

The Context of Discrimination: Workplace Conditions, Institutional Environments, and Sex and Race Discrimination Charges¹

C. Elizabeth Hirsh
Cornell University

Sabino Kornrich
University of Washington

This article explores the organizational conditions under which discrimination charges occur. Drawing on structural and organizational theories of the workplace, the authors demonstrate how organizational conditions affect workers' and regulatory agents' understandings of unlawful discrimination. Using a national sample of work establishments, matched to discrimination-charge data obtained from the Equal Employment Opportunity Commission (EEOC), the authors examine how characteristics of the workplace and institutional environment affect variation in the incidence of workers' charges of sex and race discrimination and in the subset of discrimination claims that are verified by EEOC investigators. The findings indicate that workplace conditions, including size, composition, and minority management, affect workers' charges as well as verified claims; the latter are also affected by institutional factors, such as affirmative action requirements, subsidiary status, and industrial sector. These results suggest that internal workplace conditions affect both workers' and regulatory agents' interpretations of potentially discriminatory experiences, while institutional conditions matter only for regulatory agents' interpretations of those events.

Title VII of the Civil Rights Act of 1964 gave workers the right to file charges of discrimination with a federal regulatory agency if they perceive discrimination on the job. Despite this legal entitlement and the persis-

¹ The data for this project were supplied by the U.S. Equal Employment Opportunity Commission; we thank Ron Edwards and Bliss Cartwright for facilitating access to the data. We also thank Paul Burstein, Jennifer Edwards, Lowell Hargens, Becky Pettit, Barbara Reskin, and the *AJS* reviewers for helpful comments and suggestions

tence of sex and race discrimination in employment (Bertrand and Mullainathan 2004; Fix and Struyk 1993; Neumark, Bank, and Van Nort 1996; Pager 2003), few workers who experience potential discrimination mobilize their rights by filing formal charges (Bumiller 1988; Kessler, Mickelson, and Williams 1999, pp. 211–13). Moreover, only a fraction of charges that are filed with regulatory agencies are resolved with outcomes favorable to complainants (EEOC 2004).

While the charge-filing process provides a legal framework for contesting employment discrimination, the extent to which workers and regulatory agents invoke the law to challenge discrimination is contingent on their understanding of the law and on workplace norms and practices. In this study, we examine how workplace conditions and institutional environments affect variation in workers' charges of race and sex discrimination as well as in external validation of those charges. Our central claim is twofold. First, we argue that discrimination is a socially constructed process, in which workers, employers, and regulatory agents negotiate what constitutes discriminatory behavior. Second, and more important, we claim that because this process is embedded in a larger organizational environment, characteristics of that environment affect how workers perceive discrimination and how regulatory agencies identify unlawful behavior.

Our approach advances the study of employment discrimination in several ways. First, our analysis is one of the few to systematically assess the organizational contexts that give rise to discrimination charges. Although previous research has explored the individual-level characteristics that lead workers to mobilize their rights under antidiscrimination laws (Bumiller 1988; Burstein 1990; Burstein and Monaghan 1986; Gwartney-Gibbs and Lach 1994), few studies examine how discrimination disputes are organizationally produced.² In this project, we use a national sample of work establishments, which we have matched to discrimination-charge data obtained from the Equal Employment Opportunity Commission (EEOC), to identify the organizational conditions that lead workers to file formal complaints of discrimination as well as the conditions that lead regulatory agents to uphold or fail to uphold their claims. We also spent three months observing charge processing at an EEOC district office, and

at various phases of this research. We presented an earlier version of this paper at the annual meeting of the American Sociological Association, San Francisco, August 2004. Direct all correspondence to Elizabeth Hirsh, Department of Sociology, Cornell University, 323 Uris Hall, Ithaca, New York 14853. E-mail: ch347@cornell.edu

² For a notable exception, see Edelman, Uggen, and Erlanger's (1999) study of how organizations construct rational responses to EEO law.

we draw on insights from this experience to enrich our discussion of the regulatory process.³

Second, our empirical approach represents an advance over previous analyses of discrimination charges in that we distinguish between all charges of discrimination and those that are verified by EEOC investigators. As we will show, this distinction is important for understanding how workplace conditions and institutional environments affect workers' and institutional agents' interpretations of discriminatory behavior. In general, we find that while workplace conditions affect workers' charges and regulatory agents' verification of those charges, institutional environments matter only for regulatory agents' verification of workers' claims.

Finally, we build on recent research in stratification that emphasizes the importance of organizational conditions for explaining variation in ascriptive inequality (Edelman and Petterson 1999; Guthrie and Roth 1999; Haberfield 1992, p. 172; Kalev, Dobbin, and Kelly 2006; Petersen, Saporta, and Seidel 2000, p. 8; Reskin 2000; Reskin and McBrier 2000; Tomaskovic-Devey 1993) by identifying the organizational conditions under which workers *challenge* existing regimes of inequality and those challenges are upheld by regulatory agents.

We proceed as follows. First, we present our conceptualization of discrimination, focusing on its dynamic and socially constructed nature. Next, building on studies of legal consciousness as well as structural and institutional theories of the workplace, we discuss the organizational conditions that we think should lead workers to file formal discrimination charges and the organizational factors that should lead EEOC investigators to verify workers' complaints. We then present the results of a quantitative analysis of the effect of workplace conditions and institutional environments on discrimination charges and verified claims. Finally, we discuss the implications of our analysis for research on organizations, antidiscrimination law enforcement, and ascriptive inequality.

CONCEPTUALIZING EMPLOYMENT DISCRIMINATION

Sociologists often follow Merton (1972, p. 20) in defining discrimination as the treatment of a functionally irrelevant status (such as race or sex) as relevant for the distribution of some reward or penalty. While legal standards of discrimination have changed since the passage of Title VII (Blumrosen 1993, p. 110), legal scholars theoretically concur that discrim-

³ While a confidentiality agreement with the EEOC precludes us from disclosing information regarding specific cases, we draw on our experience at the EEOC in discussing the general charge investigation and resolution process.

ination involves the *disparate treatment* of similarly situated individuals because of their sex, race, color, national origin, religion or some other protected characteristic (Belz 1991; Blumrosen 1993, p. 50). In addition to disparate treatment, sociological and legal definitions also recognize *disparate impact* discrimination—that is, the use of sex- or race-neutral practices that systematically disadvantage members of a protected class (Reskin 2001, p. 568), regardless of employers' intent.

Despite this theoretical consensus, in practice, the boundary between discriminatory and fair conduct is difficult to locate. Whether a particular behavior or practice is deemed discriminatory is subject both to dispute and to change (Burstein 1990, p. 473). For instance, in 1976, the Supreme Court ruled that denying pregnant women opportunities on account of their pregnancy status did not constitute sex discrimination under Title VII of the Civil Rights Act. However, in response to overwhelming public disagreement with the Court's ruling, Congress soon passed legislation that identified differential treatment based on pregnancy as sex discrimination (see Burstein 1990), bringing the law into accordance with the public's understanding of discrimination.

As this example illustrates, interpreting a practice or set of practices as discriminatory is a socially, historically, and legally contingent process. Of the countless interactions in any workplace, many are potentially discriminatory and subject to legal intervention. Given the subtle and complex nature of discrimination in the post-Civil Rights era (Sturm 2001) as well as variation in individuals' understandings of the law, the extent to which potential victims, perpetrators, and regulatory officials identify such interactions as discriminatory varies. In this study, we show how organizational factors shape the process by which workplace discrimination is identified, challenged, and remedied.

At the base of this process are workers' perceptions of unfairness and their willingness to mobilize their legal rights (Galanter 1983; Nielson and Nelson 2005). Under Title VII, workers who suspect they have been subject to discrimination can seek legal redress by filing a formal complaint of discrimination with the EEOC—the agency Congress created to enforce federal equal employment opportunity (EEO) laws.⁴ However, individuals' suspicions of mistreatment do not automatically lead to formal claims. Before they can file a formal complaint, workers must identify their experiences as unlawful—rather than simply unfair—and subject to

⁴ With the exception of complaints filed under the Equal Pay Act, all federal antidiscrimination laws (including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act) require that workers file complaints of discrimination with the EEOC before taking further legal action (EEOC 2003).

legal redress (Bumiller 1988; Burstein 1990; Burstein and Monaghan 1986; Felstiner, Abel, and Sarat 1981; Wakefield and Uggen 2004). In other words, workers must “name” the workplace behavior as discriminatory, “blame” the employer as responsible, and formally “claim” the injurious event to regulatory agents in the hopes of remedial action (Felstiner et al. 1981, pp. 635–36).

Reaching such an orientation depends in large part on the organizational environment in which the potentially discriminatory behavior is embedded. If workers perceive an incident of race- or sex-based treatment but workplace practices are generally fair, they may conclude that the incident does not warrant legal action. In other cases, organizations may actively pacify workers who perceive unfair treatment. For instance, Edelman, Fuller, and Mara-Drita (2001) found that managers often depoliticized workers’ complaints of discrimination, recasting grievances in terms of interpersonal rather than legal issues, thus dissuading workers from taking formal legal action. Clearly, the organizational structure can encourage or restrict the identification and claiming of employment discrimination.

Filing a complaint sets in motion the administrative process of legally constructing discrimination. Upon receiving a complaint, the EEOC conducts a preliminary interview with the complainant and serves a formal charge of discrimination on the employer. For charges with moderate prima facie evidence of unlawful behavior, the agency may offer some complainants and employers the option to informally mediate the charge through the EEOC’s Alternative Dispute Resolution program before a formal investigation takes place. In an average year, the EEOC resolves roughly one-third of all charges before an investigation has been completed (EEOC 2004).⁵ For all other charges, the EEOC pursues an investigation to determine the merit of the claim. The depth of the investigation varies considerably across cases. Cases with stronger prima facie evidence of discrimination receive more thorough investigations, while weaker cases may result in little more than notifying the employer of the charge, dismissing the claim, and issuing the complainant the right to sue privately in federal district court.

While there are no data available regarding the intensity of investigations, the EEOC categorizes charges at intake according to strength of prima facie evidence in order to prioritize cases for investigation. Roughly 20% of cases are identified as having strong evidence of discrimination and thus receive thorough investigations; this might entail interviewing

⁵ This number includes alternative dispute resolutions as well as formal settlements or cases closed for administrative reasons, such as a complainant’s failing to respond to EEOC correspondence or requesting that the charge be withdrawn.

Context of Discrimination

workplace actors involved in the claim (either by phone or on-site), examining personnel records, and analyzing workplace data if available. Another 60% of cases show moderate evidence of discrimination; for these cases, investigation might entail examining personnel records and telephone interviews with workplace actors. The remaining 20% of complaints have weak preliminary evidence and likely result in little more than notifying the employer of the charge and asking for his or her position on the claim.⁶

If an investigation yields sufficient evidence to suggest with “reasonable cause” that the employer violated federal antidiscrimination law, the agency concludes that discrimination occurred and moves to conciliate between the aggrieved worker and his or her employer. By making these reasonable-cause determinations, EEOC officials affirm or discount complainants’ understandings of their experience as discriminatory and, in doing so, construct the boundary between lawful and unlawful behavior.

Given the complexity of identifying discrimination, researchers interested in systematically studying discrimination face a conundrum: efforts to operationalize the concept will inevitably be imperfect, but eschewing the study of discrimination because of its operational difficulties forestalls research that could have important implications for understanding ascriptive inequality and policies to alleviate it. In light of this dilemma, our empirical strategy is to observe two stages of the process of constructing behavior as discriminatory and examine how organizational factors affect each. First, we investigate how organizational factors affect variation in *all formal charges* of discrimination filed with the EEOC. This measure represents instances in which workers identify potentially discriminatory behavior and seek legal remedies. Second, we examine the organizational determinants of discrimination charges that EEOC investigators find to have *reasonable cause*. Reasonable-cause charges do not capture all cases in which women or minorities are unlawfully treated, but they represent an important set of cases in which regulatory agents find sufficient evidence to support workers’ interpretations of employment discrimination. Examining both formal complaints and reasonable-cause determinations allows us to identify the extent to which organizational factors affect how the primary enforcement agents of antidiscrimination law—workers and regulatory officials—both construe and sanction discriminatory behavior.

⁶ This breakdown of intake categories is based on an unpublished analysis of EEOC charge data by the authors, available upon request.

ORGANIZATIONS AND DISCRIMINATION DISPUTES

Classical studies of disputes emphasize the role social structures play in the transformation of individuals' perceptions of injurious behavior into substantiated claims (Emerson 1983; Felstiner et al. 1981; Galanter 1983). However, most empirical studies of employment disputes are individual rather than structural in orientation, analyzing the effects of individuals' ascriptive characteristics, social status, political attitudes, and worldview on perceptions of injustice and rights mobilization (Bobo and Suh 2000; Bumiller 1988; Burstein and Monaghan 1986; Gwartney-Gibbs and Lach 1994; Uggen and Blackstone 2004—but see Albiston 2005; Balsler 2002). Although this research demonstrates the importance of personal characteristics for perceiving discrimination, the effects of these characteristics differ across studies (Kaiser and Major 2006; Major and Kaiser 2005). The most consistent effect is for workers' education level. Reports of discrimination generally increase with education (Bobo and Suh 2000, p. 529; Sigelman and Welch 1991), presumably due to increased rights awareness among better-educated workers. Some research also suggests increased reporting of discrimination among older workers (Bobo and Suh 2000; Sigelman and Welch 1991; Uggen and Blackstone 2004), though others find no relationship between age and reports of discrimination (Mueller, De Coster, and Estes 2001). With regard to socioeconomic status, Sigelman and Welch (1991) find that those identifying with the working class are more likely to report discrimination, yet Bobo and Suh (2000) find no discernable pattern of perceived discrimination by occupational status or income. Finally, studies of the relationship between political and justice-related beliefs and perceptions of discrimination suggest that variation in individuals' political attitudes and endorsement of a meritocratic worldview can mediate the effect of ascriptive characteristics and socioeconomic status on perceiving and claiming discrimination (Hafer and Olson 1993; Kluegel and Bobo 2001; Major et al. 2002).

While recognizing the importance of personal characteristics for perceiving and claiming discrimination, we move beyond an individual-level etiology of discrimination disputes by examining how disputes are constituted and legitimized across organizational settings. We argue that the process by which individuals understand workplace behavior as discriminatory depends not only on their personal characteristics but also on characteristics of the work environment. Indeed, mixed findings at the individual level may be due in part to the fact that the perception of discrimination and the raising of disputes depend on the social context in which individual workers are embedded. Our approach synthesizes insights from both structural and institutional perspectives to generate

and test hypotheses about the relationship between workplace conditions, external environments, and discrimination complaints.

Internal Workplace Conditions

Research evidence suggests that the organization of work within the firm is important for determining the level of inequality between ascriptive groups (Haberfield 1992, p. 172; Petersen et al. 2000, p. 8; Reskin and McBrier 2000; Tomaskovic-Devey 1993). Building on this research, we maintain that the internal organization of the work environment can contribute to variation in sex and race discrimination charges by encouraging or restricting the extent to which workers and regulatory agents recognize and challenge discrimination in the workplace. Characteristics of the work environment, by providing context for workers' experiences, can affect whether women or minorities perceive discriminatory behavior and decide it is sufficiently egregious or systematic to warrant a legal claim. In addition, when making reasonable-cause determinations, investigators are responding to evidence related to the individual grievance as well as more general indicators of discriminatory practices, behavior, or intent. Because various workplace structures can suggest either sex- and race-conscious or -neutral practices (Bisom-Rapp 1999), workplace conditions can influence whether regulatory agents find workers' charges credible. This is not to suggest that regulatory agents are cursory in their investigations of discrimination claims, but that given the complexity of identifying discrimination, investigators must take into account myriad forms of evidence, including the structural characteristics of the work environment, in making reasonable-cause determinations. Our empirical analysis examines four components of the internal structure of firms that should contribute to variation in discrimination-charge filings and verified claims.

Formalization.—First, workplaces vary in the extent to which they formalize personnel and evaluation procedures. Because formalized personnel practices require employers to make decisions based on objective criteria, the presence of such practices should reduce the influence of irrelevant criteria, such as race and sex, in employment decisions (Baron and Bielby 1980, p. 742; Baron and Pfeffer 1994; Pfeffer 1977). Research links the formalization of personnel practices to greater opportunities in terms of recruitment, hiring, and career advancement for racial minorities and women (Guthrie and Roth 1999, p. 528; Reskin and McBrier 2000, p. 222; Tomaskovic-Devey, Kalleberg, and Marsden 1996, p. 297). For workers and regulatory agents, the presence of such formalized personnel practices may signal that job assignment and remuneration decisions are race and sex neutral, making discrimination charges and verified claims

less likely (Bisom-Rapp 1999). Indeed, Mueller et al. (2001, p. 427) found a negative relationship between reports of sexual harassment and levels of formalization.

Although we cannot observe formalization directly, we use establishment size as an indicator of the extent to which employment practices are formalized. Considerable research identifies a positive relationship between size and formalization (Bridges and Villemez 1991, p. 754; Dobbin, Sutton, Meyer, and Scott 1993, p. 397; Marsden, Cook, and Kalleberg 1994, p. 917; Pfeffer 1977, p. 360; Sutton and Dobbin 1996, p. 807; Reskin, McBrier, and Kmec 1999, p. 340).⁷ Because larger establishments have more formalized personnel practices, establishment size should be negatively related to charges of discrimination and verified claims.

Control structures.—In addition to size, establishments vary in the degree to which supervisors coordinate the work of employees and the labor process (Marsden, Cook, and Kalleberg 1994, p. 896; Scott 1981, p. 275). To the extent that direct supervision structures interaction between supervisors and subordinates as well as coordinates the allocation of labor, it can shape workers' perceptions of equity. While organizational scholars have examined the consequences of control structures for several workplace outcomes, prior research offers little guidance in terms of theorizing the effect of control structures on perceptions of discrimination and grievances. On the one hand, extensive supervision might imply that employment decisions are checked along the chain of command, reducing workers' perceptions of discrimination. Similarly, for regulatory agents, close supervision may indicate that workplace practices are subject to considerable monitoring, thus supporting employers' claims of fair employment practices.

On the other hand, employees subject to close supervision likely experience more direct and potentially contentious interaction with supervisors, thereby increasing opportunities for disputes. Consistent with this argument, Mueller et al. (2001) found that reports of sexual harassment decreased as workers' perceptions of autonomy on the job grew. For regulatory agents, extensive control structures might signal coercive oversight, making them more likely to uphold workers' claims. Thus, while we investigate the effects of control structures on the filing of discrimination charges, we offer no directional hypotheses.

Composition.—The racial and gender composition of an establishment and the extent to which females and minority groups are segregated within

⁷ Using data from the National Organizational Survey conducted in 1991, Marsden, Cook, and Kalleberg (1994, p. 917) report that the number of employees and other structural indicators of size explain about 50% of the variance in formalization of personnel practices.

the workplace can affect interpretations of discrimination by providing evidence of sex- and race-biased or -neutral allocation practices. While the concentration of ascriptive groups in different workplaces or different lines of work is not inherently discriminatory, much research has inferred ascriptive inequality from the sex and race composition of the workforce (Baldi and McBrier 1997; Baron, Mittman, and Newman 1991; Carrington and Troske 1998; Kilbourne et al. 1994; Tomaskovic-Devey 1993; Tomaskovic-Devey and Skaggs 2002) and occupational segregation (Peterson and Morgan 1995).

For workers, workforce composition and job segregation can provide a rationale for filing complaints by exposing employers' reliance on ascriptive criteria in allocating workers. In predominantly male or white workplaces or in settings where women and minorities are concentrated in less desirable jobs, workers will be more likely to suspect biased allocation practices. Alternatively, if the workplace is sex- and race-integrated, employees should be more likely to assume fair employment practices, all else being equal. Thus, to the extent that skewed composition and segregation suggest that race and sex serve as allocation criteria, we expect increased representation of women and minorities in the workplace to minimize workers' perceptions of discrimination and willingness to file charges, while sex and race segregation should positively affect these outcomes.

For regulatory agents, the presence of women and minorities within the workplace and across hierarchical occupational positions may provide evidence of fair employment practices. In investigating claims, officials often examine statistical data detailing workplace composition and occupational segregation to gauge employers' use of ascription in allocation, including, in some cases, the establishment reports used in this study. In addition, when responding to charges, employers often provide evidence of women's or minorities' representation in the workplace. For example, in a case of race discrimination that we observed at the district EEOC office, an employer provided the EEOC with a list of employees' race/ethnicity by job title along with a letter noting how persons of diverse racial and ethnic backgrounds were represented across occupations. Such evidence of race- and sex-neutral allocation practices should make regulatory agents less likely to determine that discrimination occurred, all else being equal.

Minority management.—Finally, sex- and race-discrimination claims should be less prevalent among establishments with female and minority managers. From the perspective of both employees and regulatory agents, the presence of female and minority managers provides evidence of equal opportunity and guarantees that being male or white is not a prerequisite for promotion into management positions. Previous research has linked

the presence of female and minority leadership to greater gains for women and minority workers (Baron et al. 1991; Carrington and Troske 1995; Elliot and Smith 2004). Thus, we expect a negative association between females' and minorities' share of management positions and numbers of both discrimination charges and verified claims.

While the presence of female and minority managers suggests fair employment practices, much research shows that when women and racial minorities hold managerial positions, they tend to be concentrated in less authoritative positions and manage workers of similar sex and race characteristics (Elliott and Smith 2001; Huffman 1999; Shenhav and Haberfeld 1992; Stainback and Tomaskovic-Devey 2007). Although we expect the presence of female and minority managers to reduce perceptions and charges of discrimination, this might depend on their relative social status and characteristics of the employees they manage. Indeed, in a recent study of female managers, Cohen and Huffman (2007) find that the presence of female managers does not close the gender wage gap unless those female managers are in high-status positions. We explore a similar dynamic by examining how the effect of female or minority managers on discrimination claims may vary depending on the sex and race of the employees they manage. We expect the negative effect of female and minority managers on discrimination charges and verified claims to be weaker in establishments where these managers primarily oversee same-sex and same-race workers, respectively.

External Institutional Environments

Institutional theory calls attention to the importance of the external institutional environment for shaping organizational processes. According to institutional theory, work organizations are embedded in larger legal and normative environments, and characteristics of these environments influence workplace structures and behavior (see DiMaggio and Powell 1983; Meyer and Rowan 1977). Most empirical support for this perspective comes from studies documenting organizations' response to civil rights law. For instance, researchers found that employers responded to changes in EEO law by instituting affirmative action offices, internal labor markets, and due process procedures (Edelman 1992, p. 1594; Dobbin et al. 1993; Sutton and Dobbin 1996). While employers' response to civil rights law may reflect genuine interest in promoting equal opportunity, such structural properties symbolize legal compliance and thus may protect against injurious claims regardless of whether or not they actually improve opportunities for women and minorities (Edelman 1992; Bisom-Rapp 1999). In this way, embeddedness in different institutional environments may affect assessments of unlawful behavior.

We expect institutional environments to produce variation in discrimination-charge filings by affecting workers' awareness of their rights and regulatory agents' assessments of legal compliance. Organizations that are embedded in institutional environments that foster norms of equity and awareness of civil rights should increase employees' legal consciousness by reminding them of their rights and thus making them more likely to air formal grievances (Edelman et al. 1999, p. 420). However, regulatory agencies may assume that organizations embedded in civil rights-conscious environments are more attentive to antidiscrimination law, rendering them less likely to verify workers' claims against such establishments. Thus, we expect embeddedness in a civil rights-conscious environment to *positively* affect workers' willingness to file charges but *negatively* affect the likelihood that claims are externally verified. We examine three aspects of the institutional environment that should bear on these relationships.

Affirmative action.—First, although all of the establishments in our sample are subject to EEO law, only a subset are federal contractors and thus subject to affirmative action requirements. Establishments holding federal contracts are required to implement affirmative action plans that entail taking positive steps to promote opportunities for protected groups (Graham 1990, p. 42; Reskin 1998, p. 6). Given the increased sensitivity to gender and racial bias that affirmative action programs necessitate, such programs should also make employees more cognizant of their civil rights. For instance, federal contractors are required to post information on federal contract compliance and affirmative action mandates (U.S. Department of Labor 2005). The visibility of such policies may lead some workers to take legal action who would not otherwise have done so.

However, given the increased sensitivity to gender and racial bias that affirmative action programs necessitate, coupled with empirical evidence that demonstrates less discrimination among federal contractors (Leonard 1984), regulatory agents may interpret the presence of affirmative action plans as evidence against discrimination and thus be less likely to verify workers' claims. During investigations, EEOC officials often ask employers to submit copies of their affirmative actions plans and timetables. Employers may also voluntarily supply such information as a way to demonstrate a general commitment to EEO goals. Schultz (1990) reports a similar dynamic in a study of sex segregation cases; in defending lawsuits, employers often referenced affirmative action plans as evidence of their efforts to comply with EEO law. Thus, while we expect affirmative action requirements to increase workers' propensity to file charges, these programs should also minimize verified claims.

Subsidiary status.—Some work establishments are single, unaffiliated firms, while others are subsidiaries or branches of larger, multiestablish-

ment firms. This distinction is important for understanding the extent to which establishments are embedded in larger organizational fields and subject to external pressures. Because subsidiary and branch establishments are subject to the policies and oversight of their parent organizations (Marsden, Cook, and Knoke 1994, p. 908), they are more likely to have formal procedures and monitoring mechanisms in place than stand-alone establishments of comparable size. In contrast, unaffiliated establishments are organizationally autonomous and thus subject to fewer policy, oversight, and performance pressures. The increased formalization and oversight of subsidiaries might make their employees more aware of their legal alternatives. However, it may also discourage regulatory agents from validating workers' claims, if they assume that subsidiary establishments are monitored by their parent organizations and are thus more likely to comply with the law. A subsidiary establishment of a parent organization that is known to have sound personnel policies may receive less scrutiny than an unaffiliated establishment of similar size. Therefore, we expect subsidiaries to elicit more complaints due to the rights-conscious environment but have fewer validated claims as compared to stand-alone establishments.

Industrial sector.—Finally, different industries have different institutional norms and expectations regarding equal opportunity. As Charles and Grusky (2004, p. 28) argue, norms of equality are more stringent in the nonmanual sector, as compared to manual industries, because nonmanual employers experience more public scrutiny and face greater social costs for discriminating. The public visibility of professional, white-collar positions, coupled with the high skill and education levels of their incumbents, render nonmanual firms subject to greater demands for equity. Thus, nonmanual employees should be more cognizant of EEO law and more likely to file grievances. However, due to relaxed norms against discrimination in the manual sector, regulatory agents may focus their attention on blue-collar industries, making them more likely to verify claims against manual than against nonmanual employers.

In addition, while the nonmanual sector should generate more grievances overall, differing conventions regarding professional interaction and labor processes may contribute to variation in discrimination complaints even within the nonmanual sector. For example, in client-intensive, sales-based industries, women are routinely excluded from certain "male-typed" client-entertaining activities (Roth 2003, p. 785; Blair-Loy 2001), and conventions regarding homophily often guide client assignment, leading employers to match minority employees to minority clients, female employees to female clients, and so on (Collins 1989).⁸ These practices are consistent

⁸ To the extent that some client bases generate more revenue than others, such employee

with the allegation in a race-discrimination lawsuit filed in 2001 against Xerox Corporation, in which plaintiffs charged that African-American employees were assigned to sales territories based on their race (EEOC 2005). To the degree that norms of homophily proliferate in client-intensive industries, we expect relatively more discrimination claims from workers in these industries. Additionally, the prevalence of sex- and race-typical norms regarding professional interaction may affect regulatory agents' expectations of legal compliance in such industries, making them more likely to uphold workers' claims of discrimination.

DATA AND METHODS

The data for this study come from federally mandated surveys of private work establishments, which we matched to discrimination-charge data, both obtained from the EEOC. To monitor employers' compliance with antidiscrimination law, the EEOC requires all private work establishments with at least 100 employees and all federal contractors with at least 50 employees to submit annual EEO-1 reports documenting the gender and racial composition of their workforce and other workplace characteristics. EEO-1 reports cover just over 40% of private sector employment nationally (Robinson et al. 2005, p. 16) and are representative of mid-sized to large private firms.

The data we use in our analyses come from a sample of these EEO-1 reports matched to workers' discrimination charges, compiled as part of a larger study of employers' compliance with EEO law. To construct the data set, we drew a national random sample of 2,166 establishments that filed EEO-1 reports with the EEOC in 2002; this constitutes a 1% sample of the roughly 200,000 establishments that reported in that year.⁹ Next, to create a longitudinal dataset, we extracted retrospective EEO-1 reports for these establishments dating back to 1990, producing a total of 19,992

channeling can also translate into considerable earnings disparities across race and gender lines (see Grodsky and Pager 2001, p. 560–61).

⁹ We used a sampling technique in which the probability of inclusion is proportional to establishment size. Because larger establishments are more likely to remain in the EEO-1 database for multiple years, this sampling strategy allowed us to more reliably extract longitudinal information. We used weights in all analyses so that our results can be generalized to the population of private establishments. In addition, following the advice of EEOC personnel, we did not sample cases from Hawaii because of its relatively homogeneous racial composition.

establishment-years.¹⁰ We dropped 201 observations that had incomplete data for key independent variables, leaving a total of 2,163 establishments and 19,791 establishment-year observations.¹¹ Finally, we matched these establishment-level data to discrimination-charge data, from the years 1990 to 2002, taken from the EEOC's Charge Handling Database. This database includes all complaints of discrimination filed with the EEOC as well as complaints filed with state and local agencies that also fall under federal jurisdiction.

Complaints received during the 1990–2002 period identify the charged establishment by name and address. In order to match a complaint to the establishment that was charged, we examined a list of all establishments charged with discrimination located within the five-digit zip code of the establishment in question and identified the matching establishment by name and address. These matching procedures ensured accuracy in matching charges to establishments and resulted in a novel dataset containing information on workplace characteristics and institutional environments (our independent variables) and the number of complaints and verified claims (our dependent variables) filed against each establishment annually from 1990 to 2002.¹²

Dependent Variables

Because different mechanisms may generate sex and race discrimination charges, we estimate separate models predicting the prevalence of charges of sex discrimination and charges of race, color, or national-origin discrimination. For sex discrimination, we analyze charges filed by women under Title VII of the Civil Rights Act of 1964 or the Equal Pay Act of 1963, including claims of sexual harassment, pregnancy discrimination, and discrimination in personnel-related matters such as hiring, firing, promotion, and other terms and conditions of employment. For race and

¹⁰ Some establishments did not report every year, either because they fell below federal reporting requirements or because they were newly founded after the first sample year. Had all establishments been present in all years, the total number of establishment-years would have been 28,158. Missing data do not complicate our analyses, however, because our models do not require an equal number of measurement occasions for all observations (Hox 2002, p. 73).

¹¹ We dropped 65 observations that reported zero or one as the total number of employees, because such cases are likely the result of reporting or coding errors; we also dropped three cases that had inaccurate values for establishment size. We dropped an additional 111 cases that lacked information regarding federal contractor status, 13 cases that lacked information on organization size, and 9 cases that lacked information on workforce composition.

¹² The EEOC supplied separate EEO-1 and charge files. We obtained access to these data through an Intergovernmental Personnel Agreement issued to the first author.

national origin discrimination, we include charges filed by nonwhites under Title VII of the Civil Rights Act, citing discrimination on the basis of race, color, or national origin and alleging racial harassment or discrimination in personnel-related matters.¹³

We employ two dependent variables for both the sex and race models. To assess the organizational characteristics that lead workers to identify discrimination and file formal charges, our first dependent variable is the total number of sex- or race-discrimination charges filed against an establishment in a given year. To assess how organizational characteristics affect regulatory agents' interpretation of discrimination claims, our second dependent variable is the number of sex- or race-discrimination charges filed against an establishment in a given year for which the EEOC found with reasonable cause that discrimination occurred.

As table 1 shows, although workers filed a total of 12,813 formal complaints of sex and race discrimination against the 2,163 work establishments we analyze, regulatory agents found reasonable cause in only a fraction of these cases. The small proportion of reasonable-cause cases is largely a reflection of the EEOC's administrative process, its limited investigative resources, and the difficulties faced by investigators in uncovering unambiguous evidence of discrimination, rather than an indication that workers predominantly bring grievances in error. Roughly one-third of all charges filed with the EEOC are resolved prior to a full investigation and thus never come up for a cause decision (EEOC 2004). The majority of these are cases resolved through alternative dispute-resolution programs or closed for administrative reasons, such as the complainant's withdrawing the charge or failing to pursue the complaint. Reasonable-cause determinations reflect cases in which the EEOC investigates and finds sufficient evidence of discriminatory behavior.¹⁴ Thus, our empirical analyses of reasonable-cause cases explore the organizational characteristics that lead regulatory agents to determine that discrimination has occurred among cases that are investigated.

¹³ Because we are interested in discrimination against persons in historically subordinate groups, we exclude charges of sex discrimination filed by males and those filed by whites citing race, color, or national origin discrimination. While the inclusion of such charges does not affect our results, we assume that charges filed by males and whites represent the distinct process of "backlash discrimination" and therefore omit them from our analysis.

¹⁴ While charges can result in other outcomes, we focus on cause determinations because they indicate instances in which regulatory investigators unequivocally designate the given workplace behavior as unlawful discrimination. In a separate paper (Hirsh, in press), the first author investigates the determinants of additional charge outcomes and types of settlements. Findings with regard to other charge outcomes are consistent with the general argument presented here.

TABLE 1
 BREAKDOWN OF DISCRIMINATION CHARGES BY REASONABLE-CAUSE DETERMINATION

Type of Discrimination	All Complaints	Reasonable-Cause Findings	% Reasonable Cause
Sex	4,520	213	4.7
Race	8,293	269	3.2
Total	12,813	482	3.8

Independent Variables

We test hypotheses regarding internal workplace conditions using six measures. First, to gauge the extent of formalization in the workplace, we include a measure of the total number of permanent employees (full- and part-time) at the establishment. Second, since many small to mid-sized establishments that are subsidiaries of larger firms may have formalized policies required by the parent organization rather than the informal practices that might be typical in stand-alone establishments of similar size, we include a measure of the total number of workers (full- and part-time) employed by the parent organization. We employ the log transformation of establishment and organization size, because levels of formalization increase with size but at a decelerating rate (Marsden, Cook, and Kalleberg 1994, p. 915). Third, following Marsden, Cook, and Knoke (1994, p. 896), we assess the extent of supervisory control within the workplace using a measure of the proportion of managerial positions within the total number of employees. Fourth, to assess workplace composition, we include measures of the proportions of nonmanagerial workers that are female and those that are members of racial or ethnic minority groups (including African Americans, Hispanics, Asians, and American Indians), for models predicting sex and race charges respectively.¹⁵ Fifth, we include a measure of the degree of occupational segregation within each establishment using the index of dissimilarity, *D* (Massey and Denton 1988, p. 284), for sex and race models respectively. The index of dissimilarity summarizes how similarly two groups are distributed across nine

¹⁵ We compute the gender and race composition of the nonmanagerial workforce in order to make the composition measure definitional independent of our measure of female and minority managers, discussed below.

broad occupational categories within each establishment.¹⁶ For sex segregation, the dissimilarity index is calculated between female and male workers, and for race segregation, the index is calculated between whites and nonwhites. Finally, we measure the prevalence of female and minority managers by computing the proportion of officials or managers who are females and the proportion of officials or managers who are racial minorities.

We test hypotheses regarding the influence of the external institutional environment on discrimination charges using four measures. First, we identify establishments holding federal contracts and thus subject to affirmative action requirements using a binary variable, coded 1 for federal contractors. Second, we distinguish between subsidiary and stand-alone establishments using a binary variable, coded 1 for subsidiary establishments. Third, to assess the degree to which different norms against discrimination in the manual and nonmanual sectors may affect how workers and regulatory agents identify discrimination, we include a binary variable that identifies establishments in manufacturing, construction, transportation, and mining industries based on two-digit North American Industry Classification System (NAICS) codes. Fourth, to examine whether client interaction affects variation in discrimination charges, we include a binary variable that identifies establishments in client-intensive sales industries, including financial sales, real estate sales, and wholesale.

Finally, we include controls to account for variation in charge filings across time and local labor markets. To control for fluctuations in charge filings and reasonable-cause findings by year, we include a covariate for time. Because previous research indicates that sex-charge filings have increased in recent years, while race-based charges have decreased (Wakefield and Uggen 2004), we code the time variable from 0 to 12, corresponding to the years 1990 to 2002, and use both linear and quadratic specifications to assess filing trends.¹⁷ We also control for the possibility of variation in charge filings due to the gender and race composition of the local labor market in models predicting complaint filings. For instance, racial complaints may be more prevalent in racially diverse areas, as

¹⁶ The nine categories include officials and managers, professionals, technicians, sales workers, office and clerical, craft workers, operatives, laborers, and service workers. Because the index of dissimilarity, D , is sensitive to variation in the size of occupational categories, in additional analyses we also tried measuring occupational segregation using a margin-free index, A , that is unaffected by variability in occupational size (see Charles and Grusky 2004). Results using A are similar to those using D , except that the standard errors for A are slightly larger than those obtained using D in models predicting race charges. For ease of interpretation, we present results using D .

¹⁷ Analyses using 12 dummy variables for years produced results similar to those presented below.

compared to predominantly white areas, and sex complaints may be more likely in areas of high female labor force participation. Thus, in models predicting charge filings, we include a control for the proportion of workers in the state labor force who are female and racial minorities, for sex and race models respectively. We computed this measure by dividing the number of female or minority workers by the total number of workers in the state's annual EEO-1 labor force.¹⁸

Models

We model discrimination charges as a function of workplace conditions and institutional environments using hierarchical generalized linear models with Poisson error distributions.¹⁹ Because both dependent variables take the form of counts—the number of charges or verified claims per establishment year—generalized linear models using Poisson error distributions and logarithmic-link functions are appropriate (Hox 2002, p. 122). Since we observe each establishment annually over a 13-year period, we include a random intercept term for establishment to account for dependence among repeated measures.

We estimate two sets of models. The first set of models predicts the total number of sex- or race-discrimination charges filed against each establishment per year. In practice, the number of charges any establishment receives is related to the number of potential complainants (see Edelman et al. 1999, pp. 425–26). Our complainants are women, racial minorities, or both; all else equal, establishments with large numbers of women or minority employees should face more charges simply because there are more potential complainants.²⁰ To build this dependence into the model, we include an exposure term that takes into account variation in the number of potential complainants (Cameron and Trivedi 1998, pp. 303–4; Raudenbush and Bryk 2002, p. 309; StataCorp 2003, pp. 208–9).

¹⁸ In additional analyses, we used 1990 and 2000 census data to compute measures of the percentages of women and minorities at the zip code level. While results using zip code-level data produced similar results to those presented below, we use the state-level EEO-1 measures because they are available on an annual basis.

¹⁹ In supplementary analyses, we also modeled variation in charge filings and verified claims using fixed effects for establishments. However, because fixed-effects models estimate variation within establishments over time, we could not include information on establishments that did not receive any discrimination charges from 1990 to 2002. To retain information on both establishments that did and those that did not experience charges, we employ mixed-effects models.

²⁰ Charges of discrimination in hiring can be brought against firms that employ no minorities or no females. However, disputes involving hiring comprise only 4% of all allegations filed with the EEOC (according to additional analysis of EEOC charge data, available from the authors upon request).

Formally, this term enters the model as a multiplicative constant, c , and measures the number of female employees and the number of racial minority employees, for sex and race models respectively.²¹ Finally, because the variances of the dependent variables exceed their means, we include a dispersion parameter to adjust the variance parameters for overdispersion. The model predicting all charges is written as

$$E(Y_{1ti}|\lambda_{1ti}) = c_{1ti}\lambda_{1ti},$$

where Y_{1ti} is the number of discrimination charges for year t in establishment i , c_{1ti} is the exposure parameter (measured as the number of women or minorities in the establishment), and λ_{1ti} is the charge rate, estimated as

$$\lambda_{1ti} = \exp(\beta_{00} + \beta_{p0}X_{pti} + \beta_{0q}Z_{qi} + \beta_{10}T_{ti} + u_{0i} + e_{ti}),$$

where X is a vector of p time-varying covariates at the measurement-occasion level, Z is a vector of q time-constant covariates at the establishment level, u_{0i} is a random intercept term for establishment i , and e_{ti} is a residual error term.

Our second set of models predicts the number of reasonable-cause findings for sex and race charges per establishment-year. Because the number of cause findings depends on the number of complaints made, we restrict analysis to only observations where at least one complaint was made and set the exposure parameter to the number of sex or race charges filed for each establishment-year. The model is written

$$E(Y_{2ti}|\lambda_{2ti}) = E[Y_{1ti}\lambda_{2ti}] = c_{2ti}\lambda_{2ti},$$

where Y_{2ti} is the number of reasonable-cause charges, c_{2ti} is the exposure parameter (measured as the number of charges filed, Y_{1ti}), and λ_{2ti} is the rate of reasonable-cause findings, estimated by

$$\lambda_{2ti} = \exp(\beta_{00} + \beta_{10}T_{ti} + \beta_{p0}X_{pti} + \beta_{0q}Z_{qi} + u_{0i} + e_{ti}),$$

with all other terms defined as above.²²

We extracted retrospective EEO-1 reports dating to 1990 for all establishments sampled in 2002, but some establishments do not appear in the dataset for the entire 1990 to 2002 time series. To ensure that selection into the retrospective sample is not driving results, we conducted sensi-

²¹ If an establishment has no female or minority employees, the exposure term is 1.

²² We also tried setting the exposure parameter, c_{2ti} , to the expected value of charges generated from the model predicting all charges, $E[Y_{1ti}|\lambda_{1ti}] = c_{1ti}\lambda_{1ti}$, rather than the observed number of charges, Y_{1ij} . Using the expected value, the model is written: $E(Y_{2ti}|\lambda_{2ti}) = c_{1ti}\lambda_{1ti}\lambda_{2ti}$. This specification generated results consistent with those presented below. We chose to use the observed value, Y_{1ij} , rather than expected value, $E[Y_{1ti}|\lambda_{1ti}] = c_{1ti}\lambda_{1ti}$, to facilitate substantive interpretation of the regression coefficients.

tivity analyses (available upon request) using subsamples of the data. First, we estimated models predicting the number of discrimination charge filings including only observations from 2002; second, we estimated comparable models including establishments that have data for at least 10 years. This allowed us to assess whether establishments included in the 2002 sample differ from those that remain in the sample for the majority of the time series. The results of these analyses are similar to those presented below, suggesting that selectivity into the retrospective sample is not driving results. Finally, although some of our independent variables are moderately correlated, diagnostics indicate that multicollinearity is not a problem.

RESULTS

Descriptive Results

Over the 13-year period from 1990 to 2002, over 40% of the establishments in our sample were formally charged with sex discrimination, and roughly half were formally charged with race discrimination (see table 2). During a typical year, 13% of establishments received at least one charge of sex discrimination, while nearly 20% of establishments received at least one charge of race discrimination.²³ Charges in which the EEOC determines reasonable cause are rare; less than 1% of establishments received reasonable-cause sex or race charges in any given year.

In terms of organizational characteristics, the typical establishment in our sample employs 255 workers, while the typical parent organization employs almost 50,000 workers (see table 3). The mean level of race segregation across nine broad occupational categories is .33 for each establishment year, while sex segregation is higher, at .38. Although women constitute about half of nonmanagerial workers, they comprise only one-third of managers. Racial minorities constitute almost one-third of nonmanagerial workers but hold only 13% of managerial positions. With regard to institutional environments, about 40% of our establishments are federal contractors and thus subject to affirmative action policies; almost

²³ As shown in table 2, a few observations had outlying values with respect to the number of discrimination charges received per year. To ensure that these discrepant cases are not exerting undue influence on the models, we trimmed the outlying cases back to a maximum of five charges per establishment-year and re-estimated all models. The results were consistent with those presented below. In addition, we also tried estimating receiving charges as a binary outcome; results from this specification are consistent with the Poisson models.

TABLE 2
PERCENTAGE OF ESTABLISHMENTS RECEIVING CHARGES, 1990–2002

Charges	None	1–5	6–10	11–20	Over 20
Per establishment:					
Sex	58.1	32.4	5.5	2.8	1.3
Race	50.7	34.1	6.2	5.0	4.0
Per establishment-year:					
Sex	87.0	12.6	.3	.1	.03
Race	80.9	18.0	.8	.2	.2

TABLE 3
DESCRIPTIVE STATISTICS

	Mean	SD	Range
Dependent variable:			
All charges			
Sex charges (per female employees) .....	.002	.08	(0, 8)
Race charges (per minority employees) ...	.004	.05	(0, 7)
Reasonable-cause charges			
Sex (per sex charge filed) .....	.03	.16	(0, 1)
Race (per race charge filed) .....	.02	.14	(0, 1)
Independent variable:			
Establishment size	255	469	
Organization size	49,362	116,743	
Proportion managers .....	.11	.09	(0, 1)
Occupational sex segregation (<i>D</i>) .....	.38	.23	(0, 1)
Occupational race segregation (<i>D</i>) .....	.33	.23	(0, 1)
Proportion female managers .....	.32	.26	(0, 1)
Proportion minority managers .....	.13	.19	(0, 1)
Proportion female nonmanagers .....	.49	.25	(0, 1)
Proportion minority nonmanagers .....	.27	.25	(0, 1)
Federal contractor .....	.42	.49	(0, 1)
Subsidiary establishment .....	.89	.31	(0, 1)
Industrial sector:			
Manual .....	.30	.46	(0, 1)
Sales .....	.11	.32	(0, 1)
Proportion female in state .....	.47	.02	(.38, .58)
Proportion minority in state .....	.26	.13	(.02, .52)
Time	7.08	3.70	(0, 12)

NOTE.—*N* = 19,791. The establishments in this analysis ranged in size from 3 to 29,389 employees; parent organizations ranged from 50 to 1,124,972 employees.

90% of establishments are subsidiaries of multiestablishment firms.²⁴ Finally, about one-third of establishments are in the manual sector, and just over one-tenth are in client-intensive industries. Thus, roughly 60% of establishments are in the reference category of nonmanual industries that are not client intensive.

Tables 4 and 5 present estimates of the effects of workplace and institutional conditions on all discrimination charges and on the subset of charges that EEOC investigators determine to have reasonable cause, respectively. We first discuss models estimating all discrimination charges, and then turn to models predicting reasonable-cause findings.

Workplace and Institutional Determinants of Workers' Charges

In table 4, we present generalized linear model estimates of the effects of workplace conditions and institutional environments on the incidence of all discrimination charges, for sex and race charges separately. Overall, the results show that while characteristics of the workplace matter for explaining variation in discrimination-complaint filings, institutional environments do not systematically affect workers' identification of discrimination in the workplace and their willingness to file formal complaints.

In terms of internal workplace conditions, our results identify several characteristics of establishments that minimize or exacerbate workers' reports of discrimination. First, we expected formalization of employment practices to curb the incidence of discrimination by assuring workers of objective decision making. As hypothesized, the size of an establishment (our measure of formalization) is negatively related to discrimination charges, indicating that larger establishments—with presumably more formalized practices—elicit fewer charges of discrimination, for both sex and race models. Indeed, a one-unit change in the log of establishment size is associated with a 12% decrease in the sex-charge rate and a 17% decrease in the race-charge rate, net of all other terms in the model.²⁵ However, while establishment size minimizes both sex and race com-

²⁴ While the majority of the establishments in our sample are subsidiaries of multiestablishment organizations, most have a unique parent organization with respect to the sample. Of the 2,166 establishments drawn in the 2002 sample, 83% come from unique organizations; 96% come from organizations that have only one or two other establishments in the sample. Thus, despite the large proportion of establishments that are subsidiaries, there is minimal clustering by parent organization in the sample.

²⁵ We obtained the percentage change in the dependent variable associated with a unit change, δ , in an independent variable, k , by applying the following formula (see Long 1997, p. 225): $100 \times [\exp(B_k \delta) - 1]$.

Context of Discrimination

TABLE 4
THE EFFECTS OF WORKPLACE CONDITIONS AND INSTITUTIONAL ENVIRONMENTS
ON ALL DISCRIMINATION CHARGES

VARIABLE	SEX		RACE	
	β	SE	β	SE
Workplace conditions:				
Establishment size (log)	-.13***	.03	-.18***	.03
Organization size (log) .....	.03	.02	.10***	.02
Proportion managers	1.61***	.29	2.16***	.25
Occupational segregation (<i>D</i>) .....	.14	.17	.45**	.17
Proportion female/minority man- agers	-2.80***	.41	-1.39**	.38
Proportion female/minority non- managers	-3.37***	.25	-2.30***	.20
Female/minority managers \times nonmanagers	3.57***	.59	1.37*	.55
Institutional environments:				
Federal contractor	-.02	.06	-.06	.05
Subsidiary .....	.12	.11	-.12	.10
Manual sector	-.10	.11	.14 [†]	.08
Sales sector .....	.01	.13	.04	.12
Proportion female or minority in state				
Time	2.14	1.71	-1.28***	.34
Time \times time .....	.12***	.02	.09***	.02
Intercept	-.01***	0	-.01***	0
τ^2_{u0i}	-7.02***	.84	-5.57***	.23
σ^2	1.79***	.09	1.47***	.07
Deviance .....	.42***	0	.54***	.01
	4,409		5,945	

NOTE.—*N* = 19,791.

[†] *P* < .10.

* *P* < .05.

** *P* < .01.

*** *P* < .001.

plaints, the size of the parent organization is positively associated with allegations of race discrimination.

Second, we suggested that close supervisory control could either decrease charge filings, by ensuring decisions were checked along the chain of command, or increase charges, by generating more potential conflict between workers and supervisors. The results presented in table 4 suggest the latter. The proportion of managers among employees is positively related to the rate of charge filings for both sex and race models. This finding suggests that close managerial supervision may increase opportunities for dispute, leading to more discrimination-charge filings.

Third, we find mixed support for our hypothesis regarding the influence of occupational segregation. We hypothesized that sex and race occupa-

tional segregation would elicit charges by providing evidence of sex- and race-based allocation practices. Occupational segregation by race is positively related to the incidence of race charges, yet occupational segregation by sex is unrelated to the incidence of sex-discrimination charges. Indeed, a 1-SD increase in the dissimilarity index for race is associated with an 11% increase in the race-charge rate.²⁶ One possible explanation for the lack of a sex-segregation effect is that the sexual division of labor is a taken-for-granted property of the workplace, such that women interpret it as “business as usual” rather than as an indicator of unlawful sex discrimination.

Despite these mixed results for occupational segregation, we find support for our hypothesis regarding the sex and race composition of the workforce. The negative coefficients on the proportions of nonmanagerial workers who are female and those who are racial minorities indicate that as the representation of these groups in the workplace increases, the incidence of sex and race charges decreases. However, the strength of these effects depends on the presence of women and minorities in managerial positions. For establishments with average levels of female representation in management (32%), a 1-SD increase in the proportion of females among nonmanagers is associated with a 43% percent decrease in the sex charge rate.²⁷ In establishments with average levels of minority representation in management (13%), a 1-SD increase in the proportion of minorities among nonmanagers is associated with a 41% decrease in the race-charge rate. These results confirm that increased representation of females and minorities in the workplace minimizes the extent to which workers perceive and report sex and race discrimination.

Fourth, our results point to the minimizing effects of female and minority management on allegations of discrimination. Women’s and minorities’ shares of managerial positions are negatively related to sex and race discrimination charges, respectively. However, as expected, the strength of these effects depends on the sex and race composition of nonmanagerial workers. The significant positive interaction between the pro-

²⁶ $100 \times [\exp(.45 \times .23) - 1] = 10.9$.

²⁷ To estimate the effect of female nonmanagerial composition for an establishment with average representation of females among managers, we summed the coefficient for the additive term for *proportion female nonmanagers* and the product of the coefficient for the *proportion female managers* by the proportion female nonmanagers interaction term multiplied by the mean level of the proportion female managers. So the predicted effect of female nonmanagers on the charge rate is $-3.37 + (3.57 \times .32) = -2.23$. We then applied the following formula to obtain the percentage change in the charge rate associated with a standard deviation change, δ , in the proportion of females among nonmanagers: $100 \times [\exp(-2.23 \times \delta) - 1] = 100 \times [\exp(-2.23 \times .25) - 1] = -42.7$.

portion of female or minority managers and the proportion of female or minority nonmanagers indicates that the effects of female and minority management are weakest in workplaces where female and minority managers predominantly supervise same-sex and same-race workers, respectively. Figures 1 and 2 display the predicted sex and race charge rates given by the regression equations in table 4. The predicted charge rates are generated by varying levels of sex and race representation in managerial and nonmanagerial positions while holding all other variables at their means or modes. As shown in figure 1, as the proportion of female managers increases, the sex charge rate declines; however, this decline is less pronounced as female representation in the nonmanagerial workforce increases. Likewise, in figure 2, the race charge rate declines as the representation of racial minorities in management increases, yet the decline is smallest in settings where racial minorities manage fellow minority-group members. These results confirm our hypothesis that the presence of female and minority management reduces discrimination claims, but to a lesser extent in settings where they manage same-sex or same-race workers.

Despite these significant effects of internal workplace conditions, we find little support for our hypotheses regarding the effect of external institutional environment on the incidence of charge filings. Surprisingly, neither federal contractor status nor subsidiary status is significantly related to workers' willingness to file discrimination complaints. In addition, industrial sector is of little consequence for charge filings. While being in the manual sector is positively related to race-charge filings, this effect is only marginally significant at traditional levels. Otherwise, workers in manual and client-intensive industries are no more likely to file charges than those in other industrial sectors. Thus, on balance, variation in establishments' external institutional environments does not make workers more or less inclined to invoke their civil rights by filing charges.

The results in table 4 also suggest variation in charge filings across time and local labor market conditions. The linear and quadratic effects of time are significant in both the sex and race models but in opposing directions, indicating that charge filings increase in the early years of the time series but then trail off. The random-effect terms in table 4 are instructive for understanding variation in charge rates across establishments. The variances of the random intercept term for establishment indicate the amount of variability around the average establishment intercept. In both the sex and race models, the random intercept terms for establishment are significant, indicating that discrimination-charge rates vary significantly across establishments.

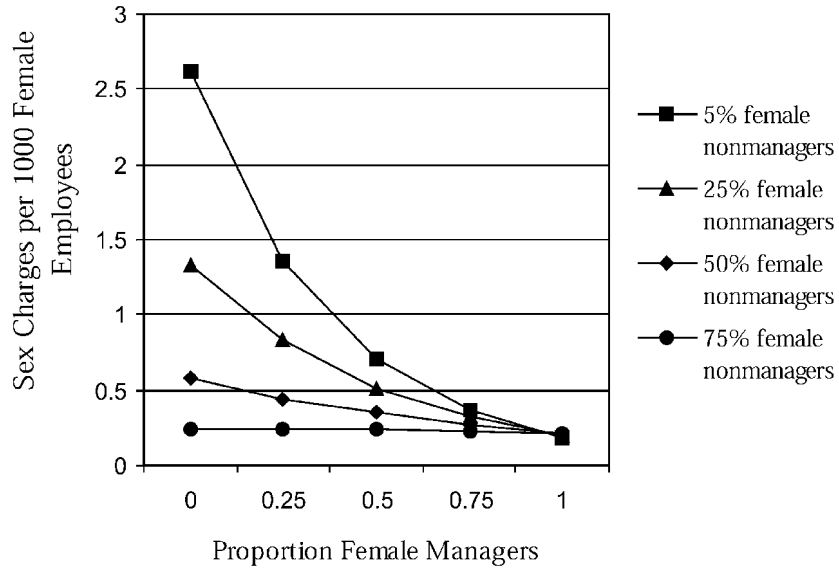


FIG. 1—The effect of proportion female managers on sex charges for varying levels of female representation among nonmanagers.

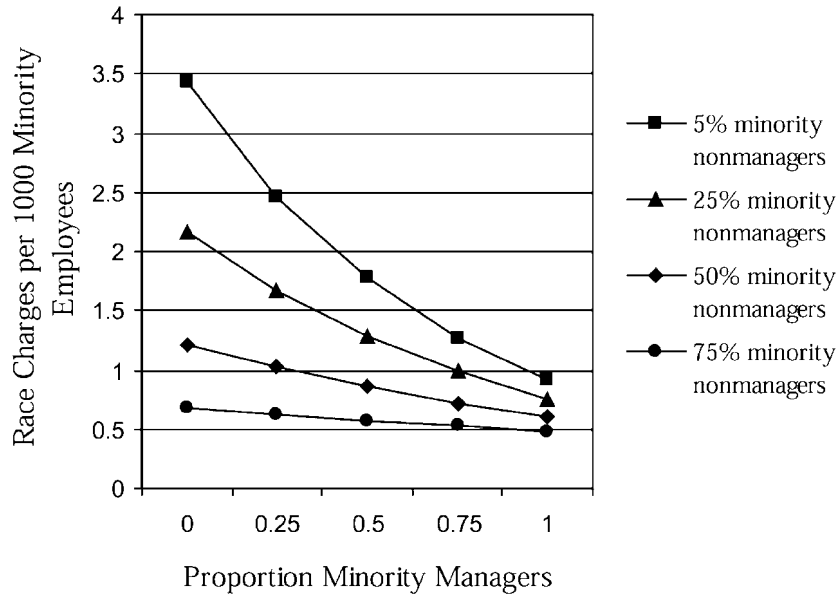


FIG. 2—The effect of proportion racial minority managers on race charges for varying levels of minority representation among nonmanagers.

Workplace and Institutional Determinants of Verified Charges

While the above results provide an account of the organizational characteristics that lead workers to file charges, we are also interested in how organizational factors influence regulatory agents' assessments of alleged discrimination. To identify the conditions under which regulatory agencies define workplace behavior as discriminatory, we examine the effect of workplace and institutional factors on the likelihood of the EEOC's determining with reasonable cause that unlawful discrimination occurred. In this analysis, the dependent variable is the number of reasonable-cause findings conditional on the number of charges received.

The results displayed in table 5 suggest different organizational determinants of regulatory agents' interpretations of discriminatory behavior than of workers' decisions to file complaints. While many measures of the internal organization of work remain important for predicting the incidence of reasonable-cause charges, the most notable difference between tables 4 and 5 is that institutional environments are shown to have a strong effect in the latter. First, for both the sex and race models, establishments holding federal contracts and thus subject to affirmative action requirements have significantly lower reasonable-cause rates as compared to noncontractors. For federal contractors, the rate of reasonable-cause findings is 32% lower for sex discrimination charges and 74% lower for race charges as compared to noncontractors, net of other terms included in the model. This suggests that, on average, regulatory agents are more forgiving toward federal contractors than toward noncontractors in determining the legitimacy of discrimination claims. In addition, establishments that are subsidiaries of multiestablishment firms are less likely to receive reasonable-cause findings than are stand-alone establishments. The reasonable-cause rate for subsidiary establishments is roughly 60% lower for both sex and race charges than that of stand-alone establishments.

Finally, industrial sector is a significant predictor of variation in reasonable-cause findings. For sex discrimination, establishments in the manual sector are more likely to receive substantiated claims, although this effect is marginally significant at traditional levels. In the case of race, establishments in both manual and client-intensive industries are much more likely to receive substantiated charges of race discrimination, relative to establishments in other industrial sectors. Indeed, being in the manual sector is associated with a 225% increase in the rate of verified race claims, and being in client-intensive industries is associated with a 270% increase in the reasonable-cause rate. These significant findings regarding industrial sector support our hypothesis that industry-specific expectations about employment practices influence regulatory agents' interpretations

TABLE 5
THE EFFECTS OF WORKPLACE CONDITIONS AND INSTITUTIONAL ENVIRONMENTS
ON REASONABLE-CAUSE DETERMINATIONS

VARIABLE	SEX		RACE	
	β	SE	β	SE
Workplace conditions:				
Establishment size (log) .....	.38***	.08	.15	.09
Organization size (log) .....	.03	.06	.29***	.07
Proportion managers	-3.77***	.92	-2.75***	.81
Occupational segregation (<i>D</i>)	2.16***	.47	2.46***	.58
Proportion female/minority man- agers	8.61***	1.18	8.43***	1.14
Proportion female/minority non- managers	1.26	.84	5.39***	.66
Female/minority managers \times nonmanagers	-10.15***	1.81	-14.88***	2.08
Institutional environments:				
Federal contractor	-.39*	.19	-1.33***	.15
Subsidiary	-1.09***	.27	-.93*	.39
Manual sector .....	.58 [†]	.35	1.18***	.31
Sales sector .....	.30	.44	1.31**	.43
Time	-.19***	.04	.09*	.04
Time \times time .....	.01***	0	-.01	0
Intercept	-8.52***	.88	-11.30***	.83
r^2_{uoi}	5.45***	.43	6.75***	.55
σ^2 .....	.04***	.001	.05***	.001
Deviance	80		132	
<i>N</i>	2,582		3,790	

[†] $P < .10$.
* $P < .05$.
** $P < .01$.
*** $P < .001$.

of discrimination, particularly in the case of race. Taken together, the results presented in table 5 support our hypotheses that regulatory agents are sensitive to policy and institutional environment in making decisions about the validity of workers' claims.

In addition to the institutional effects, table 5 also identifies several aspects of the internal workplace environment that affect variation in the rate of verified charges. As expected, many of the same workplace characteristics that affect the incidence of all charges also affect the incidence of reasonable-cause determinations. First, establishment and organization size are significant predictors of verified claims. Yet while establishment size is a *negative* predictor of all complaints, it *positively* affects the incidence of verified sex claims. In the case of race, organization size continues to have a positive effect on the race-charge rate. This may be

because regulatory agents are likely to keep a closer watch over larger and more publicly visible organizations.

Second, while the proportion of employees that are managers was positively related to all charges, it is negatively related to reasonable-cause findings. This suggests that while extensive managerial supervision encourages workers' complaints, it discourages validation of those claims by regulatory agencies. One possible explanation for this is that although close supervision may create opportunities for disputes between workers and managers, for regulatory agents more extensive supervisory control indicates that the workplace is well-managed and personnel decisions are checked along the chain of command.

Third, as expected, sex and race segregation significantly increase the incidence of verified sex and race charges, respectively. Thus, reasonable-cause findings are more likely among workplaces that are sex and race segregated. This finding suggests that regulatory agents consider the distribution of female and minority workers across the occupational structure—perhaps by consulting EEO-1 reports or personnel records obtained during investigations—when making reasonable-cause decisions.

Finally, in contrast to our expectation, we find that female and minority representation in management increases the rate of substantiated claims, although this effect diminishes as the representation of female and minorities in nonmanagerial positions increases. In other words, the positive effect of female and minority management on reasonable-cause findings is strongest in workplaces where females manage male workers and minorities manage white workers. One possible interpretation of this finding is that in such establishments it is the female and minority managers who are bringing the complaints. To the extent that female and minority managers have more authority, resources, and know-how than the average worker, they likely have more access to evidence relevant to their cases and thus may be better prepared to navigate the charge-resolution system. Additionally, regulatory agents may consider managers more credible sources than the average employee—especially if they manage higher-status male or white employees—and may therefore be more likely to verify their claims. This interpretation is consistent with research on discrimination lawsuits that suggests that women in higher-status occupations are more likely to win gender discrimination lawsuits (Burstein 1989).

DISCUSSION

Overall, our analysis demonstrates that organizational environments affect workers' perceptions of discrimination and willingness to file charges

as well as the extent to which regulatory agents uphold workers' understandings of their experiences as discriminatory. However, the organizational conditions that give rise to workers' charges differ from those that lead regulatory agents to affirm their allegations. In general, we find that while workplace characteristics are important for explaining variation in discrimination as well as in verified claims, the external institutional environment matters only for verified claims.

Our analysis of workers' charges suggests that the immediate work environment constructs how workers understand discriminatory behavior and whether they determine it to be worth addressing. Specifically, we find that workers are less likely to file formal charges when the workplace opportunity structure is suggestive of equitable employment practices. For instance, minority and female workers are less likely to bring grievances if employment practices are formalized, if the workplace is diverse with respect to sex and race, and if women and minorities are well represented among top-level management positions—all characteristics that indicate sex- and race-neutral allocation practices. Thus, although the EEOC charge-adjudication process is often viewed as a weak regulatory framework (see Pedriana and Stryker 2004), these results suggest that workers generally target organizations that exhibit sex- or race-typed employment conditions. In other words, workers effectively regulate those organizations whose compliance with Title VII and related antidiscrimination laws may be in question.

However, while we expected rights-conscious environments to encourage workers to mobilize their legal rights, we find that establishments' external institutional and policy environments have little effect on workers' complaints. This suggests that the external institutional environment has little influence on workers' assessment of fair employment practices and their willingness to mobilize their rights. Evidently, as institutional theory would suggest (see Edelman 1992), institutional pressures such as affirmative action requirements are largely decoupled from workers' everyday perceptions of discrimination and civil rights. In sum, our analysis of discrimination complaints suggests that workers base their decisions about when to seek legal redress on the objective conditions of their immediate work environment and the opportunity structure these conditions imply.

Our analysis of reasonable-cause claims suggests that both workplace conditions and characteristics of the external institutional environment affect the incidence of verified claims. We find that establishments embedded in institutional environments that have policies and norms against discrimination have fewer verified claims of discrimination. Apparently, regulatory agents are cognizant of the norms associated with the policy, organizational, and industrial environments in which establishments are

embedded, and they make reasonable-cause decisions in light of these expectations. These findings are consistent with legal research documenting how defense attorneys and personnel consultants advise employers to implement certain EEO policies and practices to safeguard against discrimination lawsuits (Bisom-Rapp 1999; Dobbin and Kelly 2007; Edelman et al. 1999; Schultz 2003). Institutional conditions, such as the presence of affirmative action requirements, affect how the legitimacy of discrimination claims is understood by regulatory officials. This is not to suggest that regulatory agents are hasty in their investigations or tacitly defer to employers' compliance strategies. Rather, discrimination is a complex and emergent process, and the cultures and expectations of certain environments constitute a critical frame that outsiders employ to make sense of a murky social process.

An alternative explanation of these institutional effects on reasonable-cause determinations is that establishments that are embedded in institutional environments with norms and policies against discrimination actually engage in less discriminatory behavior, and accordingly, regulatory officials find little evidence of discrimination during investigations. While we cannot rule out this possibility, our analysis of workers' complaints provides some purchase on this issue. If characteristics of the institutional environment reduced the amount of discrimination in the workplace, then we would expect workers to respond to such conditions by bringing fewer grievances. However, we find that workers' complaints of discrimination are unrelated to institutional conditions. Moreover, we find that institutional effects hold net of characteristics of the work environment, such as sex and race composition, occupational segregation, and female and minority representation among management, which themselves are suggestive of ascriptive biases in workplace processes and indeed are often used by researchers as indirect measures of "discrimination." Thus, we can be reasonably confident that the observed relationship between institutional environment and verified claims is evidence that institutional conditions—policies, norms, and expectations—affect when and how regulatory actors define employment discrimination.

In sum, the foregoing results confirm the importance of an organizational approach to the study of employment discrimination disputes. We find that while definitions of discrimination are constructed in relation to the internal work environment and external institutional conditions, the organizational origins of workers' complaints are not identical to the factors that affect whether those claims are upheld by regulatory officials. In general, the local conditions of the workplace affect local actors' interpretations of potentially discriminatory experiences, while local conditions as well as institutional environments affect regulatory agents' decisions regarding the lawfulness of those same events.

CONCLUSIONS

Our goal in this study was to better understand the process by which discrimination is defined, challenged, and remedied in organizational settings. While previous studies of employment disputes document the role individual-level factors play in whether workers mobilize their legal rights, we show that workers' decisions to seek legal redress reflect the structural conditions of their local environment. Moreover, regulatory agents' interpretations of potentially discriminatory behavior are shaped by workplace conditions as well as the institutionalized policies and expectations of the extraorganizational environment. As legal observers point out, much dispute resolution transpires outside the courtroom but in the "shadow of the law" (Mnookin and Kornhauser 1979), meaning that although actors often resolve disputes informally, resolutions are structured according to how the disputes would turn out if formally adjudicated. Here we empirically demonstrate that workers' and regulatory agents' understandings of discrimination and legality emerge not only in the shadow of the law but also, as Albiston (2005) suggests, in the "shadow of organizations." Workers' disputes over fair treatment interact with organizational environments to construct the meaning of discrimination for enforcement agents.

The implication of this finding for studies of ascriptive inequality is that organizational conditions can help or hinder enforcement agents' attempts to remediate sex and race inequities. Just as recent research in stratification has demonstrated that organizational factors contribute to variation in myriad measures of ascriptive inequality—including occupational segregation, wage gaps, and the representation of women and racial minorities in management—we have shown that the identification and remediation of ascriptive inequality is also organizationally variable. Employers can construct work environments that minimize perceptions of discrimination by altering workforce composition, segregation, and structures of control and formalization. Moreover, to ensure full legal redress, regulatory agents must be mindful of the ways in which organizations can draw attention to organizational factors, such as affirmative action plans, as evidence of fair employment practices to avoid liability in discrimination claims. In these ways, elucidating the process by which actors understand and substantiate discrimination claims can facilitate progress toward equal employment opportunity.

From a legal perspective, the findings presented here urge a reconceptualization of employment discrimination. Title VII and other antidiscrimination laws consider discrimination a discrete event in which an employer uses sex, race, or another protected characteristic in making an employment decision. Our results complicate such static definitions of

discrimination. To the extent that organizational context affects how enforcement agents identify discriminatory behavior, what constitutes employment discrimination depends, at least in part, on the organizational environment in which it occurs. A potentially discriminatory act in an otherwise equitable environment may not be defined as discrimination, while a comparable act in a sex- or race-segregated environment may be unequivocally identified as discrimination by enforcement agents. Thus, the distinction between lawful and unlawful employment behavior is dynamic; organizational contexts imbue potentially discriminatory actions with legal meaning for potential victims of discrimination as well as for those responsible for regulating it. This suggests a conceptualization of employment discrimination that takes both individual-level behavior and work environment into account.

We see this research as a first step in identifying the organizational context of discrimination disputes, and its limitations warrant future scholarship on several topics in the area. First, while our analysis identifies the organizational determinants of discrimination claims, our data do not permit an examination of how contextual factors might operate in the presence of workers' personal characteristics. Future research might investigate the extent to which personal and organizational features interact to produce discrimination claims. It is plausible that many of the organizational factors identified here mediate the impact of personal characteristics, such as gender, race, social status, and political attitudes, on claiming behavior.

Second, because our data are restricted to medium- and large-sized private establishments, future research might examine discrimination claims in the context of small establishments and public-sector organizations. Because Title VII does not cover establishments with fewer than 15 employees, workers employed by very small establishments do not have the option of filing formal discrimination charges with the EEOC. In such contexts, the process by which discrimination is identified and remedied must take place informally and without the threat of federal law enforcement. Even for small establishments that are subject to EEO law (those with 15 to 50 employees), norms of informality and personal contact might discourage workers from bringing formal claims. In addition, to the extent that the public sector is subject to additional anti-discrimination law and generally seen as a more hospitable employer for traditionally disadvantaged groups (Grotsky and Pager 2001), we might expect fewer claims of discrimination in the public sector as compared to the private. Thus, in restricting our analysis to private establishments, we cannot observe how the process of identifying and claiming discrimination might vary between public and private establishments.

Third, given our gross measure of formalization, additional research is

needed to identify the specific personnel practices that minimize perceptions of discrimination and ascriptive inequality. Recent work by Kalev et al. (2006) addresses this important question—how specific personnel practices, including diversity training, affirmative action, and mentoring programs, affect variation in the sex and race composition of managers. Similar research is needed to understand how such policies affect workers' interpretations of discrimination and their claiming behavior.

Finally, future research should examine how the organizational determinants of discrimination complaints may vary depending on the nature of the grievance and the basis of the claim. For instance, the local conditions that give rise to sexual harassment claims may differ from those that produce disputes over promotion or termination. In addition, given that discrimination based on other ascriptive characteristics, including age, disability and religion, now accounts for roughly one-third of all discrimination complaints filed with regulatory agencies, future research should explore the organizational contexts surrounding these claims. With additional research in these directions, we can better understand the organizational basis of workplace discrimination and the conditions under which enforcement agents identify and challenge unlawful behavior.

REFERENCES

- Albiston, Catherine R. 2005. "Bargaining in the Shadow of Social Institutions: Competing Discourses and Social Change in the Workplace Mobilization of Civil Rights." *Law and Society Review* 39 (1): 11–47.
- Baldi, Stephane, and Debra Branch McBrier. 1997. "Do the Determinants of Promotion Differ for Blacks and Whites?" *Work and Occupations* 24 (4): 478–97.
- Balser, Deborah B. 2002. "Agency in Organizational Inequality." *Work and Occupations* 29 (2): 137–65.
- Baron, James N., and William T. Bielby. 1980. "Bringing the Firm Back In: Stratification, Segmentation and the Organization of Work." *American Sociological Review* 45 (5): 737–65.
- Baron, James N., Brian S. Mittman, and Andrew E. Newman. 1991. "Targets of Opportunity: Organizational Environmental Determinants of Gender Integration within the California Civil Service, 1979–1985." *American Journal of Sociology* 96 (6): 1362–1401.
- Baron, James N., and Jeffrey Pfeffer. 1994. "The Social Psychology of Organizations and Inequality." *Social Psychology Quarterly* 57:190–209.
- Belz, Herman. 1991. *Equality Transformed: A Quarter Century of Affirmative Action*. New Brunswick: Transaction.
- Bertrand, Marianne, and Sendhil Mullainathan. 2004. "Are Emily and Brendan More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination." *American Economic Review* 91 (4): 991–1113.
- Bisom-Rapp, Susan. 1999. "Bulletproofing the Workplace: Symbol and Substance in Employment Discrimination Law Practice." *Florida State Law Review* 959:967–71.
- Blair-Loy, Mary E. 2001. "It's Not Just What You Know, It's Who You Know: Technical Knowledge, Rainmaking, and Gender among Finance Executives." *Research in the Sociology of Work* 10:51–83.

Context of Discrimination

- Blumrosen, Alfred. 1993. *Modern Law: The Law Transmission System and Equal Employment Opportunity*. Madison: University of Wisconsin Press.
- Bobo, Lawrence D., and Susan A. Suh. 2000. "Surveying Racial Discrimination: Analyses from a Multiethnic Labor Market" Pp. 523–60 in *Prismatic Metropolis*, edited by Lawrence D. Bobo, Melvin L. Oliver, James H. Johnson Jr., and Abel Valenzuela Jr. New York: Russell Sage.
- Bridges, William P., and Wayne J. Villemez. 1991. "Employment Relations and the Labor Market: Integrating Institutional and Market Perspectives." *American Sociological Review* 56 (6): 748–64.
- Bumiller, Kristin. 1988. *The Civil Rights Society*. Baltimore: Johns Hopkins University Press.
- Burstein, Paul. 1989. "Attacking Sex Discrimination in the Labor Market: A Study of Law and Politics." *Social Forces* 67 (3): 641–65.
- . 1990. "Intergroup Conflict, Law, and the Concept of Labor Market Discrimination." *Sociological Forum* 5 (3): 459–76.
- Burstein, Paul, and Kathleen Monaghan. 1986. "Equal Employment Opportunity and the Mobilization of the Law." *Law and Society Review* 20 (3): 355–88.
- Cameron, A. Colin, and Pravin K. Trivedi. 1998. *Regression Analysis of Count Data*. Cambridge: Cambridge University Press.
- Carrington, W. J., and K. R. Troske. 1995. "Gender Segregation in Small Firms." *Journal of Human Resources* 30:662–69.
- . 1998. "Interfirm Segregation and the Black/White Wage Gap." *Journal of Labor Economics* 16 (2): 231–60.
- Charles, Maria, and David Grusky. 2004. *Occupational Ghettos*. Palo Alto, Calif.: Stanford University Press.
- Cohen, Philip N., and Matt L. Huffman. 2007. "Working for the Women? Female Managers and the Gender Wage Gap." *American Sociological Review* 72:681–704.
- Collins, Sharon. 1989. "The Marginalization of Black Executives." *Social Problems* 36:317–31.
- DiMaggio, Paul J., and Walter Powell. 1983. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields." *American Sociological Review* 48:147–60.
- Dobbin, Frank, and Erin Kelly. 2007. "How to Stop Harassment: The Professional Construction of Legal Compliance in Organizations." *American Journal of Sociology* 112 (4): 1203–43.
- Dobbin, Frank, John R. Sutton, John W. Meyer, and Richard Scott. 1993. "Equal Opportunity Law and the Construction of Internal Labor Markets." *American Journal of Sociology* 99 (2): 396–427.
- Edelman, Lauren B. 1992. "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law." *American Journal of Sociology* 97 (6): 1531–76.
- Edelman, Lauren B., Sally Riggs Fuller, and Iona Mara-Drita. 2001. "Diversity Rhetoric and the Managerialization of the Law." *American Journal of Sociology* 106 (6): 1589–1641.
- Edelman, Lauren B., and S. M. Petterson. 1999. "Symbols and Substance in Organizational Response to Civil Rights Law." *Research in Social Stratification and Mobility* 17:107–35.
- Edelman, Lauren B., Christopher Uggen, and Howard S. Erlanger. 1999. "The Endogeneity of Legal Regulation: Grievance Procedures as Rational Myth." *American Journal of Sociology* 105 (2): 406–54.
- EEOC (U.S. Equal Employment Opportunity Commission). 2003. "Filing a Charge of Employment Discrimination." http://www.eeoc.gov/charge/overview_charge_filing.html.
- . 2004. "Enforcement and Litigation Statistics from the U.S. Equal Employment Opportunity Commission, FY 1992–2002." <http://www.eeoc.gov/stats/all.html>.

American Journal of Sociology

- . 2005. "Office of General Counsel: Annual Report Fiscal Year 2002." <http://www.eeoc.gov/litigation/02annrpt.html>.
- Elliott, James R., and Ryan A. Smith. 2001. "Ethnic Matching of Supervisors to Subordinate Work Groups: Findings on 'Bottom-up' Ascription and Social Closure." *Social Problems* 48:258–67.
- . 2004. "Race, Gender, and Workplace Power." *American Sociological Review* 69 (3): 365–86.
- Emerson, Robert M. 1983. "Holistic Effects in Social Control Decision-Making." *Law and Society Review* 17 (3): 425–56.
- Felstiner, William L., Richard L. Abel, and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming. . ." *Law and Society Review* 15:631–54.
- Fix, Michael, and Raymond J. Struyk. 1993. *Clear and Convincing Evidence: Measurement of Discrimination in America*. Washington, D.C.: The Urban Institute.
- Galanter, Marc. 1983. "Reading the Landscape of Disputes: What We Know and Don't Know (and Think We Know) about Our Allegedly Contentious and Litigious Society." *UCLA Law Review* 31 (4): 4–71.
- Graham, Hugh Davis. 1990. *The Civil Rights Era*. New York: Oxford University Press.
- Grodsky, Eric, and Devah Pager. 2001. "The Structure of Disadvantage: Individual and Occupational Determinants of the Black–White Wage Gap." *American Sociological Review* 66 (4): 542–67.
- Guthrie, Doug, and Louise Marie Roth. 1999. "The State, Courts, and Equal Opportunities for Female CEOs in U.S. Organizations: Specifying Institutional Mechanisms." *Social Forces* 78 (2): 511–42.
- Gwartney-Gibbs, Patricia, and Denise H. Lach. 1994. "Gender and Workplace Dispute Resolution: A Conceptual and Theoretical Model." *Law and Society Review* 28 (2): 265–96.
- Haberfield, Yitchak. 1992. "Employment Discrimination: An Organizational Model." *Academy of Management Journal* 35 (1): 161–80.
- Hafer, Carolyn L., and James Olson. 1993. "Beliefs in a Just World, Discontent, and Assertive Actions by Working Women." *Personality and Social Psychology Bulletin* 19:30–38.
- Hirsh, C. Elizabeth. In press. "Resolving Discrimination: Organizational Determinants of Discrimination-Charge Outcomes." *Law and Society Review* 42, no. 2.
- Hox, Joop. 2002. *Multilevel Analysis*. Mahwah, N.J.: Lawrence Erlbaum.
- Huffman, Matt. 1999. "Who's in Charge? Organizational Influences on Women's Representation in Managerial Positions." *Social Science Quarterly* 80 (4): 738–56.
- Kaiser, Cheryl R., and Brenda Major. 2006. "A Social Psychological Perspective on Perceiving and Reporting Discrimination." *Law and Social Inquiry* 31 (4): 801–30.
- Kalev, Alexandra, Frank Dobbin, and Erin Kelly. 2006. "Best Practices or Best Guesses? Diversity Management and the Remediation of Inequality." *American Sociological Review* 71 (4): 589–617.
- Kessler, Ronald C., Kristin D. Mickelson, and David R. Williams. 1999. "The Prevalence, Distribution, and Mental Health Correlates of Perceived Discrimination in the United States." *Journal of Health and Social Behavior* 40 (3): 208–30.
- Kilbourne, Barbara Stanek, Paula England, George Farkas, Kurt Beron, and Dorothea Weir. 1994. "Returns to Skill, Compensating Differentials, and Gender Bias: Effects of Occupational Characteristics on the Wages of White Women and Men." *American Journal of Sociology* 100 (3): 689–719.
- Knuegel, James R., and Lawrence D. Bobo. 2001. "Perceived Group Discrimination and Policy Attitudes: The Sources and Consequences of the Race and Gender Gaps." Pp. 163–213 in *Urban Inequality*, edited by Alice O'Connor, Chris Tilly, and Lawrence D. Bobo. New York: Russell Sage.

Context of Discrimination

- Leonard, John. 1984. "The Impact of Affirmative Action on Employment." *Journal of Labor Economics* 2 (4): 439–63.
- Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, Calif.: Sage.
- Major, Brenda, Richard H. Gramzow, Shannon K. McCoy, Shana Levin, Toni Schmader, and Jim Sidanius. 2002. "Perceiving Personal Discrimination: The Role of Group Status and Legitimizing Ideology." *Journal of Personality and Social Psychology* 82:269–82.
- Major, Brenda, and Cheryl R. Kaiser. 2005. "Perceiving and Claiming Discrimination." Pp. 285–99 in *The Handbook of Employment Discrimination Research: Rights and Realities*, edited by Laura Beth Nielson and Robert Nelson. New York: Kluwer.
- Marsden, Peter V., Cynthia L. Cook, and Arne L. Kalleberg. 1994. "Organizational Structures: Coordination and Control." *American Behavioral Scientist* 37 (7): 911–29.
- Marsden, Peter V., Cynthia L. Cook, and David Knoke. 1994. "Measuring Organizational Structures and Environments." *American Behavioral Scientist* 37 (7): 891–910.
- Massey, Douglas S., and Nancy A. Denton. 1988. "The Dimensions of Residential Segregation." *Social Forces* 67 (2): 281–315.
- Merton, Robert K. 1972. "Insiders and Outsiders: A Chapter in the Sociology of Knowledge." *American Journal of Sociology* 78 (1): 9–47.
- Meyer, John, and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structure as Myth and Ceremony." *American Journal of Sociology* 83:340–63.
- Mnookin, Robert, and Lewis Kornhauser. 1979. "Bargaining in the Shadow of the Law: The Case of Divorce." *Yale Law Journal* 88 (5): 950–97.
- Mueller, Charles W., Stacy De Coster, and Sarah Beth Estes. 2001. "Sexual Harassment in the Workplace: Unanticipated Consequences of Modern Social Control in Organizations." *Work and Occupations* 28:411–46.
- Neumark, David, Roy J. Bank, and Kyle D. Van Nort. 1996. "Sex Discrimination in the Restaurant Industry: An Audit Study." *Quarterly Journal of Economics* 111 (3): 915–42.
- Nielson, Laura Beth, and Robert L. Nelson. 2005. "Rights Realized? An Empirical Analysis of Employment Discrimination Litigation as a Claiming System." *Wisconsin Law Review* 2:663–711.
- Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology* 108 (5): 937–75.
- Pedriana, Nicholas, and Robin Stryker. 2004. "The Strength of a Weak Agency: Enforcement of Title VII of the 1964 Civil Rights Act and the Expansion of State Capacity, 1965–1971." *American Journal of Sociology* 110 (3): 709–60.
- Petersen, Trond, and Laurie A. Morgan. 1995. "Separate and Unequal: Occupation-Establishment Sex Segregation and the Gender Wage Gap." *American Journal of Sociology* 101 (2): 329–65.
- Petersen, Trond, Ishak Saporta, and Marc-David L. Seidel. 2000. "Offering a Job: Meritocracy and Social Networks." *American Journal of Sociology* 106:763–816.
- Pfeffer, Jeffrey. 1977. "Toward an Explanation of Stratification in Organizations." *Administrative Science Quarterly* 22:553–67.
- Raudenbush, Stephen W., and Anthony S. Bryk. 2002. *Hierarchical Linear Models: Applications and Data Analysis*, 2d ed. Thousands Oaks, Calif.: Sage Publications.
- Reskin, Barbara F. 1998. *The Realities of Affirmative Action in Employment*. Washington, D.C.: American Sociological Association.
- . 2000. "The Proximate Causes of Employment Discrimination." *Contemporary Sociology* 29 (2): 319–28.
- . 2001. "Employment Discrimination and Its Remedies." Pp. 567–99 in *Sourcebook of Labor Markets: Evolving Structures and Processes*, edited by Ivar Berg and Arne L. Kalleberg. New York: Plenum.

American Journal of Sociology

- Reskin, Barbara F., and Debra Branch McBrier. 2000. "Why Not Ascription? Organizations' Employment of Male and Female Managers." *American Sociological Review* 65:210–233.
- Reskin, Barbara F., Debra B. McBrier, and Julie A. Kmec. 1999. "The Determinants and Consequences of Workplace Sex and Race Composition." *Annual Review of Sociology* 25:335–61.
- Robinson, Corre L., Tiffany Taylor, Donald Tomaskovic-Devey, Catherine Zimmer, and Matthew W. Irvin, Jr. 2005. "Studying Race or Ethnic and Sex Segregation at the Establishment-Level: Methodological Issues and Substantive Opportunities Using EEO-1 Reports." *Work and Occupations* 32 (1): 5–38.
- Roth, Louise Marie. 2003. "Selling Women Short: A Research Note on Gender Differences in Compensation on Wall Street" *Social Forces* 52 (2): 783–802.
- Schultz, Vicki. 1990. "Telling Stories about Women and Work: Judicial Interpretations of Sex Segregation in the Workplace in Title VII Cases Raising the 'Lack of Interest' Argument." *Harvard Law Review* 103:1750–1843.
- . 2003. "The Sanitized Workplace." *Yale Law Journal* 112:2061–2194.
- Scott, W. Richard. 1981. *Organizations: Rational, Natural, and Open Systems*. Englewood Cliffs, N.J.: Prentice Hall.
- Shenhav, Yehouda, and Yitchak Haberfeld. 1992. "Organizational Demography and Inequality." *Social Forces* 71 (1): 123–43.
- Sigelman, Lee, and Susan Welch. 1991. *Black Americans' Views of Racial Inequality: The Dream Deferred*. New York: Cambridge University Press.
- Stainback, Kevin, and Donald Tomaskovic-Devey. 2007. "Long-Term Trends in Managerial Representation for Black and White Women and Men in Private Sector U.S. Firms." Unpublished manuscript. University of Massachusetts, Amherst, Department of Sociology.
- StataCorp. 2003. *Stata Base Reference Manual*, vol. 3. College Station, Tex.: Stata Press.
- Sturm, Susan. 2001. "Second Generation Employment Discrimination: A Structural Approach." *Columbia Law Review* 101 (3): 458–568.
- Sutton, John R., and Frank Dobbin. 1996. "Two Faces of Governance: Responses to Legal Uncertainty in U.S. Firms, 1955–1985." *American Sociological Review* 61: 794–811.
- Tomaskovic-Devey, Donald. 1993. "The Gender and Race Composition of Jobs and the Male/Female, White/Black Pay Gaps." *Social Forces* 72 (1): 45–76.
- Tomaskovic-Devey, Donald, Arne L. Kalleberg, and Peter V. Marsden. 1996. "Organizational Patterns of Gender Segregation." Pp. 276–301 in *Organizations in America*, edited by Arne L. Kalleberg, David Knoke, Peter V. Marsden, and Joe L. Spaeth. Newbury Park, Calif.: Sage.
- Tomaskovic-Devey, Donald, and Sheryl Skaggs. 2002. "Sex Segregation, Labor Process Organization, and Gender Earnings Inequality." *American Journal of Sociology* 108 (1): 102–28.
- Uggen, Christopher, and Amy Blackstone. 2004. "Sexual Harassment as a Gendered Expression of Power." *American Sociological Review* 69 (1): 64–92.
- U.S. Department of Labor, Office of Federal Contract Compliance Programs. 2005. "The Equal Employment Opportunity Poster." <http://www.dol.gov/esa/regs/compliance/posters/eo.htm>.
- Wakefield, Sara, and Christopher Uggen. 2004. "The Declining Significance of Race in Federal Civil Rights Law: The Social Structure of Employment Discrimination Claims." *Sociological Inquiry* 74 (1): 128–57.