

The Strength of Weak Enforcement: The Impact of Discrimination Charges, Legal Environments, and Organizational Conditions on Workplace Segregation

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Much research examines the organizational changes brought by equal employment opportunity (EEO) law, but it remains unclear whether establishments formally charged with employment discrimination and found in violation of EEO laws actually improve workplace conditions for women and racial minorities. Building on economic and institutional accounts of organizational responses to legal intervention, this article assesses the effects of discrimination charges and their resolutions on changes in establishment-level occupational segregation by sex and race from 1990 to 2002. Using data from a national random sample of work establishments matched to discrimination-charge data, I examine the direct impact of charges on workplaces, as well as the indirect pressures that establishments experience in their legal and organizational environments. For sex segregation, I find that establishments do not desegregate in the wake of discrimination charges filed directly against them, but they do respond to EEO enforcement in their industrial fields and legal environments. For race segregation, organizational factors—rather than legal intervention—are the primary predictors of desegregation. To the extent that EEO enforcement encourages organizational change, it does so indirectly, operating through establishments' industrial and legal environments.

In 1964, the passage of Title VII of the Civil Rights Act prohibited discrimination in employment, making it unlawful for employers

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to hire, fire, compensate, classify, or deprive workers of opportunities based on their sex, race, color, national origin, or religion. This legislation also established a federal administrative agency, the Equal Employment Opportunity Commission (EEOC), to monitor employers' compliance with the law, but the burden of enforcing equal employment opportunity (EEO) law falls, ironically, on those who seek its protection. Title VII and related EEO laws are enforced primarily through workers' complaints of discrimination. If workers perceive discrimination in the workplace, they can invoke their rights under Title VII by filing formal charges of discrimination with the federal EEOC or a local fair-employment agency.

This claims-filing process offers potential remedies for workers who identify sex or race bias in the workplace and pursue formal charges, but its capacity for redressing broad patterns of discrimination is dubious. As both sociologists

and legal scholars suggest, while discrimination in the pre-Civil Rights era typically took the form of overt bias and antipathy toward minority groups, contemporary discrimination is more subtle, concealed in workplace structures and unconscious biases that systematically disadvantage minority groups regardless of employers' motives (Bielby 2000; Reskin 2000; Strum 2001). Such emphasis on the structural or systematic nature of contemporary discrimination further calls into question the efficacy of a remedial model based on individual, case-by-case enforcement and sanctions. As Pedriana and Stryker (2004:726) point out, the "basic dilemma" of EEO enforcement is clear: how can *individual* complaint filings rectify *systematic* patterns of inequality?

Many scholars note the limited regulatory capacity of U.S. state agencies in general and the EEOC in particular (Dobbin and Sutton 1998; Edelman 1992; Nielsen, Nelson, and Lancaster 2008; Pedriana and Stryker 2004; Reskin 2001; Selmi 1996; Skrentny 1996). The EEOC cannot initiate investigations of discrimination, and it lacks formal enforcement powers beyond the purview of individual complaints. For workers who do file claims, the EEOC adjudication process offers modest relief. Of the roughly 60,000 sex and race discrimination claims filed annually with the EEOC, fewer than 1 in 10 are substantiated by EEOC investigators and fewer than 1 in 5 result in benefits—such as monetary payouts or positive changes in workplace conditions—for the complainant (U.S. EEOC 2008a).

Despite this weak enforcement structure, dismissing the EEOC's prospects for remedying broad patterns of employment discrimination is premature. Theoretically, the primary mechanism by which the law brings about change is by promoting voluntarily compliance (Reskin 2001). In the context of EEO law, individual charges and settlements may alter employers' behavior, not simply by pressuring those who receive charges, but, more importantly, by cultivating a culture of compliance that draws attention to sex and race equity, renders discrimination normatively unacceptable, and communicates what constitutes fair employment practices. In this article, I examine the effects of sex- and race-based discrimination charges, establishments' legal environments, and workplace conditions on changes in sex

and race occupational segregation among a national random sample of private work establishments. I explore both the direct impact of charges and settlements on workplaces, as well as the indirect pressures that charges introduce for establishments' legal environments. In doing so, I identify one avenue by which a fragmented case-by-case regulatory approach can have broad effects: by creating a legal environment that encourages progress toward sex and race desegregation, even in the absence of direct regulatory intervention.

I focus on occupational segregation for several reasons. First, Title VII of the Civil Rights Act of 1964 explicitly prohibits *segregating* or *classifying* employees in any way that deprives them of employment opportunities because of their race, color, national origin, or sex. If employers are found in violation of the law, rectifying inequities in the division of labor is a natural compliance strategy. Second, because employers cannot explicitly recruit and hire workers on the basis of their sex or race, patterns of occupational segregation reflect, in part, the more subtle nature of discrimination in the post-Civil Rights era. Both theoretical and empirical research suggests that sex and race segregation are the result of cognitive biases, stereotypes, and allocation practices that sort women and minorities into sex- and race-typical work (Baron, Mittman, and Newman 1991; Charles and Grusky 2004; Collins 1997; Gorman 2005; Reskin 1993; Reskin and Roos 1990; Skuratowicz and Hunter 2004; Tajfel and Turner 1979). Finally, the relegation of women and racial minorities into different lines of work is a fundamental expression of economic inequality. The jobs people do are key determinants of their earnings, their opportunities for advancement, their working conditions, their access to benefits, the cultural valuation of their work, and a host of other workplace-mediated rewards (Cohen and Huffman 2003; Glass 1990; Jacobs and Steinberg 1990; Kalleberg, Reskin, and Hudson 2000; Maume 1999; Peterson and Morgan 1995; Tomaskovic-Devey 1993). Occupational segregation thus provides a composite measure of equality and opportunity in the workplace.

LEGAL SOURCES OF CHANGE

Several theoretical perspectives are relevant for addressing the link between the law, organizations, and progress toward sex and race equality, including economic theories of the law, new institutional theory, and political mediation perspectives. Joining and extending insights in these areas, I develop two accounts of how organizations might respond to EEO regulations and the enforcement activity they face in their legal environments. One approach, rooted in economic perspectives of the law and organizations, focuses on the *direct* effects of legal intervention and the economic sanctions that it brings. Here, organizations are seen as rational calculators that respond to the threat and experience of sanctions in ways that maximize their economic interests. A second approach, drawn from new institutionalism and political mediation theories, highlights the *indirect* effects of the law, focusing on the ways in which the law cultivates a culture of compliance that compels organizations to behave in ways that are consistent with the normative underpinnings of the law (Suchman and Edelman 1996), even in the absence of direct legal sanctions. In the discussion that follows, I detail these theoretical approaches to legal intervention and their implications for organizations' responses to discrimination charges.

DIRECT EFFECTS: ECONOMIC PRESSURES AND SANCTIONS

One approach to the study of regulatory efforts and legal compliance focuses on organizations' responses to the direct threat and fact of sanctions. Neoclassical economic theory assumes that organizations are rational, self-interested actors and will respond to the law in ways that minimize economic costs and maximize benefits (Cooter and Ulen 1996; North 1990). Employers will structure policies and practices based on an instrumental evaluation of the potential consequences of their actions. If a behavior, such as discrimination, is penalized, employers will do less of it and modify their employment practices accordingly. In short, legal mandates and enforcement activity create an incentive system for organizations that discourages noncompliance. This economic reasoning is consistent with classic deterrence models of corporate control (Simpson 2002).

From a deterrence perspective, the incentive system is perhaps most salient for organizations that have prior experience with legal sanctions. As Thornton, Gunningham, and Kagan (2005:263) explain, being reported, investigated, and punished makes the risk and experience of punitive sanctions tangible.¹ Economic and deterrence perspectives both suggest that if employers are subject to costly sanctions, they will do less of the sanctioned behavior.

CHARGES AND SETTLEMENTS. With respect to EEO enforcement, establishments accused of employment discrimination can incur penalties as a result of charges, investigations, and settlements. When the EEOC receives a charge of discrimination, it conducts an investigation of the accused workplace, reviewing employment practices related to the grievance raised in the claim. During investigations, the EEOC requires employers to submit position statements that outline the establishments' side of the story; the EEOC may also request personnel files, payroll records, progress reviews, internal memos, and other documents that could aid investigators in determining a claim's merit. If investigators determine that employment practices are in violation of the law (or in circumstances where employers are willing to settle the case to avoid an administrative or legal battle), settlements involving monetary payouts or mandated changes in employment policies typically follow.

Among the charges included in my sample, roughly 14 percent of race charges and 19 percent of sex charges resulted in settlements favorable to the complainant. Of these, roughly two thirds resulted in monetary benefits for the complainant, with an average payout of \$19,000; roughly half resulted in nonmonetary benefits,

¹ Applications of the deterrence approach to corporate compliance are common in the literature on environmental and safety regulations. For instance, Gray and Shadbegian (2005) find that firms subject to air pollution inspections are more likely to comply with pollution standards; and Gray and Mendeloff (2002) report that inspections conducted by the Occupational Safety and Health Administration between 1992 and 1998 led to reduced workplace injuries among small manufacturing firms (see also Gray and Scholz 1993).

such as improvements in workplace conditions (e.g., reinstatement, promotion, or desirable schedule) or policies (e.g., employer was mandated to implement affirmative action or diversity training programs). Such penalties, coupled with the costs and inconveniences of EEOC investigations, should induce employers subject to charges and settlements to improve employment conditions for women and racial minorities so as to avoid future charges. If economic perspectives are correct, establishments that incur charges—particularly charges that result in financial settlements or policy changes—should desegregate more quickly than would establishments free from legal intervention.

While no previous research examines the effect of discrimination charges and their settlements on establishments' progress toward sex and race desegregation, studies that assess the consequences of direct EEO regulatory efforts find that discrimination lawsuits filed in the federal courts, and compliance reviews conducted by the Office of Federal Contract Compliance Programs (OFCCP), improve workplace opportunities for disadvantaged groups (Burstein and Edwards 1994; Donohue and Siegelman 1991; Kalev and Dobbin 2006; Leonard 1985; Skaggs 2008, 2009). For instance, Donohue and Siegelman (1991) demonstrate that lawsuits were effective during the 1970s in eradicating egregious forms of discrimination. More recently, Kalev and Dobbin (2006) find that federal contractors subject to OFCCP compliance reviews, and establishments subject to federal lawsuits, have significantly larger shares of women and minority managers than do establishments free of such regulatory intervention. In a study of supermarkets subject to discrimination lawsuits, Skaggs (2008, 2009) finds that litigation leads to immediate increases in women's and African Americans' representation in management. These studies suggest that employers respond to direct legal intervention by altering employment practices in the direction sought by the law.

INDIRECT EFFECTS: INSTITUTIONAL PRESSURES AND LEGAL ENVIRONMENTS

While direct legal intervention may coerce establishments that experience charges, sanctions, or the threat of further legal action to

improve their employment practices, not all establishments are subject to enforcement activity. Even among establishments that face charges, the vast majority walk away unscathed; four out of five avoid monetary payouts, personnel adjustments, and mandated policy changes and can return to business as usual following the charge. Moreover, while charges introduce the threat of further legal action in the form of litigation, less than 1 percent of all charges lead to lawsuits (U.S. EEOC 2008a). Given the infrequency of immediate penalties and subsequent legal action, a second, and arguably stronger, mechanism of EEO law enforcement is voluntary compliance achieved through normative change. One important by-product of charges and sanctions is the example they set for others and the opportunity they provide to communicate what constitutes fair and lawful employment practices.

Recognizing such indirect effects of the law, new institutional theory focuses on the normative effects of regulatory efforts, identifying normative pressure as the driving force behind legal compliance and organizational change (Edelman and Suchman 1997; Suchman 1997; see also DiMaggio and Powell 1983, 1991; Jepperson and Meyer 1991; Meyer and Rowan 1977; Powell and DiMaggio 1991). For institutionalists, the law plays a role in shaping organizational behavior, not necessarily because sanctions deter violations, but because the law cultivates an external environment that discourages the sanctioned behavior. Aligned with institutional thinking, political mediation approaches to organizational change also stress the importance of the external environment, arguing that legal intervention produces organizational change only insofar as it is accompanied by sustained political, historical, and normative pressure (Stainback, Robinson, and Tomaskovic-Devey 2005). In both accounts, the law affects organizational behavior indirectly, operating primarily through changes in the external legal environment. Employers take cues from the broader legal and political environments in structuring their responses to regulatory efforts.

Depending on the salience of regulatory efforts and political attention to civil rights issues, such cues will vary across legal environments and, in turn, affect how seriously employers consider legal mandates when devis-

ing employment practices. Research on employers' adoption of various personnel practices shows that establishments instituted rights-oriented policies—such as EEO offices, due process procedures, and internal labor markets—following the passage of the Civil Rights Act of 1964 (Dobbin et al. 1993; Edelman 1990, 1992; Edelman et al. 1991; Sutton and Dobbin 1996). In studies of sex and race occupational desegregation in the post-Civil Rights era, Stainback and colleagues (Stainback 2006; Stainback et al. 2005) report that desegregation was most pronounced during periods of heightened federal regulation, leading them to conclude that, in the case of race segregation, “it is not merely enforcement but the larger political mix of presidential rhetoric, court behavior, and perhaps even public opinion” that shapes desegregation processes (Stainback et al. 2005:1223). Accordingly, Kalev and Dobbin (2006) find that federal regulatory environments mediate the effect of OFCCP compliance reviews on managerial diversity, with OFCCP compliance reviews having stronger effects during presidential administrations that aggressively target violators. Finally, in a qualitative study of firms' responses to race and sex discrimination lawsuits, James and Wooten (2006) find that firms are more likely to adopt EEO-compliant behavior and voluntary policy changes in the presence of external pressures, such as demonstrations, boycotts, and negative publicity. In all of these studies, the legal and political environments operating *external* to work organizations facilitated organizational compliance with EEO law and workplace change.

INDUSTRY ENFORCEMENT. One factor that constitutes establishments' external legal environment is their industrial sector. EEO charges and settlements against a single establishment may reverberate throughout an entire industry, providing legal and normative pressure for change and raising legitimacy concerns for recalcitrant firms. For example, a sex discrimination settlement against Home Depot may serve as a wake-up call to Lowe's to get more women out on the sales floor. Employers increasingly rely on diversity consultants and legal counsel for information on EEO compliance issues, such as recent enforcement activity in their industries, possible areas of vulnerability, and compliance

strategies to avoid legal violations (Bisom-Rapp 1999; Dobbin and Kelly 2007; Edelman, Fuller, and Mara-Drita 2001; Edelman, Uggen, and Erlanger 1999). It is consultants' job to “bulletproof” (Bisom-Rapp 1999) the workplace against discrimination charges, lawsuits, and related penalties. The EEOC also provides training programs for employers and may identify key instances of noncompliance for illustrative purposes. Consistent with this logic, in her research on supermarkets, Skaggs (2001) finds that establishments move women into managerial positions in the wake of lawsuits against their competitors. Of course, employers may learn from their peers when attempting to manage the risks—economic and normative—associated with charges and violations, but the impetus for such risk management is enforcement activity in the external legal environment, rather than the experience of direct sanctions. I thus expect discrimination charges and settlements against establishments in an industry to encourage sex and race desegregation among other establishments in the industry.

FEDERAL OVERSIGHT. Another indicator of the external legal environment is the extent of oversight by federal agencies. All workplaces with at least 15 employees are subject to Title VII and related antidiscrimination laws enforced by the EEOC, and firms that hold contracts with the federal government must implement affirmative action policies and report to the OFCCP. From a resource dependence perspective, contractors who rely on federal funding should be more likely to comply with federal EEO laws because they can lose their contracts if found in violation of nondiscrimination and affirmative action mandates. As one employer notes in Thomas's (2003:238) qualitative study of the electronic industry, “Getting and keeping contracts depends on our being able to meet all of the guidelines and requirements. So if we were found out of compliance we would be in a position to lose contracts. Of course, as competitive as this business is, you lose contracts, and you're out of it.” Federal contractors may also suspect a transmission of information between the EEOC and the OFCCP and thus pay greater attention to discrimination charges, assuming that enforcement activity at the EEOC affects contract decisions. Consistent with this reasoning, previous research finds greater progress

toward gender and race equity among federal contractors than among noncontractors (Gundersen 1994; Kalev, Dobbin, and Kelly 2006; Leonard 1984, 1985; Thomas 2003). I expect such additional legal accountability to render federal contractors more responsive to EEO enforcement, facilitating greater sex and race desegregation than among noncontractors.

FEDERAL COURTS. A third factor that makes up organizations' legal environments is the federal judiciary. If discrimination charges escalate into lawsuits, cases are tried in federal district and appeals courts. EEO activity in these jurisdictions provides an indication of the judicial backdrop against which regulatory agents enforce the law and employers implement personnel practices. Establishments located in jurisdictions where the courts have historically taken a harder line on EEO cases may be subject to additional normative pressure to comply with the law. Indeed, Guthrie and Roth (1999) show that establishments located in circuits with a history of favorable EEO cases are more likely to employ female leaders, and Skaggs (2008) finds that supermarkets located in federal court districts with a history of EEO-favorable decisions are more likely to employ female managers than are supermarkets located in less progressive court districts. In keeping with these findings, I expect work establishments located in appeals circuits sympathetic to workers' EEO lawsuits to be more responsive to EEO enforcement and to desegregate more quickly than would establishments located in more conservative circuits.

POLITICAL PRESSURE. Finally, as political mediation perspectives suggest (e.g., Collins 1997; Stainback et al. 2005), the salience of and support for civil rights issues in national and local politics should affect how earnestly employers consider EEO enforcement and equity issues when making employment decisions. The 1990s—the period under study—marked an era of sustained attention to gender equity in employment. With the Clarence Thomas–Anita Hill hearings in 1991, and the national publicity that followed, awareness of sex discrimination, particularly sexual harassment, among workers, employers, and the general public heightened considerably. Indeed, in the five

years following the hearings, the number of sexual harassment claims filed with the EEOC more than doubled, and monetary awards to victims increased four-fold, from roughly 8 million in 1991 to 28 million in 1996 (U.S. EEOC 2006).² As Dobbin and Kelly explain (2007:1219), HR professionals also capitalized on this renewed attention to sex discrimination by urging employers to adopt training programs and grievance procedures to minimize the risk of lawsuits and liability.

While attention to gender discrimination expanded in the 1990s, support for race-based programs, particularly affirmative action, waned. Congress considered several bills seeking to end affirmative action in federal contracting and public and private employment (Stainback et al. 2005). Although these bills ultimately failed, their introduction reflected the public's ambivalence toward affirmative action. At the state level, California voters passed Proposition 209 in 1996, restricting the use of affirmative action on the part of state and local governments (Graham 1990). By the end of the decade, Texas, Washington, and Florida had followed suit. These political dynamics likely influence employers' attitudes toward sex and race equity in the workplace. Given such varied support for sex and race policies, I expect there was more progress toward sex than race desegregation during the 1990s, and the greatest gains in desegregation likely occurred during years of heightened attention to sex and race politics.

ORGANIZATIONAL SOURCES OF CHANGE

In addition to the effects of legal pressures on occupational desegregation, organizational research identifies characteristics of the workplace that may facilitate or impede desegregation processes. Some establishments, owing to their structural characteristics, may be more willing and able than others to change long-

² Claims of racial harassment also increased during the 1990s, but at a slower rate than sexual harassment claims (U.S. EEOC 2006). During the 1990s, the majority of race claims involved disputes over termination (unpublished analysis of charge data, available on request; see also Hirsh 2008).

standing patterns of occupational segregation. Moreover, workplace characteristics may render some employers better poised to deal with legal intervention and thus may mediate the effect of legal pressures on occupational desegregation. Establishment size, leadership, sex and race composition, and the existing occupational structure should all affect establishments' capacities to sex and race desegregate, particularly in the wake of legal pressure.

ESTABLISHMENT SIZE

First, organizational theory and research suggest that the size of an establishment may facilitate or constrain change. While population ecology theory suggests that larger organizations will be slow to desegregate because structural inertia makes change more costly, empirical work investigating occupational segregation by sex and race contradicts this framework. Instead, larger organizations are found to be less segregated, presumably because formalized structures pave the way for objective, nondiscriminatory personnel practices (Baron et al. 1991; Tomaskovic-Devey et al. 2006). In keeping with these findings, I expect establishment size to be negatively related to gender and racial segregation. In addition, size may affect the extent to which organizations respond to legal interventions and pressures for change. Concerns over legitimacy, organizational survival, and resources may render smaller establishments more sensitive to their legal environments and thus more responsive to EEO enforcement activity.

LEADERSHIP

Second, ascriptive characteristics of establishment leadership may facilitate or impede change by emphasizing or deemphasizing the importance of equal opportunity and progress toward gender and racial equality. Due to ingroup preferences and general concerns for equity in the workplace, female and minority managers may be especially likely to promote job opportunities for female and minority employees, thereby loosening longstanding patterns of occupational segregation. Concerns for equity may also render female and minority leadership more responsive to legal pressures for change. I thus expect a negative relationship between sex and race segregation and the representation of

women and minorities among managerial positions, particularly in the presence of legal pressures.

OCCUPATIONAL STRUCTURE

Third, establishments' capacity to desegregate is contingent on the existing occupational structure and the relative distance between sex and race groups in the occupational hierarchy. Research suggests that most integration occurs by moving women (and racial minorities) into occupations previously dominated by white males, rather than the reverse (Baron et al. 1991; Jacobs 1989; Reskin and McBrier 2000). The easiest way for establishments to desegregate is thus to promote workers from an occupational category in which their ascriptive group is overrepresented into an occupational category in which their group is underrepresented. For instance, an establishment might promote a female accountant into a supervisory position, such as director of finance. Assuming that women are underrepresented among supervisory positions, this promotion would likely produce a decline in occupational sex segregation. This change is made possible, however, by the fact that the prior position (accountant) is linked by a single step on a career ladder to the new position (director of finance). Organizations' capacity to desegregate is thus contingent on the presence of career ladders linking occupational categories in which women and racial minorities are over- and underrepresented, relative to white males; the closer the rungs on the ladder, the easier to redistribute groups. This implies that the shorter the occupational distance between women or racial minorities and white males, the greater an establishment's capacity to sex and race desegregate.

In addition to the relative occupational distance between sex and race groups, the proliferation of occupational categories within an establishment can also affect establishments' desegregation processes. When the division of labor is highly differentiated, employers will have more occupational categories across which to distribute workers and thus, all else being equal, greater capacity to occupationally segregate workers along ascriptive lines. While differentiation may occur for technical

and administrative reasons, employers often exploit differentiated occupational titles to preserve customary divisions of labor by sex or race (Baron and Bielby 1986; Strang and Baron 1990). This suggests that occupational differentiation may impede occupational desegregation by sex and race.

LABOR SUPPLY

Finally, the capacity to realign existing patterns of sex and race segregation depends on the available internal and external labor supply. For example, establishments that employ higher proportions of women or racial minorities—regardless of the occupational structure—will have a larger internal labor pool to draw on when reallocating workers across occupations, thereby facilitating occupational integration by sex and race. As workplaces become predominantly female or minority, however, occupational integration by sex and race becomes increasingly difficult due to the paucity of male or white workers. The sex and race composition of external labor markets should also affect establishments' employment patterns. I thus include controls for both internal and external labor supply.

In sum, EEO enforcement and legal pressure can affect organizations in at least two ways. First, following economic imperatives, organizations may respond to direct legal interventions in an effort to manage the economic risks associated with charges and future claims. Second, institutional perspectives suggest that organizations will respond to indirect pressures for compliance operating in the external legal environment. Even in the absence of direct sanctions, industry enforcement, federal oversight, the courts, and the political context can create an atmosphere that heightens attention to sex and race equity issues. Finally, above and beyond the legal sources of change, organizational conditions should affect establishments' capacity for change and the seriousness with which they respond to legal pressures.

DATA AND METHODS

The data for this study come from a national random sample of private U.S. work establishments that filed EEO-1 reports with the EEOC in 2002. I matched these reports to EEOC dis-

crimination-charge data.³ The EEOC requires all private work establishments with at least 100 employees, and all federal contractors with at least 50 employees, to file annual EEO-1 forms documenting their progress with respect to EEO law. These reports cover roughly 40 percent of private-sector employment nationally (Robinson et al. 2005) and provide information on the gender and racial composition of the workforce, the distribution of workers across nine broad occupational categories by sex and race, establishment size, location, federal contract holdings, and industry.

The EEOC also collects detailed data describing each discrimination charge filed with the agency.⁴ These data include the protected class of the complainant (e.g., complainants' sex, race, and age), the nature of the allegation (e.g., harassment, discrimination in hiring, promotion, or termination), characteristics of the accused employer, and all actions taken by the EEOC while resolving the charge, including the final resolution and terms and conditions of settlements.

To create the data set for this project, I first drew a national random sample, with probability for inclusion proportional to establishment size, of 2,166 establishments from the EEO-1 national database for the year 2002.⁵ This constitutes a roughly 1 percent sample of all establishments that filed EEO-1 reports in 2002. Next, to construct a longitudinal data set, I extracted retrospective EEO-1 reports dating back to 1990 for each establishment contained in the 2002 sample. I then manually matched these annual establishment records to all corresponding charges filed citing sex, race, color, or national origin discrimination against each establishment per year from 1990 to 2002.

³ The EEOC supplied the data for this project. These data are confidential and were obtained through an Intergovernmental Personnel Agreement issued to the author.

⁴ The EEOC Charge Handling Database also includes charges filed with state and local fair employment agencies. Every charge that alleges violation of a federal antidiscrimination law (Title VII, the Equal Pay Act, ADA, and ADEA) is recorded in the EEOC charge database, even if the charge is received and processed by a state or local agency.

⁵ Cases from Hawaii are excluded.

Finally, I pooled the annual establishment records to create a longitudinal data set. After dropping missing data, I have annual observations for 2,038 establishments, totaling 17,729 establishment-year spells.⁶

DEPENDENT VARIABLES

The dependent variables used in this analysis are levels of occupational segregation by sex and race, measured at the establishment level, for each establishment-year observation. I employ the index of dissimilarity, D , to measure segregation (Massey and Denton 1988), using EEO-1 data on the sex and race composition of nine broad occupational categories.⁷ This measure summarizes how differently two groups, such as men and women, are distributed across occupational categories within each establishment. The index ranges from 0 to 100 and reflects the percentage of either group that would have to change occupations for the two groups to be identically distributed across occupations; thus, higher values of D indicate more occupational segregation between the groups. Because employers' responses to EEO enforcement may vary with respect to sex and race discrimination,

I estimate separate models predicting sex and race segregation. For sex models, I calculate the dissimilarity index between males and females; for race models I calculate D between whites and nonwhites.

One advantage of this dependent variable is that it is measured at the establishment level. Discrimination charges are filed against individual work establishments (i.e., a complainant's actual site of employment) rather than firms; establishment-level measures of sex and race segregation are thus best-suited for assessing the impact of charges on changes in segregation. Moreover, because charges and resolutions often pertain to different occupational categories (e.g., disputes over hiring women as machinists; disputes over promoting blacks into managerial positions), the dissimilarity index should pick up all changes in the sex and race composition of the occupational structure brought by EEO enforcement, regardless of the occupation targeted in each charge. This dependent variable does not, however, allow insight into firm-level dynamics, such as how legal and organizational factors at the firm level—including lawsuits, corporate structures, and profits—might affect changes in segregation. And, as Robinson and colleagues (2005) point out, since the EEO-1 data measure broad occupational categories rather than specific job titles, they underestimate the amount of true sex and race segregation in workplaces. My measures of establishment-level occupational segregation are thus conservative.

⁶ Because I assume that the effect of discrimination charges, settlements, and organizational factors on occupational segregation should take at least one year to transpire, all independent variables are measured in the year before the dependent variable. I thus dropped 2,166 observations that constitute the first observation for each establishment (i.e., observations taken in 1990) because my sample does not contain information on EEO enforcement and organizational conditions in the previous year (i.e., 1989). I dropped 30 additional observations that were lacking information regarding federal contract status and 59 observations that were missing data on establishment size and composition.

⁷ Specifically, $D = 100 * \sum_{i=1}^9 [t_i * |p_i - P|] / 2TP(1 - P)$ where t_i is the total number of workers in occupation i in the establishment, p_i is the proportion of females or nonwhites (for sex and race models, respectively) in occupation i , T is the total number of workers in the establishment, and P is the proportion of female or nonwhites (for sex and race models, respectively) in the establishment (Massey and Denton 1988:284). The nine occupational categories are: officials and managers, professionals, technicians, sales workers, office and clerical, craft workers, operatives, laborers, and service workers.

INDEPENDENT VARIABLES

DIRECT ENFORCEMENT. I use five measures to gauge the direct effect of EEO enforcement and sanctions on changes in occupational segregation. First, I include a measure of the total number of discrimination charges filed citing sex or race (or national origin) discrimination against each establishment per year, for sex and race models respectively. Second, I assess the effect of monetary penalties using a measure of the dollar amount of any monetary settlements incurred by an establishment (in thousands of dollars). Third, to gauge the effect of mandates for policy change, I include a dummy variable coded 1 if an establishment received a mandate to change its employment policies. Typical policy changes include instituting affirmative action

plans, hiring EEO officers or staff, providing diversity training, and standardizing recruitment, hiring, and promotion practices. Finally, to assess the scope of legal intervention, I include a binary variable coded 1 if an establishment was involved in a class-action claim and coded 0 otherwise. All charges filed with the EEOC target a single establishment, but occasionally the EEOC will group individually-filed charges into a class-action claim if the charges involve a systematic grievance against a single establishment or multiple establishments sharing the same parent firm.⁸

LEGAL ENVIRONMENT. I employ several measures to assess the effects of EEO enforcement activity in establishments' legal environments on sex and race desegregation. First, I include the following measures of industry-level EEO enforcement efforts: a count of the total number of sex or race discrimination charges filed against establishments that share an industry; the total amount of monetary settlements incurred by establishments in an industry (in thousands of dollars); a count of the number of resolutions that involved mandated policy changes; and a count of the number of class-action claims filed against establishments in an industry. To compute these industry-level measures, I aggregated the total number of sex or race charges (or monetary settlements, policy change mandates, class-action claims) filed against establishments in my sample to the industry level. The establishments in my sample represent 23 different industrial sectors, identified by two-digit North

⁸ An additional measure of the extent of direct EEO enforcement would be a binary variable indicating whether EEOC investigators verified complainants' charges. However, because the vast majority of charges verified by investigators (i.e., deemed to have "reasonable cause") result in monetary settlements or mandated policy changes, the inclusion of this measure introduces multicollinearity among the charge outcome measures. I thus assess the impact of charges by measuring the monetary and policy scope of their resolutions, rather than the EEOC's investigative decision. In additional analyses (available on request), I found a binary measure of verified claims to produce results similar to those of the monetary settlement and policy change measures.

American Industry Codes; the average number of establishments per industry-year is 67.⁹

Second, to assess whether federal contractors integrate faster than noncontractors, I include a binary variable coded 1 if an establishment is a federal contractor and thus subject to OFCCP monitoring and affirmative action requirements and coded 0 otherwise.

Third, to assess the extent to which location in a progressive court environment affects establishments' progress toward sex and race integration, I include a binary variable indicating if an establishment is located in an appeals circuit with a history of EEO-favorable decisions. Following Guthrie and Roth (1999), I code as 1 establishments located in the more progressive Second and Third Appeals Circuits; establishments located elsewhere are coded 0.

Finally, to gauge the political salience of employment discrimination in organizations' institutional environments, I include measures of media attention to sex and race discrimination in industry and trade journals. Using the ABI Inform database of industry and trade publications, I measure attention to sex discrimination by including a count of articles that contain "sex or gender" and "discrimination, bias, or sexual harassment" in their titles or abstracts for each year from 1990 to 2002. To measure attention to race discrimination, I include a similar count of the number of articles in the ABI Inform database that include "race or racial" and "discrimination, bias, or harassment" in their titles or abstracts for each year.¹⁰ These are annual measures that gauge attention to sex and race discrimination in the business literature. I restrict media coverage to industry and trade publications—as opposed to relying on popular national media outlets—to

⁹ These industry-level enforcement measures are based on my sample data; thus, there is sampling error associated with their measurement. Obtaining population data on charges at the industry level would entail manually matching all discrimination charges filed with the EEOC from 1990 to 2002 to workplaces that are charged, and then aggregating to the industry level.

¹⁰ I scanned all articles to ensure they dealt with sex and race discrimination in the context of employment.

isolate the political importance of sex and race discrimination to the business community.

ORGANIZATIONAL FACTORS. Given the theoretical importance of organizational characteristics for predicting workplace change and potentially mediating the effect of EEO enforcement efforts, I include five measures of organizational conditions thought to affect occupational segregation. First, I measure establishment size as the total number of employees (full- and part-time). Because I expect establishment size to affect occupational segregation at a decelerating rate, I employ the log transformation.

Second, to gauge the influence of female and minority leadership, I include binary variables to identify establishments with considerable representation of women and minorities among managers. Specifically, establishments in the top 20 percent of the sample with respect to the proportion of managers who are women or non-white are coded 1; all other are coded 0.¹¹

Third, to account for the relative location of sex and race groups in the occupational hierarchy and how this might facilitate or constrain sex and race desegregation, I include measures of women's and racial minority groups' occupational distance from white males. To compute these measures, I first identified the core (modal) occupation of white males, women, blacks, Hispanics, and Asians in each establishment. I then assigned rankings to each core occupation based on the EEO-1 hierarchical occupational schema: officials and managers = 1, professionals = 2, technicians = 3, sales workers = 4, office and clerical workers = 5, craft workers = 6; operatives = 7, laborers = 8, and service workers = 9.¹² Finally, I computed the

vertical occupational distance between the core occupational level, k , of white males and each focal group, j , in each establishment, according to the following formula: $-1 * (k_{wm} - k_j)$ where k_{wm} equals the core occupational level of white males and k_j equals the core occupational level of focal group j , where $j = \{\text{women, Blacks, Hispanics, Asians}\}$. The measure ranges from 8 to -8 . Positive values indicate that the core occupation of white males is of higher ranking than that of the focal group; negative values indicate that the core occupation of white males is lower than that of the focal group. For instance, in a given establishment, if the core occupational group of white males is officials and managers, and the core occupational group of women is office and clerical workers, the occupational distance between females and white males is 4 levels: $[-1 * (1 - 5)] = 4$. For models predicting sex segregation, I include the measure of females' occupational distance from white males; for models predicting race segregation, I include measures of blacks', Hispanics', and Asians' occupational distance from white males. The inclusion of these measures allows me to account for the fact that employers can more easily integrate groups if they are connected by shorter job ladders.

Next, because the degree of occupational differentiation within an establishment can affect establishments' capacity to alter divisions of labor, I include a control for establishments' occupational heterogeneity. EEO-1 reports ask employers to categorize workers into nine specific occupational categories, but establishments' employment across these categories can vary and thus impact segregation processes. For instance, an establishment with substantial employment across the nine occupational categories is likely to have a more segregated workforce than would an establishment that employs workers in only four categories, simply because the employer with nine categories can distribute workers across a larger number of occupations. Following Tomaskovic-Devey and

¹¹ Because levels of occupational segregation and the presence of female and minority managers are definitionally dependent (i.e., more female or minority managers will reduce occupational sex and race segregation), I use a binary variable to identify establishments in the top 20 percent in terms of female/minority management, rather than a simple measure of the proportion of women or racial minorities among managers. Using this binary variable allows me to better isolate the effect of female/minority leadership on occupational segregation.

¹² It is important to note that these rankings capture the ease with which employers might move

workers across occupations, rather than the social status of occupations. For instance, the ranking of office and clerical workers reflects the idea that it is easier to move an office worker than a craft worker into a sales position. This is not to suggest that office workers are of higher social status than craft workers.

colleagues (2006:575–76), I control for such variation in occupational differentiation within establishments using the Gibbs-Martin index of heterogeneity (Gibbs and Martin 1962): $1 - (\sum(P_{0e1-g^2})) / (T^2) \times 100$ where $(\sum(P_{0e1-g^2}))$ is the sum of the total employment in each occupational category squared and T^2 is the total establishment employment squared.

To control for internal and external labor supply, I include measures of the proportion of female and nonwhite employees in an establishment and an industry, for sex and race models respectively, as well as a measure of the log of the total employment in an industry. To test for nonlinear effects of workplace composition, I also include the proportion of female and nonwhite employees in the establishment squared.

Finally, I include a control for time to estimate establishments' general trend toward desegregation. The measure is coded 1 through 13, representing the observation years 1990 to 2002. The inclusion of this measure controls for general trends in segregation and thus allows me to isolate the effects of EEO enforcement, legal environments, and organizational conditions on segregation, net of the general time trend. Table 1 presents the means, standard deviations, and data sources of all variables (for a correlation matrix of the independent variables, see Table S2 in the Online Supplement on the *ASR* Web site: <http://www2.asanet.org/journals/asr/2009/toc068.html>).¹³

MODELS

I use fixed-effects regression models to estimate variation in establishments' levels of occupational segregation over time as a function of variation in EEO enforcement, legal environments, and organizational conditions. I include fixed effects for both establishments and industries. The major advantage of the fixed-effects approach is the ability to control for all stable characteristics of establishments and industries and thus rule out any biases due to unmeasured characteristics of establishments or industries (Allison 2005). Moreover, this method is an appropriate choice for modeling longitudinal

change because, after controlling for stable characteristics of establishments and industries, the residual variance left to explain is longitudinal change *within* establishments.¹⁴ Formally, the model is written as follows:

$$y_{ijt} = \beta x_{ijt-1} + \alpha_{ij} + \epsilon_{ijt}$$

where i = establishment; j = industry; t = year; y = the level of occupational segregation, D ; β = a vector of coefficients to be estimated from the model; x = a vector of time-varying variables; α = the establishment and industry fixed parameters; and ϵ = a disturbance term.

In practice, the equation is estimated by "conditioning out" the establishment and industry fixed effects, α . This is achieved by running linear regression on "mean deviation scores," which are computed by subtracting the industry- and establishment-specific means for each variable from the observed values of each variable (Allison 2005:20). In computing the deviation scores, I assume that establishments are nested in industries; this specification enables the conditioning out of both establishment and industry effects.

Because the equation is estimated in terms of deviation scores, I can directly estimate only the effects of time-varying variables. For variables that are stable over time, such as establishments' court of appeal's circuit and federal contract status,¹⁵ the annual observations do not deviate

¹⁴ Because the establishments included in the sample can also be grouped by firm, in additional analyses I estimated models with both fixed and random effects for firms to account for any subsequent dependence in the error structure. Results are consistent with those presented here, and sensitivity analyses suggest little clustering in the data. For instance, while nearly 90 percent of establishments in the sample are subsidiaries of multiestablishment parent firms, 83 percent come from distinct parent firms (i.e., no other branch establishments are included in the sample) and 96 percent come from parent firms that have only one or two other branch establishments in the sample.

¹⁵ Theoretically, federal contract status can vary by time if establishments receive new contracts during the observation period or if establishments terminate existing contracts. However, because federal contract status remains constant across the observation period for most contractors, I treat it as a time-invariant measure.

¹³ While many of the independent variables are moderately correlated, tolerance statistics indicate that collinearity does not degrade model estimates.

Table 1. Descriptive Statistics

	Mean/Proportion	SD	Range	Data Source
Dependent Variables				
Sex segregation, D	38.13	22.80	(0, 100)	EEO-1
Race segregation, D	32.91	22.86	(0, 100)	EEO-1
EEO Enforcement				
Number of charges per year				
Sex	.08	.40	(0, 36)	EEOC-CDS
Race	.13	.64	(0, 53)	EEOC-CDS
Amount of settlements (thousands of dollars)				
Sex	.20	3.67	(0, 820)	EEOC-CDS
Race	.17	5.65	(0, 1200)	EEOC-CDS
Number of claims mandating policy change				
Sex	.001	.03	(0, 1)	EEOC-CDS
Race	.001	.10	(0, 1)	EEOC-CDS
Involved in class action				
Sex	.001	.03	(0, 1)	EEOC-CDS
Race	.001	.04	(0, 1)	EEOC-CDS
Legal Environment				
Number of charges in industry per year				
Sex	25.72	23.69	(0, 113)	EEOC-CDS
Race	48.40	46.95	(0, 201)	EEOC-CDS
Amount of settlements in industry (thousands of dollars)				
Sex	50.85	95.82	(0, 928)	EEOC-CDS
Race	90.29	213.57	(0, 1557)	EEOC-CDS
Number of policy change mandates in industry				
Sex	.19	.57	(0, 5)	EEOC-CDS
Race	.77	4.95	(0, 44)	EEOC-CDS
Number of claims involved in class action in industry				
Sex	.42	.86	(0, 4)	EEOC-CDS
Race	.61	.96	(0, 4)	EEOC-CDS
Liberal appeal's court circuit	.13	.33	(0, 1)	U.S. Courts
Federal contract status (affirmative action)	.42	.49	(0, 1)	EEO-1
Media coverage, sex discrimination	157.73	47.77	(106, 277)	ABI-Inform
Media coverage, race discrimination	11.56	3.01	(5, 17)	ABI-Inform
Organizational Characteristics				
Establishment size (log)	5.07	.86	(0, 10.3)	EEO-1
Female managers (top quintile)	.17	.37	(0, 1)	EEO-1
Nonwhite managers (top quintile)	.23	.41	(0, 1)	EEO-1
Occupational distance from white males:				
Females	.48	2.23	(-8, 8)	EEO-1
Blacks	1.35	2.48	(-8, 8)	EEO-1
Hispanics	1.62	2.69	(-8, 8)	EEO-1
Asians	1.42	2.90	(-8, 8)	EEO-1
Occupational heterogeneity, <i>H</i>	54.90	19.78	(0, 87)	EEO-1
Proportion female in establishment	.47	.24	(0, 1)	EEO-1
Proportion nonwhite in establishment	.25	.24	(0, 1)	EEO-1
Industry size (log)	10.11	1.69	(5.7, 13.2)	EEO-1
Proportion female in industry	.46	.17	(.07, .80)	EEO-1
Proportion nonwhite in industry	.26	.09	(.04, .70)	EEO-1
Time	8.41	3.39	(2, 13)	EEO-1

Note: N = 17,729 establishment years. EEOC-CDS = EEOC's Charge Data System; EEO-1 = EEOC's annual EEO-1 files.

from the overall group-specific mean. Nevertheless, the effect of such time-invariant measures can be estimated by interacting time invariant measures with measures that vary over time. To estimate effects of federal contract status and establishments' location in court circuits, I include interactions of these variables with the time covariate.

I estimate all models using generalized linear regression. Because the sample was drawn with probability for inclusion proportional to establishment size, I weight all analyses by the inverse of the probability of inclusion in the sample to make results generalizable to the population of national, mid- to large-size, private work-establishments from which the sample was drawn. This is consistent with previous establishment-level studies of desegregation (e.g., Baron et al. 1991). Because I drew the initial sample of establishments in 2002 and then extracted records dating back to 1990, some establishments do not appear in the data set for the entire time series. To ensure that selectivity into the sample is not driving results, in additional analyses, I estimated all models using a subsample of establishments that have data for at least 10 years; results are similar to those presented here. In addition, I compared the sample mean values of sex and race segregation per year to the corresponding EEO-1 population means. Differences between the sample and population means are not statistically significant, suggesting that selectivity into the sample is not related to values of the dependent variables.

Finally, to allow adequate time for EEO enforcement and organizational conditions to produce changes in occupational segregation, I measured all independent variables one year prior to the dependent variable. It is possible that EEO enforcement effects—both direct and indirect—might take longer than one year to transpire. Thus, in additional analyses, I estimated models with longer lags for the EEO enforcement measures, including two-, three-, and five-year lags. The results show little evidence of long-term enforcement effects; I thus present and discuss the one-year lag models here.

RESULTS

TRENDS IN OCCUPATIONAL DESEGREGATION

Table 2 displays average changes in levels of workplace occupational segregation by sex and race during the period of observation. The average establishment was observed for about eight years. Over this time period, the average index of dissimilarity for sex declined from 37.7 in the first year of observation to 32.6 by 2002; this represents a 14 percent decline in within-establishment sex segregation. This trend toward sex desegregation during the 1990s is part of a longer waning of sex segregation that began in the 1960s. Using EEO-1 data from 1966 to 2003, Tomaskovic-Devey and colleagues (2006) document a near linear trend in sex desegregation, estimating a 1.4 percent decrease in the index of dissimilarity per year between 1966 and 2003.

The picture for race segregation is somewhat different. As Table 2 shows, the index of dissimilarity for race declined from 30.4 in the first year of observation to 27.8 in 2002, which represents a 9 percent decline in race segregation. While this drop is statistically significant at traditional levels, it suggests a slower trend in race desegregation, as compared with sex segregation. In keeping with political mediation perspectives that point to greater support for sex versus race politics in the 1990s, these descriptive trends confirm that employers made more progress toward sex than race segregation during the 1990s.

EEO ENFORCEMENT AND OCCUPATIONAL DESEGREGATION

From 1991 to 2002, workers filed more than 10,000 charges of discrimination against the establishments in my sample. This includes 4,108 charges alleging sex segregation, 7,636 charges of race discrimination, and 1,291 charges alleging both sex and race discrimination, such as charges filed by black women alleging discrimination on the basis of sex and race. In any given year, roughly one in five establishments in the sample was charged with sex or race discrimination and, from 1991 to 2002, over half (56 percent) of the establishments received at least one charge of discrimi-

Table 2. Average Changes in Sex and Race Segregation, *D*, per Establishment

Variable	Index of Dissimilarity, <i>D</i>			
	1st Year Observed	2002	Average Change in <i>D</i>	Average Years Observed
Sex Segregation, <i>D</i>	37.7	32.6	5.1***	8.4
Race Segregation, <i>D</i>	30.4	27.8	2.6***	8.4

*** $p < .001$.

nation.¹⁶ What role has such EEO enforcement played in the desegregation process?

DIRECT ENFORCEMENT. Table 3 presents fixed-effects estimates of the effect of direct EEO sanctions, legal environments, and organizational conditions on changes in sex and race segregation in the subsequent year. While economic and deterrence perspectives suggest that the extent and outcome of direct EEO intervention and sanctions should decrease sex and race segregation, by providing economic disincentives for sex- or race-based allocation practices, the results do not bear this out. Discrimination charges, monetary penalties, policy change mandates, and class-action claims are not significantly related to changes in occupational segregation. This suggests that while discrimination charges and their outcomes may address discrimination on a case-by-case basis, they do not encourage sex or race occupational desegregation.

LEGAL ENVIRONMENT. Beyond the direct effect of charges, the extent of EEO enforcement activity in establishments' legal environments may facilitate desegregation by introducing indirect and normative pressures to institute sex- and race-neutral allocation practices. I hypothesized that the incidence of EEO enforcement in an industry should reverberate throughout the institutional field, producing declines in segregation among other establishments. The results provide general support for this hypothesis, particularly in the case of sex segregation. Results indicate that industry-level EEO enforcement

promotes sex desegregation among establishments sharing an industry. The total dollar amount of monetary settlements against establishments in an industry, and the number of settlements that require changes in workplace policies, are both negatively related to levels of sex segregation among establishments in an industry. Specifically, every 1,000 dollar increase in the value of monetary settlements industry-wide is associated with a .002 decline in *D*; and every additional policy change mandate in an industry is associated with a .35 decline in *D*. These effects suggest that establishments located in fields with extensive EEO intervention experience significant declines in sex segregation. Despite the significant effects of industry-level EEO enforcement on changes in levels of sex segregation, I find minimal effects of industry-wide EEO enforcement on changes in race segregation.

In addition to industry-level enforcement, I expected establishments with federal contracts, and thus subject to OFCCP oversight and affirmative action requirements, to experience greater desegregation than noncontractors. As Table 3 shows, the results for sex segregation bear this out. The coefficient for the interaction term between federal contract status and time suggests that federal contractors experience significant declines in *D*, as compared with noncontractors. In the case of race segregation, however, federal contractor status is unrelated to changes in race segregation.

EEO activity in establishments' federal court jurisdiction may also promote sex and race equity in the workplace. Following previous research (Guthrie and Roth 1999; Skaggs 2008), I hypothesized that establishments located in appeals circuits with a history of EEO-favorable decisions would experience greater desegregation than would establishments located in more conservative circuits. The results provide support for this hypothesis in the case of sex seg-

¹⁶ In a companion paper (Hirsh 2008), I provide detailed information on the types of sex and race charges filed against these establishments (see also Nielsen et al. 2008).

Table 3. Fixed Effects Estimates of the Effects of EEO Enforcement, Legal Environment, and Organizational Characteristics on Sex and Race Occupational Segregation, *D*

	Sex		Race	
	B	SE	B	SE
Direct EEO Enforcement				
Charges	-.042	.228	.115	.234
Monetary settlements	.005	.022	-.004	.019
Policy change mandate	-2.522	2.721	-2.210	3.914
Class action charges	-1.567	2.673	1.196	2.974
Legal Environment				
Charges in industry	-.003	.008	.010	.010
Monetary settlements in industry	-.002*	.001	.001	.001
Policy change in industry	-.350**	.126	-.034	.033
Class actions in industry	-.109	.129	-.102	.171
Federal contract × time	-.087**	.027	-.038	.037
Liberal court × time	-.130*	.065	-.016	.091
Media coverage	-.001	.001	-.152***	.036
Organizational Conditions				
Establishment size (log)	-2.283***	.267	-3.166***	.378
Female managers	-1.916***	.334	-1.493**	.458
Nonwhite managers	-.796**	.279	-.561	.399
Proportion female/nonwhite	-32.754***	4.353	-33.845***	4.014
Proportion female/nonwhite, squared	36.537***	4.377	53.065***	4.431
Occupational heterogeneity (H)	.243***	.010	.238***	.015
Occupational distance, females	-.037	.054		
Occupational distance, blacks			.285***	.073
Occupational distance, Hispanics			.104	.063
Occupational distance, Asians			.023	.057
Industry size (log)	-1.137	1.158	-.364	.230
Proportion female/nonwhite in industry	-.814	4.255	5.013	4.703
Time	-.404***	.029	-.221***	.057
R ²	.87		.74	
N	17,729		17,729	

* $p < .05$; ** $p < .01$; *** $p < .001$.

regation. The interaction term between liberal court circuit and time suggests that establishments located in progressive court circuits experience a more rapid decline in sex segregation. Location in a liberal court circuit is unrelated, however, to race segregation.

Finally, attention to issues of sex and race discrimination in the trade and industry press may influence levels of sex and race equity. In the case of race segregation, the coefficient on the measure of media coverage supports this reasoning. For every additional article dealing with race employment discrimination appearing in trade and industry publications per year, race segregation declines by $-.152$. This suggests that the ebb and flow of race politics plays a role in desegregation dynamics. In contrast, media coverage of sex discrimination has no effect on changes in establishment-level sex segregation.

The divergent effects of media coverage for sex and race segregation may be due to the fact that coverage of gender discrimination remained high, with little fluctuation, during the 1990s while coverage of race discrimination varied considerably from year to year.

ORGANIZATIONAL FACTORS. Organizational theory draws attention to several characteristics of establishments that should facilitate or constrain their progress toward sex and race integration. I expected larger organizations to desegregate faster because formalized structures encourage objective, nondiscriminatory personnel practices. Indeed, the estimates presented in Table 3 provide support for this hypothesis; establishment size is associated with declines in occupational segregation for both sex and race models.

Next, with respect to the representation of women and racial minorities among management, the results suggest that female representation in management reduces both sex and race segregation. For instance, for establishments in the top quintile of the distribution of the proportion of females among managers, the index of dissimilarity is 1.9 points lower for sex and 1.5 points lower for race, as compared with other establishments. These findings suggest that female managers encourage sex and race equity and provide pressure for integration. Racial minority leadership is associated with declines in sex segregation but is unrelated to race segregation.

The results in Table 3 also demonstrate the importance of establishments' occupational structure and the relative distance between sex and race groups for facilitating or constraining sex and race desegregation. I hypothesized that greater occupational distance between white males and women, as well as between white males and racial minorities, would constrain sex and race desegregation. The coefficient on the occupational distance measure between black workers and white males supports this hypothesis. Race segregation increases by 3 points for every one level increase in the occupational level of white males relative to blacks. The occupational distance between females and white males, however, has no effect on sex segregation. This result may be due in part to the fact that women tend to hold occupational positions closer to white men, and thus the two groups are more likely to be vertically linked on a career ladder. For instance, the modal occupation for women is clerical (level 5), followed closely by professional (level 2), which is the modal category for white males. In contrast, blacks' core occupation is service workers (level 9), which is several occupational rungs below the modal category for white males (professional).

In addition to the relative occupational positions of sex and race groups, the heterogeneity of the occupational structure significantly affects levels of segregation, with more heterogeneous occupational structures enabling greater segregation. Taken together, these findings confirm that establishments' capacities to desegregate are contingent on the existing occupational hierarchy and the ease of reallocating workers within it.

Finally, the sex and race composition of a workplace affects levels of segregation. The coefficients for the linear and squared measures of the proportion of females and nonwhites in a workplace indicate a curvilinear relationship between the proportion of females and nonwhites and sex and race segregation, respectively. In other words, segregation is most pronounced in workplaces with either very low or very high proportions of female or nonwhite workers. This result reflects the difficulty associated with desegregating highly gender- or racially-skewed workplaces.

EEO ENFORCEMENT EFFECTS FOR ESTABLISHMENTS WITH AND WITHOUT CHARGES

My results suggest that, net of organizational conditions, establishments are more responsive to EEO enforcement activity in their legal environment than to the direct sanctions that charges and settlements bring, particularly in the case of sex segregation. At first blush, it is hard to imagine that employers would ignore direct charges, monetary penalties, and policy change mandates, but would respond to similar sanctions against their industry peers. Estimating separate models for establishments that do and do not receive charges provides some purchase on this issue, as I can isolate the direct and indirect effects of enforcement efforts.

As Table 4 shows, the effect of EEO enforcement activity on sex segregation varies for establishments that did and did not receive charges in the observation year.¹⁷ Establishments that did not face charges are most sensitive to enforcement activity in their legal environments. Indeed, for establishments without charges, industry-level monetary settlements, industry-level policy change mandates, location in progressive federal court circuits, and federal contract status are all significantly associated with declines in sex segregation (Table 4). These effects do not hold, however, for establishments that experienced direct charges. For establishments with charges, the monetary value of direct settlements actually increases levels of sex seg-

¹⁷ Among establishments with charges, the average number of sex charges per year is 1.4 and the average number of race charges per year is 1.5.

Table 4. Fixed Effects Estimates of the Effects of EEO Enforcement, Legal Environment, and Organizational Characteristics on Sex Segregation, *D*, for Establishments that Received and Did Not Receive Charges

	Received Charge(s)		No Charges	
	B	SE	B	SE
Direct EEO Enforcement				
Charges	-.044	.188		
Monetary settlements	.036**	.011		
Policy change mandate	.268	1.624		
Class action charges	-1.779	1.573		
Legal Environment				
Charges in industry	-.090***	.018	.000	.008
Monetary settlements in industry	.000	.002	-.002*	.001
Policy change in industry	-.484	.309	-.275*	.138
Class actions in industry	.511	.317	-.130	.141
Federal contract × time	.035	.072	-.085**	.030
Liberal court × time	.014	.159	-.145*	.071
Media coverage	-.007	.004	.000	.001
Organizational Conditions				
Establishment size (log)	2.849***	.483	-2.508***	.300
Female managers	-2.893**	.900	-1.963***	.363
Nonwhite managers	-1.776*	.689	-.870**	.307
Proportion female	-14.634	9.785	-33.809	4.796
Proportion female, squared	46.593***	10.778	37.150***	4.808
Occupational heterogeneity (H)	.220***	.024	.246***	.011
Occupational distance, females	-.019	.138	-.012***	.059
Industry size (log)	0.060	0.320	-.176	.174
Proportion female in industry	28.225**	9.287	-1.299	4.688
Time	15.577**	21.42073	-3.93***	.032
R ²	.94		.87	
N	2,346		15,383	

* $p < .05$; ** $p < .01$; *** $p < .001$.

regation, indicating a backlash effect. One possible interpretation of this finding is that employers who receive costly settlements shy away from moving women into traditional male jobs, assuming that such integration may invite future disputes and charges over sex discrimination. Among the legal environment measures, only the number of charges in an industry is negatively associated with sex segregation. These results suggest that it is primarily establishments *without* charges that take lessons from their legal environments.

Comparing the organizational characteristics of establishments that receive charges to those that do not sheds some light on this finding. Notably, establishments with charges are substantially larger than those free of charges. Establishments that receive gender discrimination charges employ, on average, 1,200 workers, while establishments that do not experience gender discrimination charges employ roughly

372 workers. For large establishments, receiving a charge, filing the required paperwork with the EEOC, and paying the average monetary settlement of \$19,000 may amount to little more than a slap on the wrist, especially because charges rarely escalate into more costly litigation (U.S. EEOC 2008a). However, the prospect of being charged may put a scare into smaller establishments that lack knowledge of the resolution process, its outcomes, and the likelihood of further legal action. These smaller, less experienced establishments take cues from their larger peers.

With regard to race segregation, results are similar for establishments with and without charges (Table 5). EEO enforcement activity is largely unrelated to changes in race occupational segregation, regardless of whether establishments received charges in the observation year. For establishments that receive charges, the number of policy mandates in an industry actu-

Table 5. Fixed Effects Estimates of the Effects of EEO Enforcement, Legal Environment, and Organizational Characteristics on Race Segregation, *D*, for Establishments that Received and Did Not Receive Charges

	Received Charge(s)		No Charges	
	B	SE	B	SE
Direct EEO Enforcement				
Charges	.284*	.118		
Monetary settlements	-.008	.007		
Policy change mandate	-1.878	1.750		
Class action charges	-.268	1.213		
Legal Environment				
Charges in industry	-.012	.013	.011	.011
Monetary settlements in industry	-.001	.001	.002	.001
Policy change in industry	.110*	.043	-.069	.039
Class actions in industry	.315	.234	-.062	.200
Federal contract \times time	.082	.057	-.034	.044
Liberal court \times time	.022	.136	.010	.106
Media coverage	.004	.049	-.175***	.042
Organizational Conditions				
Establishment size (log)	-.298	.468	-3.411***	.447
Female managers	1.983*	.800	-1.599**	.526
Nonwhite managers	1.324*	.553	-.669	.470
Proportion nonwhite	-3.802	6.975	-35.800***	4.646
Proportion nonwhite, squared	12.829	6.720	56.236***	5.202
Occupational heterogeneity (H)	.103***	.024	.250***	.017
Occupational distance, blacks	.397**	.122	.266**	.084
Occupational distance, Hispanics	-.038	.091	.137	.073
Occupational distance, Asians	1.105	.081	-.009	.066
Industry size (log)	1.151	2.302	4.966	5.493
Proportion nonwhite in industry	-4.262	6.508	-.405	.269
Time	-.230**	.086	-.242***	.066
R ²	.89		.74	
N	3,436		14,293	

* $p < .05$; ** $p < .01$; *** $p < .001$.

ally increases segregation, suggesting a backlash effect. For establishments free of charges, only media coverage of race discrimination is significantly related to declines in race segregation. This finding suggests that net of direct enforcement efforts and indirect legal pressures, establishments experience progress toward desegregation during years of heightened attention to race politics in the business press.

LEGAL AND ORGANIZATIONAL MEDIATION OF EEO ENFORCEMENT

Given the importance of legal environments, particularly in the case of sex segregation, it is possible that the pressures establishments face in their legal environments might combine to make EEO enforcement more or less salient. For instance, federal contractors and establishments located in progressive court districts may be

more attentive and responsive to EEO enforcement at the industry level than would noncontractors and establishments located in more conservative court environments. To explore such possibilities, Table 6 presents interaction effects between industry-level enforcement and federal contractor status and location in liberal court districts. The effect of industry-level enforcement differs for contractors and noncontractors. While the effect of industry-wide charges on sex segregation is dampened for federal contractors, industry-level monetary settlements and class-action claims are associated with greater declines in segregation among contractors than among noncontractors. These results suggest that federal contractors are more responsive to industry-wide charges and settlements in the case of sex segregation. For race, the effects of industry-level charges do not differ between contractors and noncontractors.

Table 6. Fixed Effects Estimates of Interaction Effects between EEO Enforcement in Industries and Federal Contractor Status, Liberal Court Environment, Female/Minority Leadership, and Establishment Size

	Sex		Race	
	B	SE	B	SE
Interaction with Federal Contractor				
Charges in industry	-.016	.009	.011	.010
× federal contract	.028**	.010	-.002	.008
Monetary settlements in industry	.001	.001	.001	.001
× federal contract	-.005**	.002	.000	.002
Policy change in industry	-.421**	.150	-.060	.045
× federal contract	.126	.276	.050	.065
Class actions in industry	.170	.181	-.354	.227
× federal contract	-.500*	.235	.527	.309
Interaction with Liberal Court				
Charges in industry	-.004	.008	.009	.010
× liberal court	.012	.021	.014	.026
Monetary settlements in industry	-.002**	.001	.002	.001
× liberal court	.002	.002	-.004	.002
Policy change in industry	-.422**	.136	-.076*	.035
× liberal court	.492	.350	.283**	.091
Class actions in industry	-.031	.138	-.036	.182
× liberal court	-.611	.381	-.521	.505
Interaction with Female/Nonwhite Managers				
Charges in industry	-.006	.008	.013	.010
× female/nonwhite managers	.025	.013	-.014	.010
Monetary settlements in industry	-.003**	.001	.001	.001
× female/nonwhite managers	.004	.003	.000	.002
Policy change in industry	-.380**	.164	-.019	.036
× female/nonwhite managers	.119	.268	-.086	.084
Class actions in industry	-.055	.135	-.158	.190
× female/nonwhite managers	-.394	.432	.256	.371
Interaction with Establishment Size (log)				
Charges in industry	-.066	.037	.019	.037
× establishment size	.012	.007	-.001	.007
Monetary settlements in industry	-.013**	.005	.002	.005
× establishment size	.002*	.001	.000	.001
Policy change in industry	-2.201**	.703	-.085	.187
× establishment size	.356**	.132	.010	.035
Class actions in industry	.098	.730	.437	.946
× establishment size	-.044	.138	-.104	.179

Note: Models include all variables listed in Table 3 for sex and race models, in addition to the interaction terms presented here.

* $p < .05$; ** $p < .01$; *** $p < .001$.

With respect to federal court environments, there are no significant differences in the effects of industry-wide charges and settlements on sex segregation by court circuit. For race segregation, however, the positive coefficient on the interaction term between policy change mandates and liberal court circuit suggests that the effect of industry-level mandated policy changes on race segregation is dampened for establishments located in liberal court circuits. This find-

ing may reflect a tendency among employers in more liberal circuits to already have extensive EEO-related policies in place.

It is also possible that establishments vary in their responses to EEO enforcement depending on organizational conditions. For instance, one might expect establishments with predominantly female or minority managers to be more responsive to EEO enforcement. However, the estimates presented in Table 6 do not bear this out.

Establishments in the top quintile with respect to employing female managers do not differ from others with regard to their responses to industry-level enforcement.

Finally, as discussed above, enforcement effects likely vary with establishment size. Smaller establishments may be more likely to face legitimacy and financial concerns and thus be especially attentive to activity in their institutional environments. Indeed, the negative effects of industry-wide monetary settlements and mandated policy changes for sex segregation are dampened for larger establishments. This confirms that smaller establishments are especially sensitive to EEO enforcement activity in their legal environments, presumably because they are less established in their respective fields and thus more concerned with maintaining organizational legitimacy and economic survival. In addition, smaller establishments may overestimate the scope of charge settlements and their potential impact on workplace practices.

FURTHER ANALYSIS OF RACE

Despite the fact that establishments in my sample received nearly twice as many race charges as sex charges (7,636 race versus 4,108 sex charges) from 1991 to 2002, the race models show little evidence of EEO enforcement effects. Why do establishments seem to largely ignore direct race charges and industry-level enforcement? One possibility is that the dependent variable used here may not be the most appropriate measure of occupational segregation by race. While I measured segregation between whites and nonwhites, discrimination charges citing race are predominantly filed by African Americans. Indeed, nearly 75 percent of the race charges were filed by black workers. To examine whether the relationship between EEO enforcement and race segregation may differ for African Americans, I reestimated the race models focusing exclusively on black workers. Specifically, I restricted the dependent variable to occupational dissimilarity between blacks and whites and restricted the EEO enforcement measures to include only discrimination charges filed by black workers. The results for models predicting changes in segregation between blacks and whites are similar to those for nonwhites and whites.

It is also possible that occupational segregation may not be the best measure of establishments' progress toward racial equality. As a second robustness check, I examined the effects of EEO enforcement, legal environments, and organizational characteristics on the share of white, black, Hispanic, and Asian managers: the dependent variables are the log odds that managers are white, black, Hispanic, and Asian.¹⁸ The results (Table S1 in the Online Supplement) show mixed support for the notion that EEO enforcement encourages racial equality. On one hand, mandated policy changes at the industry level increase the representation of blacks, Hispanics, and Asians in management while decreasing the representation of whites; and establishments located in liberal court circuits show gains in blacks' and Asians' access to managerial positions. On the other hand, however, the number of charges at the industry level has an adverse effect on minorities' access to managerial jobs: industry-level charges show positive effects on whites' share of managerial positions, yet negative effects on managerial representation for blacks, Hispanics, and Asians. This suggests a potential backlash against race charges in the industry. Taken together, the results suggest that EEO intervention marginally improves racial diversity in the managerial ranks, with mandated policy change at the industry level producing the most consistent gains.

DISCUSSION

This study identifies the extent to which discrimination charges and their resolutions promote sex and race integration among establishments and industries that are subject to legal intervention. The most striking findings show that while discrimination charges and settlements do not produce changes in sex or race segregation among establishments that are

¹⁸ I calculate the odds by dividing the proportion of managers in group j by the proportion of managers not in group j : $(P_j / [1 - P_j])$, where P is proportion of managers in each target group j . Following Kalev and colleagues (2006:598), because the log odds is undefined for values of 0 and 1, I set values of 0 to $1/2N_k$ and values of 1 to $1 - 1/2N_k$ where N_k is the number of managers in establishment k . All models include a dummy variable that identifies establishments with 0 managers in the focal group.

directly charged, establishments are sensitive to EEO enforcement and regulatory pressures in their legal environments. Thus, to the extent that EEO enforcement encourages organizational change, it does so indirectly, operating through industrial fields and regulatory environments. It is important to note, however, that this organizational response to industry-level enforcement is particularly relevant to sex discrimination. For race, EEO enforcement induces minimal change in occupational segregation.

In the case of sex segregation, the prevalence of monetary settlements and mandated policy changes in establishments' industrial environments significantly reduces within-establishment sex segregation. This suggests that establishments embedded in legal environments subject to considerable EEO pressure respond by decreasing sex segregation. These effects are largely driven by the reaction of establishments that do not experience charges themselves; establishments free of charges are most responsive to monetary settlements and mandated policy changes against their industry peers.

Because charged establishments tend to be larger in size, one plausible interpretation of this finding is that charges pose a mere inconvenience for such large employers. Many large establishments have internal legal counsel or human resource units whose primary responsibilities include dealing with legal disputes such as EEOC charges (Edelman and Suchman 1997; Heinz et al. 1998; Westin and Feliu 1988). Large employers may also manage the risk of employment discrimination claims by self-insuring against litigation (Van der Veer 2005), making them less likely to worry about costly settlements. For employers found in violation of the law, the average monetary payout of \$19,000 is merely a drop in the bucket; large employers pay the fines and move on, without interrogating their employment practices (see Wooten and James 2004). In contrast, small establishments without extensive experience with the charge process may learn of enforcement activity against their peers through consultants, personnel officials, EEOC training programs, and press releases. Such mediums often focus on large settlements and tend to exaggerate liability (Edelman, Abraham, and Erlanger 1992), so smaller establishments take notice and respond by improving workplace equity. Thus, while the

regulatory system may perform perfunctorily for large violators, it has spillover effects for the broader legal environment.

These findings have important theoretical implications for the study of law and organizations. First, the lack of direct EEO enforcement effects at the establishment level contradicts strict economic and deterrence approaches to the study of legal intervention and organizational change. Such approaches assume that employers will comply with the law in order to avoid the financial penalties associated with non-compliance; however, my results suggest that organizational actors do not respond to the direct economic sanctions associated with discrimination settlements. In fact, among establishments charged with sex discrimination, those that pay costly monetary damages show *higher* levels of sex segregation in the following year, suggesting a backlash effect to direct sanctions.

Second, to the extent that employers respond to EEO enforcement in their broader legal environments rather than to direct charges and penalties, these findings support institutional accounts of organizational response to the law (see Edelman and Suchman 1997). As institutional theorists point out, the driving force of the law is not sanctions but the legal environment they create. In the case of sex discrimination, charges, settlements, federal oversight, and court activity cultivate a legal environment that encourages compliant behavior, particularly among small establishments and those unaffected by direct sanctions. These employers take note of their peers' infractions and amend their employment practices accordingly, in an effort to minimize legal intervention and its impact. By keeping pace with the legal environment, employers regain some control—whether real or perceived—over the uncertainty of legal intervention. To the extent that economic considerations and sanctions affect organizational behavior, they do so indirectly, operating largely through legal environments.

In the case of race segregation, while findings provide some evidence of legal environment effects, organizational factors are the more important predictors of occupational desegregation. Among the legal pressures for change, results suggest that attention to race politics in the business press facilitates racial desegregation. This finding points to the importance of

sustained political pressure for promoting racial equity. Aside from this media effect, however, employers are largely indifferent to race charges, settlements, regulatory efforts, and legal environments.

What makes race segregation largely imperious to legal pressures? One likely reason for the divergent results for sex and race segregation is that, due to the relative position of sex and race groups in the existing occupational structure, organizations can more easily remedy sex than race segregation. While the occupational distance between women and white males has no effect on sex segregation, the occupational distance between blacks and white males has a significant negative impact on race segregation. Several occupational rungs separate white males, whose core occupational category is professional, and blacks, whose core occupational category is service workers. To desegregate, employers would need to reallocate workers across the entire occupational hierarchy. The existing occupational structure thus constrains progress toward race integration, even in the presence of legal pressures for equity.

While the 1990s saw sustained attention to gender politics, support for race politics at both the national and state levels waned. Sexual harassment received considerable attention in the courts and the business press, pushing gender equity into the minds of workplace decision makers. Although racial harassment claims also increased during the 1990s—albeit at a slower rate than sexual harassment claims—race-based programs, such as affirmative action, took hits in national and state politics. Given this political climate, one would expect greater attention to gender than to race antidiscrimination efforts. Consistent with this logic, my results show a negative effect of media coverage of race discrimination on race segregation, indicating that establishments desegregated more substantially in years with considerable coverage of race discrimination in the business press. These findings underscore Stainback and colleagues' (2005) characterization of racial integration as a politically mediated process, in which the greatest gains come with heightened political pressure.

Finally, in addition to the findings regarding the impact of legal pressures, this research contributes to a growing body of literature that demonstrates the importance of organizational

factors in generating more or less sex and race inequality in the workplace. Notably, my results identify a significant negative effect of female managers on both sex and race segregation. This finding is consistent with the view that the ascriptive characteristics of organizational leadership contribute to variation in employment opportunities for different groups. Apparently, one important avenue for facilitating occupational desegregation is the presence of diverse leadership. The findings also indicate lower levels of sex and race segregation among larger establishments. While this finding underscores the likely role of formalized employment practices in minimizing race- and sex-biased allocation practices, it may also be the case that large establishments can more easily move women and minorities into nontraditional occupations without demoting men and whites. Finally, as discussed above, the structure of the occupational hierarchy can facilitate or constrain occupational segregation. The results show higher levels of segregation in workplaces where racial minorities are working several occupational rungs below white males, and higher levels of both sex and race segregation in workplaces characterized by heterogeneous occupational structures. Thus, while legal pressure may be necessary for sex and race desegregation, it is by no means sufficient; organizational conditions facilitate and constrain desegregation processes.

CONCLUSIONS

Sociological and legal theorists have long debated the role of the law in producing social change. Civil rights laws enable women and racial minorities to alert the EEOC of potentially unlawful discrimination, thus giving traditionally disadvantaged groups the potential to improve their employment conditions. This individual, complaint-oriented model provides a legal resource of sorts for disadvantaged workers, but it does not provide a solution for broad patterns of discrimination. While the EEOC can mandate that guilty employers must change their ways, the agency has few enforcement powers beyond the processing of individual complaints and relies exclusively on workers to identify potential violators. Despite these limitations, my findings suggest that EEO enforcement can have far-reaching effects in one

important way: by making an example of employers found in violation of the law, which creates a legal environment that encourages policy compliance among others.

These results show evidence of what Dobbin and Sutton (1998) identify as a "peculiar" kind of regulatory strength in the United States: regulatory systems that are administratively weak but normatively strong. Although employers are largely unresponsive to direct EEOC charges and sanctions, they are attentive to their industry peers' legal experiences and to EEO-related activity in their court and regulatory environments. This is particularly true in the case of sex segregation, where the political climate of the 1990s brought gender politics center stage. While it may appear that employers ignore discrimination charges, it is instead the case that they respond to charges in ways that minimize the demands of the regulation (and its sanctions) yet recognize the demands of the legal environment. This response allows a weak administrative system—EEOC claims processing—to have systematic effects.

These findings also echo Pedriana and Stryker's (2004) conclusions that the EEOC and state agencies' enforcement capacities are best described as a "moving target," in which state capacity ebbs and flows with political and legal contexts. As Pedriana and Stryker demonstrate, the EEOC was most effective in pursuing broad, effects-oriented interpretations of Title VII during the sympathetic judicial climate and social movement pressure characteristic of the late 1960s. In the same vein, my results suggest that the effect of EEOC enforcement operates through legal environments, and variation in the presence and salience of EEO enforcement activity in establishments' legal environments contributes to variation in employers' desegregation efforts. This is particularly evident when considering differing levels of support for sex and race politics during the 1990s, as well as the divergent effects of sex and race law enforcement on desegregation processes. Lacking sustained political attention, the impact of race enforcement efforts paled in comparison with those for sex desegregation.

An important policy implication of these findings is that enforcement agencies could buttress the case-by-case remedial approach by proactively identifying systematic discrimina-

tion and drawing attention to enforcement efforts. First, identifying discriminatory processes that plague entire industries or fields may facilitate change at the industry level. The EEOC's recent Systemic Initiative (U.S. EEOC 2008b), which focuses on pattern-and-practice discrimination rather than individual claims, may provide a vehicle for doing so. In addition to pursuing systematic discrimination, my findings suggest that regulatory agents must also disseminate information regarding enforcement efforts, key cases, and settlements throughout industries and relevant fields. Publicizing information about noncompliant establishments may provide an impetus for competitors to improve their workplace practices for women and minorities, even in the absence of direct legal pressure. By heightening attention to fair employment practices through indirect enforcement efforts, regulatory agencies can cultivate a culture of compliance that compels organizations to voluntarily behave in ways consistent with the law.

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