regulatory pressure (Baron, Mittman, and Newman 1991; Leonard 1984a, 1984b, 1990; Salancik 1979). Sutton et al. (1994) found that close proximity to the state sector increases the adoption of policies and practices associated with due process (i.e., grievance procedures). On the other hand, Dobbin et al. (1993) did not find that federal contractors were more likely to adopt internal labor market practices, which are often associated with EEO plans. We suspect that the inconsistent findings in this literature reflect real historical changes in federal regulatory activity.

Change can also be driven by *internal constituencies*, particularly the dominant coalition in the organization, but other groups may produce pressure for change as well. Status-based processes of exclusion and usurpation over scarce or valuable opportunities are central to the production of workplace inequality (Reskin 1988; Tomaskovic-Devey 1993). Although the specific mechanisms producing exclusion and inclusion will vary as a function of human inventiveness and historical context, status groups dynamically attempt to preserve their advantages by limiting access to others outside of the status group (Tilly 1998). Excluded groups will tend to devise means to usurp status monopolies, either by directly challenging superordinate's advantages or monopolizing other resources (Parkin 1979).

When the dominant coalition, typically top management and professional staff, are committed to EEO goals, we would expect stronger pressures for EEO change. Baron (1991) cited considerable anecdotal evidence that leadership commitment is required to advance EEO agendas. Cockburn (1991) found that EEO initiatives are most likely to be successful when supported by top management. Hultin and Szulkin (1999) in a study of Swedish workplaces found that women's wages are higher in firms with more women managers. Two studies have found that gender segregation is lower in organizations with more women in managerial roles (Baron, Mittman, and Newman 1991; Cohen, Broschak, and Haveman 1998).

Equal opportunity goals may have more support when minority or female constituencies become large enough to pressure for access to better jobs within the organization. Kanter (1977) argued that when a minority group rises to above 15 percent of employees, stereotyping will be reduced by the availability of individual-level variation among employees. Another model predicts that women and minorities are most likely to attain supervisory roles in workplaces where they are large proportions of the nonmanagerial workforce. Some authors have argued that this is a basic mechanisms of political appeasement through which dominant status groups diffuse political pressure and maintain control of both the labor force and the top jobs (Elliott and Smith 2001; Smith and Elliott 2002). The process of bottom-up ascription can be interpreted as a limited reaction to demands for inclusion by women and ethnic minorities. When female or minority access to supervisory or managerial positions is achieved, it is often in the segregated sphere of supervising others within the subordinate status group.

Phillip Selznick (1949) referred to this process in a slightly different way. According to his early institutional perspective, cooptation is "the process of absorbing new elements into the leadership or policy determining structure of an organization as a means of averting threats to its stability or existence" (p. 249). While Selznick's original notion of cooptation refers to the management of interorganizational power relations, we see cooptation functioning within organizations as well. He further discussed formal and informal cooptation. Formal cooptation was for the purpose of gaining external legitimacy, although those in power remained in power. On the other hand, informal cooptation refers to a similar process where some power sharing occurs.

Because this is a dynamic political struggle, we can also expect that advantaged groups will tend to monopolize the best positions, rather than all positions. Thus, we expect women and minorities to gain access to managerial jobs in lower-wage industries or in large firms with internal, often segregated, managerial hierarchies. Social closure theory leads to the expectation that there will be historical changes in status hierarchies, but these changes are most likely where subordinate groups are strong, superordinate groups weak, and the costs of relinquishing privilege small. Social closure pressures are weaker when dominant status coalitions have less incentive to exclude (i.e., low wage levels, declining opportunities; see Reskin and Roos 1990).

It is fairly clear that EEO law has encouraged the adoption of formalized human resource practices to demonstrate compliance with those laws. This has been primarily interpreted as a legitimating device under a new institutional interpretation—it is merely symbolic adoption to forestall regulatory or legal action. Some evidence, however, indicates that inequality is lower in organizations with more formalized personnel practices. Formalization has been hypothesized to reduce inequality precisely because it reduces the influence of the basic micro-level mechanisms that produce status segregation and inequality (Szafran 1982). That is, formalization tends to moderate particularism (Anderson and Tomaskovic-Devey 1995). For example, Reskin and McBrier (2000), using data from around 1990, showed that women's access to managerial jobs increases with formalized recruitment strategies. Formalization may encourage employers to search for candidates qualified for specific jobs, rather than select candidates because they are simply socially comfortable or familiar. When the jobs themselves have clear skill requirements, we might expect to see more progress for minority workers. Professions have exactly this character. Since professions typically require specific educational credentials, they have a strong formal criteria that will trump race (or sex) in the selection of most applicants. Desirable jobs with more diffuse criteria, such as managerial roles, are more likely to resist equal opportunity integration.

Summary of expectations

EEO progress is not likely to be a simple result of legal change. Rather, organizational theory leads us to expect that change will happen as experimental changes in human resource practices become legitimate and diffuse. This experimentation

is likely to happen during periods of regulatory uncertainty, when law and enforcement criteria are still in flux. Some of these new human resource practices will become legitimate and diffuse more rapidly because of coercive and mimetic isomorphic pressures from the firm's environment. At the same time, resistance to equal opportunity progress should be expected. Resistance will be generated by both the bias processes that operate at the individual and group level and by the basic tendency toward inertia in organizational practices.

In the next section of this article, we examine actual changes in black-white-Hispanic-Asian private sector employment opportunity since the Civil Rights Act. Although we have some expectations based on the preceding discussion, we also treat this analysis as exploratory. This article is the first to produce long-time trends on workplace equal employment outcomes. It is also unique in that we compare the fates of black, white, Hispanic, and Asian men and women over the entire period. Most equal opportunity law and practice were developed in response to African American's and later white women's claims for nondiscriminatory workplaces. Much less is known about the Latino or Asian experience and virtually nothing at the level of workplace trends. Before we proceed, it is useful to summarize our expectations:

- EEO progress will be most rapid early in the post-Civil Rights Act period as corporations face an uncertain regulatory environment.
- EEO progress will stall when political pressure for further progress recedes after 1980.
- EEO progress will happen faster when whites' privilege is less threatened; that is, minorities will make faster access in employment than they will in good working-class jobs and faster progress in both of these than in access to management positions.
- EEO managerial progress will happen faster in low-wage industries.
- EEO managerial progress will happen faster in workplaces with large minority nonmanagerial workforces.
- EEO progress will be stronger and more sustained in professional occupations than in managerial occupations.

Documenting Desegregation

The trends we present are derived from workplace-level data authorized to be collected from private sector employers by the Civil Rights Act. Title VII created the EEOC and granted it limited powers of investigation and enforcement of the employment provisions of the Civil Rights Act. The Act also required employers to submit annual reports to the EEOC on their employment distributions. Since 1966 the EEOC has been collecting data on sex by race/ethnic employment and occupational segregation from U.S. employers. These data were to be used to monitor progress both at the workplace and societal level.

Remarkably, we have very poor descriptive knowledge as to the effectiveness of this defining legislation of the civil rights era. This is at first surprising, but with the exception of the EEO-1 reports collected as a result of the Civil Rights Act, no systematic time series data on workplace segregation have been available. The

EEO-1 data have only recently become available to the research community and are sure to become an important resource for studies of workplace inequality and dynamic organizational change.

All of our previous systematic knowledge of change in the employment opportunities of women and race/ethnic minorities comes from surveys of individuals that describe employment in terms of occupations detached from their workplace context, the presumed site of discrimination. This occupation-based literature suggests that since 1964 minorities have had increased access to better occupations and that there have been declines in occupational segregation. A comparison of the various time series available on black-white and Hispanic-white occupational segregation shows strong declines across the 1970s and little or none across the 1980s. Various scholars have interpreted this stalling of EEO progress in the 1980s as reflecting the relaxation of federal regulatory activity (Bergmann 1996; Stainback 2006a).

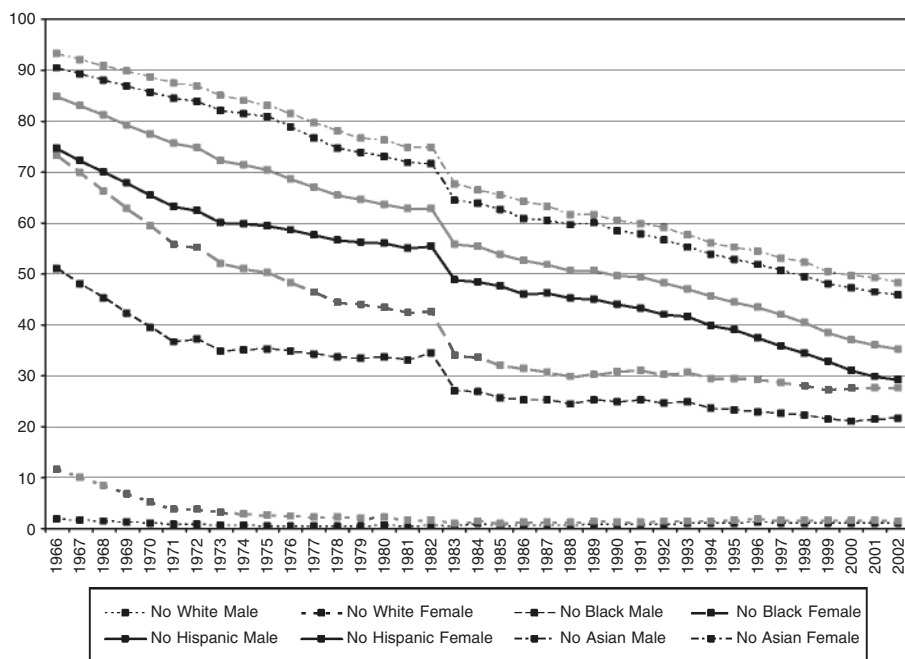
We report basic trends in access to private sector employment since the 1964 Civil Rights Act. At this point we are not yet ready to explain why things have turned out as they have but want to make clear that progress has been far from uniform. What we have learned from documenting these basic trends is that while almost all workplaces have incorporated women and racial/ethnic minorities as employees, status segregation within workplaces remains very high, white males continue to have advantaged access to the best quality jobs, most racial progress in EEO stalled after 1980, and white women seem to have benefited the most from the struggles for EEO. We begin by documenting trends in workplace employment diversity.

Status homogeneity in private sector workplaces since 1966

Figure 1 reports time trends in the percentage of EEO-1 establishments that totally exclude various status groups from their labor forces. In 1966, more than 50 percent of EEOC reporting workplaces had no black male employees. In the mid-1960s, more than 70 percent of workplaces contained no Hispanic male or black female employees. Hispanic females were absent from about 85 percent of EEOC reporting workplaces in 1966. And Asian males and Asian females were almost entirely absent from EEOC reporting firms, with 90 and 93 percent of establishments reporting no Asian males and females, respectively, at the beginning of the EEO regulatory period. Thus, the large- to midsize-firm private sector began the post-Civil Rights Act period with very low levels of minority representation. White men and women, in contrast, were employed in almost all EEOC reporting workplaces in 1966. For the majority of workplaces, the implication of the Title VII of the Civil Rights Act and associated enforcement was that they had to begin to hire minority workers for the first time.

The complete exclusion of minority workers declined steeply in EEO reporting workplaces in the late 1960s. This early period preceded most enforcement efforts, but was the period of maximum regulatory uncertainty in which organizations

FIGURE 1
TRAJECTORY OF EQUAL EMPLOYMENT OPPORTUNITY (EEO) REPORTING
WORKPLACES WITH NO GROUP REPRESENTATION



experimented with demonstrating compliance with the new law in the absence of clear regulatory expectations (Edelman 1992). The initial declines in ethnic exclusion from 1966 to 1971 were larger for black men (15 percent) and black women (17 percent) than they were for Hispanic men (12 percent), Hispanic women (9 percent), and Asian males (6 percent) and Asian females (6 percent).

Across the 1970s, the complete employment exclusion of black, Hispanic, and Asian women showed continued declines. During this same period of maximum regulatory attention black men made no further gains in desegregating, while Hispanic and Asian males continued to enter EEOC workplaces, although at a reduced rate compared to the late 1960s. After 1980, there was almost no increase in the representation of African American men or women in EEOC reporting firms, although the absence of Hispanic and Asian men and women declined and continued through to the end of the century. By the year 2002, 21 percent of EEOC workplaces still employed no African American men and 28 percent no African American women. Hispanic males were absent from 28 percent of regulated workplaces, while Latinas were not employed in 35 percent of private sector workplaces. Finally, more than 45 percent of EEOC reporting

firms employed no Asian males or females. Interestingly, among this same sample of EEOC reporting workplaces only 5.4 percent of workplaces end the period with no minority workers at all. Among private sector EEO-1 reporting establishments, sex and ethnically homogeneous workplaces have almost disappeared since the Civil Rights Act of 1964. Thus, while many workplaces lack representation from among all six groups most employers can point to at least one black, Hispanic, or Asian employee.

Figure 1 makes clear that minority employment has made strong gains in the regulated private sector but that most of those gains came in the period immediately after the 1964 Civil Rights Act. This is particularly true for black men who see few, if any, gains after 1973. Hispanic and Asian men and women continue to integrate new workplaces over the entire period, primarily reflecting their continued growth as a proportion of the U.S. labor force overall.

Most striking is that white men and white women are found in virtually all workplaces. In 1966, 11 percent of workplaces had no white women employed in them, but this had fallen to 3 percent by the early 1970s and about 1 percent currently. These patterns mean that even today when white men and women go to work they will often be employed in workplaces where there is not a single black male, black female, Hispanic male, Hispanic female, Asian male, or Asian female coworker. One of these groups will almost always be represented among their coworkers, but one or more groups may be entirely absent. While there has been clear progress in the desegregation of American private sector workplaces, substantial racial homogeneity remains common in many workplaces.

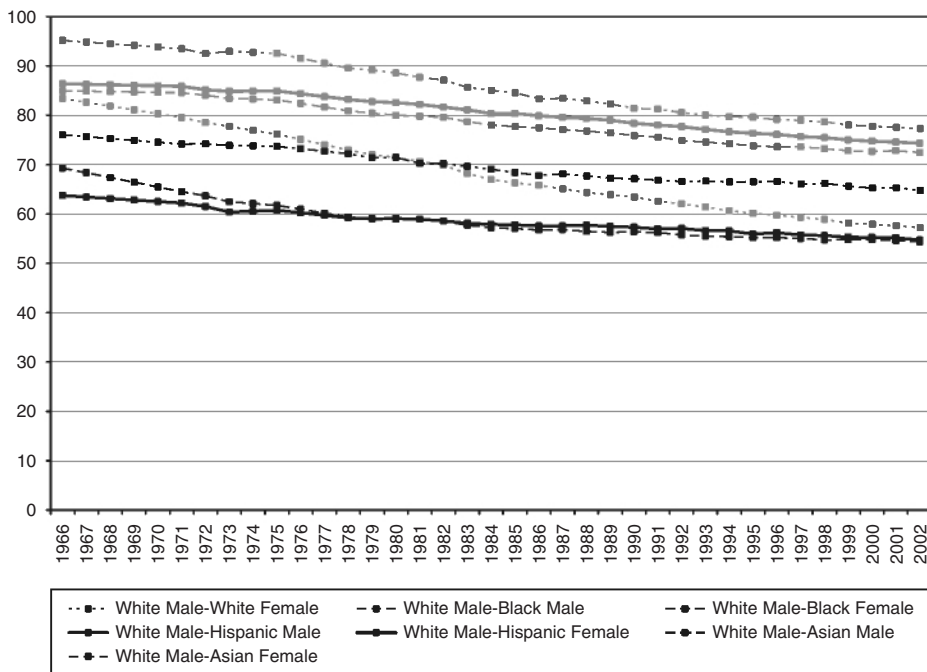
Relative to our expectations, we find that the most rapid integration into homogeneous workplaces for all groups happened in the earliest period, during the period of maximum regulatory and human resource uncertainty. Progress stalls during the 1970s, perhaps because few firms were left with no women or minority employees at all. Fewer workplaces were truly diverse, containing representatives from all six sex-race groups.

Workplace segregation trends

We have just seen the rapid but incomplete declines in between-firm segregation implied by racially homogeneous workplaces. Some of this homogeneity, including the substantial proportion of workplaces that continue to lack specific minority employment, represents the spatial distribution of African Americans, Hispanics, and Asians across the country. Some places employ so few non-Anglo whites that we would expect many workplaces might have no African American, Latino, or Asian employees. In this section we turn to employment segregation within workplace divisions of labor.

The Civil Rights Act specifically prohibited employment segregation. The end of slavery led to a short period of legal equality between whites and blacks, which ended with the imposition of Jim Crow laws in the South and segregated employment and housing practices across the country. Segregation was one of the central tactics used by whites to reinstitute their social advantages over African Americans

FIGURE 2
TRAJECTORY OF EQUAL EMPLOYMENT OPPORTUNITY (EEO) REPORTING
WORKPLACE SEGREGATION RELATIVE TO WHITE MALES



across the twentieth century. Many scholars have researched housing segregation trends in the United States, but almost none have looked at workplace level segregation trends. Equal opportunity in workplaces requires employers to not simply hire minority employees but also to hire them on the same terms as whites. What progress has been made to desegregate private sector workplaces?

Figure 2 displays the trends in workplace occupational segregation from white men since 1966 in private sector regulated workplaces. We focus on white men since in all historical accounts it is white males' control of desirable jobs that was being challenged by the Civil Rights Act and associated legal and regulatory pressures. We measure segregation with the conventional index of dissimilarity (D). The index equals 100 when groups are completely segregated from each other. The level of the index suggests what proportion of a group would have to switch occupations to end segregation in employment. Because these data refer to occupations within workplaces, rather than job titles within workplaces we underestimate actual workplace segregation.² Given this limitation, in 1966 we estimate that the segregation of white men relative to women was between 85 and 95. In 1966, white men almost never worked with women of any race in the same occupation in the same workplace. Segregation from Asian women was highest (95),

followed by Hispanic women (86), black women (85), and white women (83) in 1966. Overwhelmingly, white men simply did not work as peers with women at the beginning of the legal period mandating EEO. White men were more likely to work with black men (69) and Hispanic men (64) and Asian men (76), but employment segregation was still quite high. It is quite possible that by 1966 some employment segregation among men had already been reduced by reactions to the civil rights movement, state-level Fair Employment Practice (FEP) laws (Stainback, Robinson, and Tomaskovic-Devey 2005), and the 1964 Civil Rights Act. Although the Civil Rights Act outlawed sex segregation, the political target was primarily minority male employment, and early enforcement, as well as earlier FEP laws, which were also concerned with providing increased opportunities for minority men.

Currently white male employment segregation remains quite high in all comparisons, dropping to its lowest level with minority men and white women. Even then, the index of dissimilarity remains in the high 50s. Almost forty years after the Civil Rights Act, substantially more than 50 percent of workers would have to exchange jobs to produce workplaces in which white men were integrated with minority workers and white women.

If we focus on the early civil rights periods, when uncertainty was highest and most political pressure was focused on discrimination against black men, we see the steepest decline in workplace segregation between white and black men. Black-white segregation among males dropped 7 points between 1966 and 1973. Interestingly, segregation between white men and white women also dropped substantially in this early period, even as segregation between white men and minority women barely changed at all in the immediate post-Civil Rights Act period. Hispanic men made limited gains between 1966 and 1973, with a 3-point drop in workplace segregation from white men. Asian males begin with the highest male segregation compared to white men (87) and show the smallest integration with white males (2 points). Black men, the intended beneficiaries of EEO/affirmative action law, were the immediate big winners, gaining access at a faster rate to positions occupied by white men than any other group. White women, however, showed rapid gains in access to white male jobs during this early period as well. There is essentially no change, however, in white male workplace segregation from minority women during the earliest years of formal equal opportunity and the illegality of workplace segregation on the basis of sex, race, and ethnicity.

Beginning in the early 1970s, organizations began to adopt personnel practices intended to at least symbolically demonstrate their commitment to EEO principles, federal regulatory capacity through the EEOC and the OFCCP was at its peak, and discrimination case law supported discrimination claims based on disparate impact (e.g., *Griggs v. Duke Power* in 1971). It is in this period that some prior researchers expected the greatest gains in equal opportunity. We observe, however, a substantial slowdown in the rate of integration of minority men with white men. Among males, Hispanic-white segregation essentially plateaus after 1973, dropping only 5 points over the next thirty years. Black-white workplace segregation among males continues to drop, although at a slower rate, through

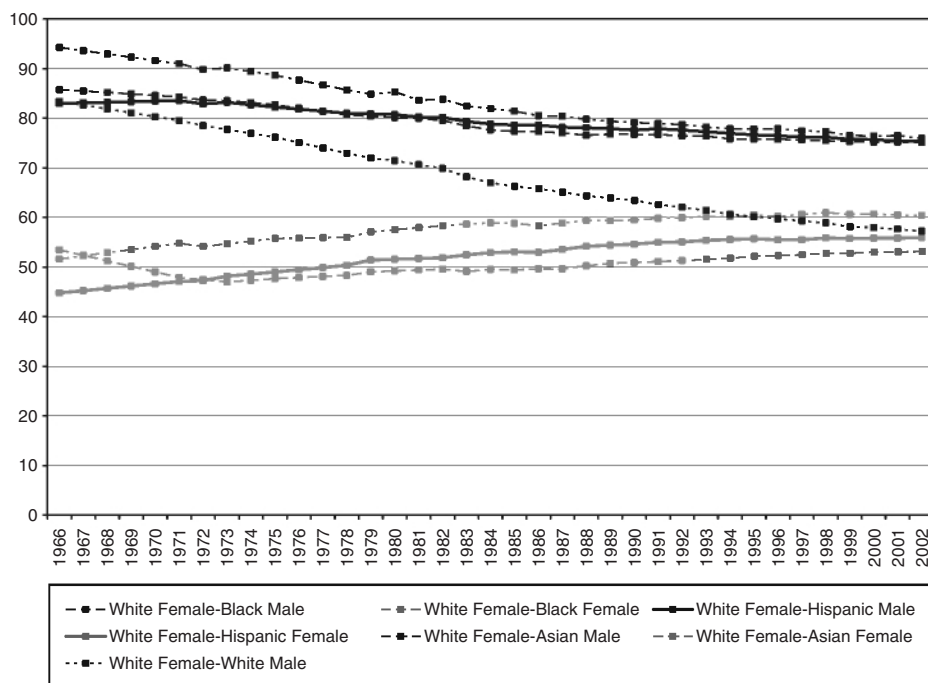
the early 1980s, but becomes fairly stable thereafter. Among males, Asians remain the most segregated from white males across the entire period, and by 2002, white males and Asian males display *D* values that are 10 points higher than white males compared to black males or Hispanic males.

After 1973, white males become increasingly integrated in their places of employment with women. White male workplace segregation from black and Hispanic women remains remarkably high to this day, although displaying a weak, but nearly linear, decline across the entire period. Much more striking has been the rapidly declining workplace segregation between white men and women. In 1966, white men and women were nearly totally segregated at work, residing in separate and typically unequal work. While white sex segregation remains high today, it is now lower than white male–Asian male segregation and almost as low as white male segregation from other minority men. Researchers have routinely assumed that sex segregation was higher than race segregation. This was clearly true in 1966, but by the year 2002 it seems more reasonable to say that the workplace barriers between white men and white women are now equivalent to those between white men and minority men. White women have clearly benefited the most from the legal and institutional prohibitions against workplace segregation.

We wondered if this meant that white women were becoming more integrated with all groups or if this signified the decline of sex distinctions among whites, even as race employment distinctions remain strong. Figure 3 makes the integration comparisons between white women and the other groups. There is substantial black-white integration among females in the earliest period following the passage of Title VII. Between 1966 and 1973, segregation between white women and black women fell by 6 points; however, the two have become increasingly segregated since. By 2002, white women and black women are as segregated as they were in 1966. Over the entire 1966 to 2002 period, white women are increasingly segregated from Hispanic women and Asian women. There was a short period of rapid desegregation relative to black women during the initial EEO period. In fact, the integration of black and white women immediately after the Civil Rights Act was more rapid than any other comparison or time shown in Figures 2 and 3. Evidently, race integration among women was easier to accomplish than race integration among men. On the other hand, it was less sustained and characterized by resegregation for the next thirty years.

The patterns of workplace desegregation among regulated private sector employers are only partially consistent with our original expectations. Within sex, black-white employment desegregation made rapid progress in the initial post-Civil Rights Act period, when firms were experimenting with human resources practices and uncertain as to which practices would signal compliance with the new legal expectations. There was essentially no cross-sex, cross-race progress in the earliest period. Sex segregation between whites and minorities was undisturbed by the initial set of firm responses to equal opportunity law. It is also the case that after 1980 when political pressure faded, so did further progress in black-white segregation among men.

FIGURE 3
TRAJECTORY OF EQUAL EMPLOYMENT OPPORTUNITY (EEO) REPORTING
WORKPLACE SEGREGATION RELATIVE TO WHITE FEMALES



We also have a set of remarkable findings about the segregation patterns of white women. Across the entire post-Civil Rights Act period, white women have been rapidly integrating employment settings with white men, have slowly integrated with minority men, and are increasingly segregated from minority women. This rise in workplace segregation from minority women is dramatic and troubling. Overall, forty years after the law changed to make workplace segregation illegal, it remains high. Most whites work with other whites. Increasingly, white women work with white men. The big success story of the equal rights revolution in the private sector is the integration of white men and women. Cross-race progress among men stalled in the 1980s and among women has worsened since the mid-1970s.

Access to desirable occupations

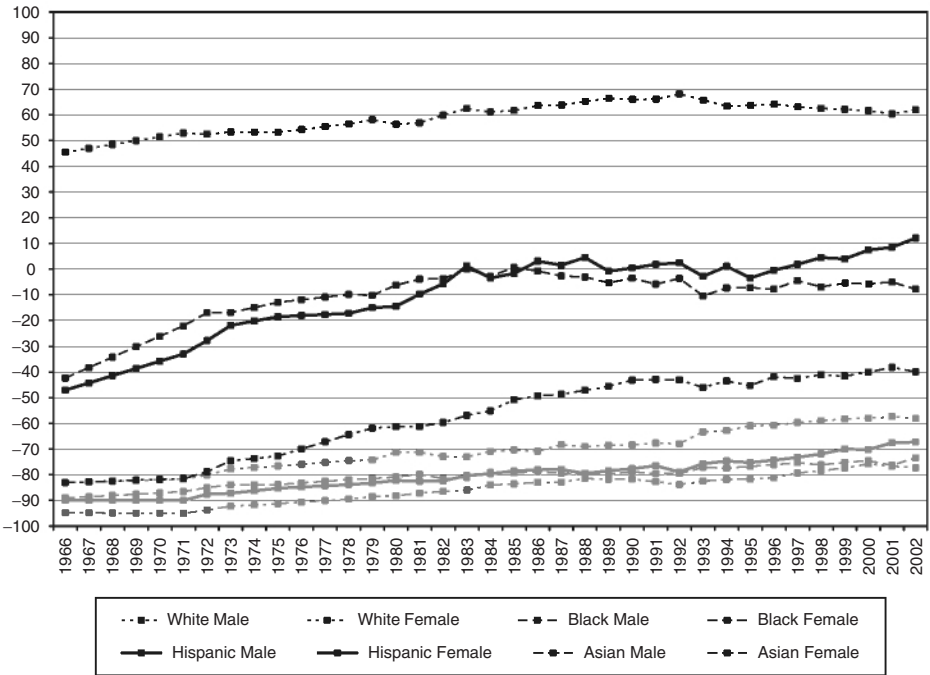
Analyses of employment and segregation tell us something about the social distance between status groups but nothing about the quality of employment. In this section, we examine trends in access to craft production, managerial, and professional occupations. Craft occupations include skilled manual trades such as

carpenters, plumbers, and machinists. These jobs typically have substantial autonomy, high skill, and relatively high wages. They are traditionally the most desirable working-class jobs. They are also traditionally male jobs. Managerial and professional jobs are typically the best-paid, most respected, and often most self-directed jobs in workplaces. They differ in the degree to which they require educational certification. Managerial jobs tend to require a diffuse set of background characteristics and can often be attained through experience even in the absence of a generalist college degree. In contrast, professional jobs typically require quite specific college or professional degrees (e.g., a BS in engineering, a BA in accounting, or a JD in law).

We focus on these three occupational destinations because they clearly represent the most desirable employment destinations and because we have different expectations as to the degree of discrimination likely to be involved. Craft jobs because they are the most valuable working-class jobs and because skills are largely transmitted from the current generation of workers to the next, either through apprenticeships or on-the-job training, should be relatively difficult for minorities (and women) to get access to. It is in these jobs where workplace formalization is likely to be at its weakest and the opportunity for incumbents to exclude out-groups the highest. Managerial jobs should show similar barriers but are even more likely to be hoarded by powerful decision makers. Managerial jobs are more likely to be subject to formal internal labor market policies and to be the object of discrimination lawsuits and external regulatory attention. Entrance to professional jobs, which are clearly desirable and such potentially discriminatory targets from a social closure perspective, is at least initially governed by objective educational requirements. It is among professionals that we expect to see the most EEO progress, because specific educational requirements can clearly define one aspect of qualification and so mute the influence of status-based discriminatory selection of job candidates.

For the analyses in this section, we compare the relative probability of attaining craft, managerial, and professional jobs. Doing this produces some methodological problems that were not present in the segregation analysis and ignorable (at least for the purposes of this article) in the workplace homogeneity analysis. It is particularly useful to control for the supply of different groups when comparing their relative probability of being in specific jobs. The proportion of the labor force that is white male has declined tremendously since the enactment of the Civil Rights Act, even as the proportions of white women and Hispanic and Asian men and women have grown. Thus, we would expect white males to decline in desirable jobs because they are simply a smaller proportion of the labor force. To make matters more complicated, the distribution of both employment and the Hispanic and Asian labor forces have changed across places over time, thus comparing relative employment frequencies requires some adjustment for both temporal and spatial labor supply. We do this in the following charts by calculating employment representation as the proportion of craft employment in a group (e.g., percentage of black males in craft occupations) divided by the proportion of all employment in the local labor market in that group (i.e., percentage

FIGURE 4
TRAJECTORIES OF RELATIVE ACCESS TO CRAFT PRODUCTION
JOBS IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)
REPORTING WORKPLACES



of black male employment in local labor market).³ Thus, our comparisons are the occupational percentage difference from labor market participation.⁴ A score of 0 indicates that a group is represented on average at the same rate as it is employed in local labor markets. A score of 40 indicates that a group is overrepresented by 40 percent, and a score of -40 means that the group is underrepresented by the same percentage relative to their relative labor force size. Positive scores suggest net advantage in access to jobs.⁵

Craft occupations employment trends

Blue-collar or working-class jobs vary dramatically in their desirability. Among these jobs, craft production jobs stand out as highly rewarded, relatively autonomous, and clearly desirable positions. Figure 4 outlines the trajectory of employment among these jobs. Since 1966, as the economy shifted from goods to service production, craft occupations decline as a percentage of all occupations.

The graph shows a clear distinction between male and female employment, with craft production jobs showing very strong male bias.

In 1966, white males were overrepresented in craft jobs at 44 percent. Hispanic males were underrepresented by 47 percent and black males by 42 percent, while Asian males were nearly absent from craft jobs altogether (83 percent underrepresented). While white males were far and away the most advantaged in access to the most desirable working-class jobs, because of sex segregation in access to these jobs, minority men were also advantaged relative to women in access to craft jobs.

The early period trends show a gradual increase in white males' privileged access to craft jobs. This reflects the initial hiring of minority men into low-skilled jobs in EEOC reporting workplaces directly after the Civil Rights Act. White males' privileged access to craft production jobs grows until 1990, peaking at 68 percent overrepresentation in these desirable blue-collar jobs. Thereafter, there is some decline in white male control of the best blue-collar jobs, although they are still overrepresented by 62 percent in 2002.

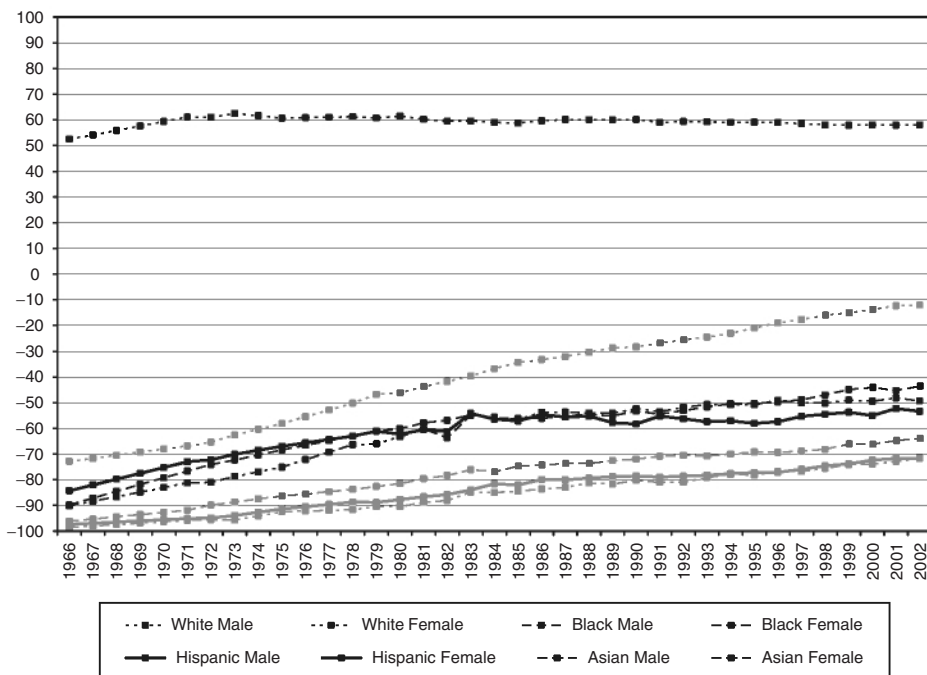
Black and Hispanic men, but not Asian men, made substantial gains in the 1966 to 1972 period, followed by slower gains across the 1970s. After 1985, black males' access to craft jobs declines slightly over time, ending the period of just under proportional representation. In the 1980s, Hispanic males' access to craft jobs stagnates around proportional representation; however, after 1994, there appears to be fairly strong gains, ending the period about 12 percent overrepresented in craft jobs. Asian males show an entirely different pattern. They begin with practically no representation in craft jobs, followed by increased access from 1971 to 1990, and stagnating thereafter. By 2002, Asian males were still 40 percent underrepresented in craft production jobs. White males' privileged access to craft production jobs was not eroded as a result of the Civil Rights Act, legal or regulatory pressures, or changes in human resource practices.

Black males and especially Hispanic males made significant gains between 1966 and 1985, but this seems to have been produced by the decline in white males as a proportion of the labor force and the absence of effective competition from female labor for these jobs. All women are underrepresented in craft production jobs across the entire period by 60 to 80 percent. After 1990, there is slight increased representation of white, black, Hispanic and Asian women in craft jobs, although underrepresentation for all women remains extreme.

Managerial occupations employment trends

Managerial jobs are the most powerful in most workplaces. These are employees trusted to make hiring and firing decisions, invest capital, direct product development, and enforce equal opportunity laws—or not. Diversity in top managerial positions is often used to gauge whether a company is committed to diversity. Discrimination lawsuits are often filed around denied access to or promotion within managerial positions. Arguably, it is around access to managerial jobs that environmental equal opportunity pressures are most intense. On the other hand,

FIGURE 5
TRAJECTORIES OF RELATIVE ACCESS TO MANAGERIAL
JOBS IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)
REPORTING WORKPLACES



from a social closure point of view, it is precisely managerial jobs that will be most protected from out-group competition. The pressures for “homosocial reproduction” are at their highest among managerial positions both because of the responsibility and the rewards associated with these jobs.

The most striking pattern revealed in Figure 5 is that white males’ advantaged access to managerial jobs is uniformly high across the entire post–Civil Rights Act period and never declines appreciably. As we saw for craft jobs, white men’s privileged access to managerial jobs actually increased in the early period, as all women and minority men gained access to lower-level jobs in the EEOC regulated private sector.

Even more striking is the rapid increase in white women’s access to managerial jobs after 1971. White women move from being underrepresented in managerial jobs by 70 percent to being underrepresented by only 12 percent at the turn of the century. While they have not yet reached parity, white women have made remarkable and consistent gains. Black males also have made gains in private sector managerial employment, although their advances are not as dramatic

or consistent. Black males were barely represented among managers in this EEOC reporting sample in 1966, being underrepresented by 90 percent relative to their employment in the sector. They made sustained improvements through 1983, although they were still substantially underrepresented at -54 percent of their general labor market employment. No further progress was made through the 1980s, but progress began again across the 1990s. Hispanic males were less disadvantaged (-84 percent) in their access to managerial jobs than other minorities in 1966, saw increased access through 1983, but saw stagnating representation thereafter. The stall in progress may be the result of the new immigration of low-education Hispanic workers to the United States during this period. Asian males are equally underrepresented with black males in 1966 and make fewer gains than black males from 1966 to 1972; however, the trends for these two groups of males converge around 1983, and slow gains are made in the 1990s. By 2002, black males and Asian males were 43 and 49 percent underrepresented in managerial jobs, respectively. Black, Hispanic, and Asian women are grossly underrepresented in managerial jobs across the entire period; although all demonstrate increased relative access to managerial jobs, they remain underrepresented by more than 60 percent four decades after the Civil Rights Act.

White males' privileged control of managerial jobs has not been challenged in the private EEOC regulated sector of the economy. While other groups have increased access, and white women in particular are approaching parity with their representation in the labor force, this has been accomplished not by displacing white male labor but because white males are a smaller proportion of the overall economy and to some extent because of an increased supply of managerial jobs.

In other research, we found that all groups are more likely to be managers within workplaces that employ a greater number of similar others who are nonmanagers (Stainback and Tomaskovic-Devey 2006). This is consistent with a "bottom-up" ascription version of social closure theory (Elliott and Smith 2001; Smith and Elliott 2002). While we found that groups are most likely to manage similar others, there is an interesting intersectionality finding as well. White women are least likely to be managers in workplaces with higher percentages of white male, black male, or other minority male nonmanagers. White women are much more likely to be managers in workplaces with increasing percentages of minority females in the nonmanagerial workforce. This suggests that white women benefit from their racial privilege in what remain sex-segregated managerial roles. They are, however, least likely to manage men of any race. Black men occupy an even more precarious position of being advantaged by sex privilege, but only in the management of black women. Black males are least likely to manage white women and white men. African American women's experiences are further constrained. They benefit only from increasing percentages of black female nonmanagers. Therefore, they are disadvantaged by both their sex and race. With the exception of white men, all status groups are most likely to become managers in workplaces when a large population of similar people are employed among nonmanagers.

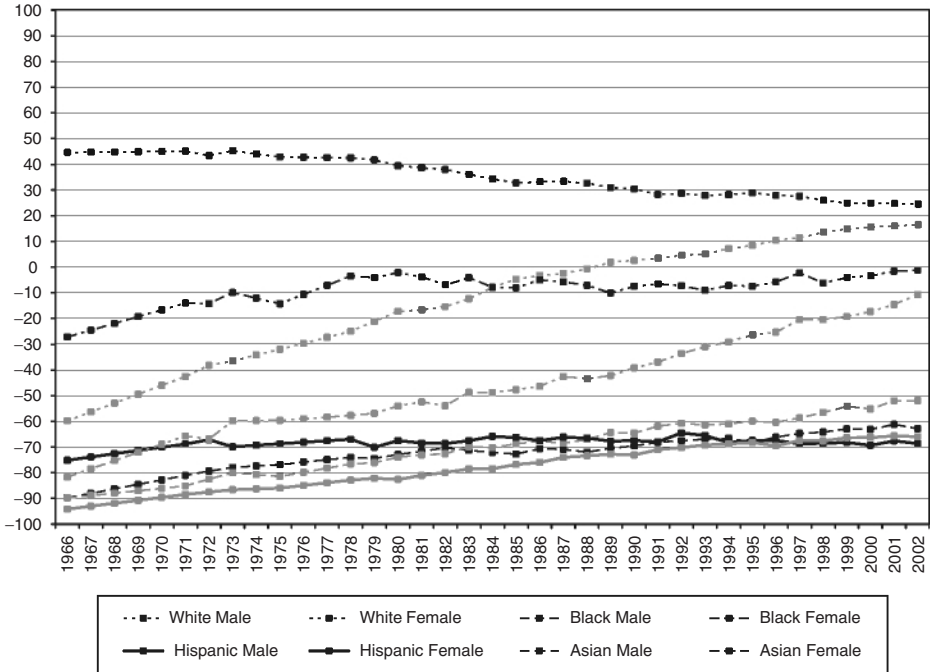
Professional occupations employment trends

Professional jobs, while highly desirable for their relative autonomy and high pay, are obvious objects for social closure attempts. In fact, educational credentials are the primary mechanism through which professions reserve employment positions for similar others. Thus, while social closure is a primary part of the allocation of people to professional jobs, it is typically organized around educational credentials rather than sex or race. Thus, we expect that among these jobs, women and minorities are least likely to be excluded by discriminatory mechanisms of cognitive bias or social closure. It is also likely that in these jobs the formalization of human resource practices inspired by EEO goals can be expected to be most successful. Since formalization typically implied the creation of formal job descriptions that included specific skill requirements and the broad advertisement of open positions, it is precisely among professional jobs that we would suspect that information would reach minority job candidates, often through schools and professional associations, and that employers would have to screen on professional certification and experience before any race (or gender) bias could come into play. Thus, we expect that progress toward EEO is more likely among professional jobs than we have already observed among craft and managerial occupations (see Figure 6).

White males again begin the period with the strongest advantage, being overrepresented by 45 percent in 1966. Unlike craft and managerial occupations, we see no improved advantages in white male hiring into professional jobs in the initial equal opportunity period, and a slow decline thereafter. By the turn of the century, white males' overrepresentation in professional jobs dropped from 45 to 25 percent. While white males are still the most privileged group in terms of access to professional jobs, that privilege has clearly eroded. We see gains for all other groups, except Hispanic males, whose trend is nearly flat, in access to professional jobs across the entire post-Civil Rights Act period. White women have dramatically gained access to professional jobs, beginning the period 60 percent underrepresented, reaching proportional representation by the late 1980s, and continuing to gain through the remainder of the period. By 2002, white women are nearly 17 percent *overrepresented* in professional jobs relative to their share of the private sector labor market.

Black males and females were almost absent in professional jobs in EEOC reporting workplaces in 1966. By the year 2002, they were still much less likely to be found in professional jobs than their presentation in the EEOC regulated labor force, but they had made gains from roughly 90 percent underrepresentation to 63 percent for black males and 52 percent for black females. While in Figure 5 we saw that black males were advantaged relative to black females in their access to managerial jobs, by the year 2002 black women have relatively higher access to professional jobs than do black men. This no doubt represents at least in part the superior educational credentials of black women relative to black men at the end of the twentieth century.

FIGURE 6
TRAJECTORIES OF RELATIVE ACCESS TO PROFESSIONAL
JOBS IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
(EEOC) REPORTING WORKPLACES



The trends for Hispanic men and women are quite a bit different from each other. While Hispanic men were actually underrepresented among professionals in 1966 by 75 percent, their relative employment in these high-education jobs is virtually stagnant across the entire period. This reflects the change in the composition of the Latino population, as new low-education immigrants became an increasing proportion of the total Latino labor force. Hispanic women, although they remain grossly underrepresented among professionals in the private EEOC regulated economy, made slow continuous gains in access to professional positions throughout the entire period.

Asian men and to a greater extent Asian women made gains into professional jobs during the 1966 to 2002 period. Asian males were 27 percent underrepresented in 1966 and gain a greater share of professional jobs through the early 1970s. After 1976, Asian males fluctuate between 10 percent underrepresented and proportional representation. Asian women make remarkable gains in access to professional jobs from being 81 percent underrepresented in 1966 to about 10 percent underrepresented by 2002.

Our expectation that EEO progress would be stronger in professional occupations than in managerial or craft occupations receives support for all groups, except Hispanic men. Most striking is that white women end the period over-represented in professional positions by more than 16 percent, only 8 points less advantaged than white men. In fact, if current trends were to continue, one would predict that white women became more advantaged than white men on average in their access to these highly desirable jobs in 2005. Our supposition that educational criteria might increasingly replace race, ethnic, and sex criteria in access to private sector professional jobs is consistent with these patterns.

Conclusions

Title VII of the 1964 Civil Rights Act made discrimination and segregation in employment illegal in the United States. That same legislation created the EEOC to monitor private sector progress in firms with at least fifty employees. Later legislation and legal cases expanded the scope of the EEOC and added other federal and legal resources toward fighting employment discrimination.

As Burstein (1985) and others have pointed out the enactment of law does not produce social change; it is the political process through which law becomes implemented that determines the law's eventual impact. There are many reasons to predict that the Civil Rights Act would have limited impact on EEO. First, at the level of decision makers, there are many reasons to expect continued bias and discrimination against minority workers. These include cultural prejudice against minorities, cognitive biases in the evaluation of minority and majority employees, statistical discrimination by employers, and social closure around desirable jobs from white and male workers. Second, most workplaces respond reluctantly to environmental pressures, often adopting strategies of symbolic compliance with legal mandates, rather than fundamental reorganizations of their core divisions of labor and behavioral expectations. Since political pressures for EEO have waned, particularly since 1980, there may be less incentive now than there was immediately after the Civil Rights Act and during the period of peak enforcement of the 1970s to expand minority representation in private sector workplaces.

On the other hand, we do expect some progress as a result of the Civil Rights Act and associated EEO innovations in legislative, legal, and human resource support for a more just American workplace. First, we believe such progress is most likely when uncertainty is high, and organizations demonstrate compliance with the law prior to the establishment of a set of symbolically legitimate practices that demonstrate compliance, even while sheltering the organization from further change. Thus, we expect the most rapid equal opportunity gains among regulated private sector firms directly after the enactment of the Civil Rights Act. Second, progress will be more rapid when the stakes are low. It should be easier to desegregate a workplace than coveted managerial or craft jobs, because minorities can be given access to less desirable jobs that privileged white male workers find less desirable. Third, minority EEO progress should continue during the 1970s when

regulatory pressure was high and human resource practices were evolving to create the contemporary set of generally accepted equal opportunity personnel practices. Finally, equal opportunity progress should be stronger and more sustained in professional occupations because required educational credentials will take precedence in decision making over preferred race, ethnicity, or even sex. Finally, although we did not develop the idea theoretically, it is possible that general cultural change will lead to widespread equal opportunity. It is difficult to imagine this happening, with what we know about organizational inertia and group bias, but it is at some level the ultimate preferred destination of a nondiscriminatory social order.

The enactment of law does not produce social change; it is the political process through which law becomes implemented that determines the law's eventual impact. There are many reasons to predict that the Civil Rights Act would have limited impact on [equal employment opportunity].

Our empirical findings are nowhere near as straightforward as our theoretical expectations. The general expectation that EEO progress will be difficult and uneven is strongly supported. Nearly four decades after the Civil Rights Act, many workplaces are racially homogeneous, within-workplace segregation remains high, and African American and Hispanic employees are still grossly underrepresented among managerial and professional workers. Hispanic and black men have achieved better representation among the most desirable blue-collar jobs—the various skilled craft occupations—although this represents their male privilege relative to all women in these good jobs, rather than gains relative to white men.

For African Americans, progress on all dimensions was rapid in the period immediately after the enactment of the Civil Rights Act but before there was significant regulatory, legal, or human resource support for its provisions. During this period, the proportion of regulated private sector workplaces with no black men or women dropped sharply, and the segregation of black men from white men and black women from white women did as well. During this period, the

segregation of Hispanic men from white men also dropped, if less dramatically. The organizational uncertainty around initial compliance with equal opportunity law seems to have been most closely tied to the fate of African Americans, and there within a highly sex-segregated work world. This initial period saw no gains for minority workers in craft jobs but strong gains from practically total prior exclusion in managerial and professional employment.

For African Americans, progress on all dimensions was rapid in the period immediately after the enactment of the Civil Rights Act but before there was significant regulatory, legal, or human resource support for its provisions. The expectation that equal opportunity progress for minorities might stall after the Reagan Revolution of the 1980s received a good deal of support.

The expectation that equal opportunity progress for minorities might stall after the Reagan Revolution of the 1980s received a good deal of support. Declines in racially homogeneous establishments and workplace segregation relative to white men, as well as increased access to managerial jobs, all slowed down or stopped entirely in the 1980s. Hispanic and black women actually were increasingly segregated from white women after the mid-1970s, suggesting that whatever political pressure there was to racially integrate female jobs dissipated at about the same time human resource professionals institutionalized a set of legitimate compliance signaling practices. It looks as if white men and white male jobs continued to be the target of equal opportunity innovation at least through 1980, while almost all race desegregation among women happened prior to the period of institutionalization.

We find continued undisturbed white male privilege in access to the peak blue-collar and white-collar jobs. White males' disproportionate access to craft production and managerial jobs actually increased as workplaces hired more minority and female employees in low-level jobs. Thereafter, white privilege was

undisturbed in these jobs. In other research we have found that when black and Hispanic men and women as well as white women get access to managerial jobs, it tends to be in low-wage industries and in workplaces where they can manage workers from their own status group (Stainback and Tomaskovic-Devey 2006). Thus, substantial evidence suggests that progress has taken place where white males' advantages are not being challenged. Very little evidence shows any erosion of white males' dominance of craft and managerial jobs. Other groups have achieved increased access to these jobs primarily because white males are a smaller proportion of the labor force, not because they have had to acclimate themselves to a lower-opportunity environment.

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advantages are not being challenged.*

There is also some good news among this fairly disappointing story. Among professionals, all groups have made strong gains, and white males' privileged position, while still substantial, has been eroded. Among professional jobs, we see the promise of the Civil Rights Act realized. We think that what is important here is that the screening mechanism for professional jobs is not lodged in the employment practices of workplaces, but in the admission practices of colleges and universities. The desegregation of higher education has probably produced much more EEO progress among desirable jobs than any workplace lawsuits or innovations in human resource practice.

Finally, white women have made uninterrupted progress in every dimension we have examined, except access to craft production jobs. At the turn of the century almost no workplaces had no white female employment. Segregation relative to white males had dropped so quickly and stably that forty years after the Civil Rights Act, sex segregation of white women from white men had reached the level of race segregation among men. Among managerial jobs, white women have almost reached proportional representation, although white males' advantages are still quite large. The greatest gains have come in professional employment, in which white women are now overrepresented relative to their overall employment and may have already gained representational, if not earnings or field, parity with white men. It is certainly an ironic outcome that legislation that was originally targeted at ending racial segregation and discrimination and only included sex in a last-ditch effort to undermine the legislation (Deitch 1993) has produced the most sustained

benefits for white women. It may be that an unanticipated consequence of the Civil Rights Act was to reduce sex distinctions among whites, even as it both challenged and reinforced race and ethnic distinctions between whites and others.

That white women have become increasingly segregated from black and Hispanic women in the private sector is particularly discouraging. Although racial equal opportunity progress relative to white men has been limited, posed no particular threat to white male advantage, and stalled after 1980, no strong evidence reveals increased inequality or segregation between white men and minority men and women. White women, on the other hand, are increasingly racially isolated in the regulated private sector, a disturbing result requiring explanation and exploration.

Notes

1. This was changed in 1983 to one hundred employees, fifty for federal contractors.

2. The Equal Employment Opportunity Commission (EEOC) reporting forms collect occupational distributions (e.g., managers, professionals, technical, sales, clerical, craft, operation, laborer, and service), and so ignore within-occupation segregation. We treat this as a form of measurement error and adjust reported segregation measures to take into account observed occupational heterogeneity at the workplace level. The technical discussion behind this adjustment can be found in Tomaskovic-Devey et al. 2006.

3. For example we calculate craft representation (CR) as follows:

$$CR = \{[(X_{c_{it}}/T_{c_{it}})/\sum (X_{ijt}/\sum T_{ijt})]-1\} \times 100,$$

where $X_{c_{it}}$ is the number of status group members (e.g., white males) in the craft occupational category within an establishment in a given year. $T_{c_{it}}$ is the total number of individuals in the craft occupational category (c) within establishment (i) in a given year (t). $\sum (X_{ijt})$ is the total number of status group X members in commuting zone j in a given year t , and $\sum (T_{ijt})$ is the sum of employment across all establishments in commuting zone j for a specific year t .

4. Commuting zones are aggregations of counties, not confined to state boundaries, and are calculated based upon decennial census surveys documenting the distance individuals travel to work from where they live (Tolbert and Sizer 1996). Therefore, they describe local labor markets. We impose 1990 commuting zone boundaries on all years of data in these analyses for consistency purposes. The use of stable geography allows us to compare localities over time. While the use of commuting zones is novel and we think preferably for theoretical reasons, the comparison of stable geography at the county, metropolitan statistical area (MSA), state, and nation level is conventional. Commuting zone composition does not change radically over time.

5. All unemployment-produced discrimination is ignored in these estimates. To the extent that discrimination toward minorities leads to lower labor force participation, we are underestimating minority disadvantage in access to these jobs.

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