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What Do You Do When The Law Doesn't Work? Adult Educators' Role In Fighting Workplace Discrimination

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Keywords: workplace, discrimination, ethnicity, race, Title VII

Abstract: An analysis of research suggests that ethnic/racial group members lack informal access to developmental opportunities in the workplace. Legal scholars critique Title VII law as ineffective in current organizations. Research shows the work of adult educators is critical in fighting discrimination in the absence of effective legal protection.

Purpose

An earlier analysis of existing research strongly supported the assertion that institutional racism in the private sector impedes race/ethnic group member access to workplace learning and career development opportunities and as a result, to career and pay advancement (Ross-Gordon et al., 2005). In this paper, we extend this earlier analysis of the research literature to (1) review race/ethnicity and workplace learning beyond the private sector to employment in education, the public and private sectors, and community work organizations; (2) look at shifts in the nature of workforce discrimination from individual and institutional to group and network level discrimination; (3) examine legal scholars' analyses of the current effectiveness of Title VII of the Civil Rights Act; and (4) identify strategies adult educators can use to fight new forms of workplace discrimination.

Research Methods

Our analysis of the research on race/ethnicity and access to workplace learning, career development opportunities, and advancement was based on a literature review of 48 data-based research articles and 3 literature reviews focused on corporations (23), pre-K-12 schools (12), higher education (14), public administration (1), and community organizations (1). Databases we searched include Business Source Premier, Dissertation Abstracts International, Expanded Academic ASAP, JSTOR, PsychInfo, Education Full Text, Health Source: Nursing/Academic Edition, Medline, and Social Sciences Full Text. We also conducted manual searches of conference proceedings for both the Academy of Human Resources Development and the Adult Education Research Conference since 1995. We included in our search general terms like "race", "racism", "ethnicity", "ethnic minorities", and terms specific to particular racial/ethnic groups in combination with work-learning, terms such as training, on-the-job-training, mentoring, career development, and organizational development.

Literature Analysis

In an earlier analysis of the literature (Brooks & Clunis, 2005), we identified six major barriers to learning and career advancement.

(1) Mentoring opportunities were found to be significantly lacking for both Blacks and Hispanics (Alvarado & Lynham, 2005; Bush 2000; Byrd, 1999; Giscombe & Mattis, 2002; Palmer, 2001), while at the same time they were identified as crucial to rising within

organizations. This was regardless of the type of institution. According to Caputto & Cianni's (1997) study, whites had more mentoring opportunities than Blacks.

(2) The link between education/training and advancement was nuanced. Caputto & Cianni (1997), in comparing cohorts of Black and White women found that as cohorts matured, the cumulative intensity of training began to account for some variance in income, however education and employment experience did contribute to income levels, as did factors like number of children, marital status, & race. They also found that more White than Black women were engaged in managerial/professional training. Alvarado & Lynham's (2005) exploration of the literature found that Hispanics reported a lower level of experience and training than their non-Hispanic White counterparts. Clayton (2001) identified the specific training concerns of Mexican American women working in the manufacturing industry around Kansas City want ESL classes, diversity awareness for supervisors, Spanish language for supervisors, extended lunch hour to participate in community organizations, tuition paid at time of signing up for course. For women in the public schools, race/ethnicity affect the level of training needed to compete with male colleagues (Byrd 1999). Overall, formal education played a larger role in the advancement of individuals from race/ethnic groups than did training (Caputto & Cianni 1997; Price et al., 2005; Byrd 1999).

(3) Black managers reported having less social capital, lower promotion rates, and less psychosocial support than White managers (James, 2000). Byrd (1999) found ethnicity and race to be significant to women's exclusion from informal socialization networks. Lack of access to information, the "good ole boy" network, and lack of African American organization for networking contributed to the absence of African American superintendents in White suburban school districts (Jackson, 2002). Lack of access to influential others was related to the double marginalization of gender and race/ethnicity (Giscombe & Mattis, 2002). Finally, pointing toward employment discrimination as well as the value of a strong network, Taber (2003) writes that when controlling for organizational demography, Hispanics, Blacks, and Asians were more likely than Whites to have been hired through employee referrals. Additionally, women do not appear to use networking to get jobs as often as men do.

(4) Developmental experiences were critical to advancement across institutional setting (Robinson, 1997; Palmer, 2001; Cianni & Romberger, 1995; Parker et al., 1997; Robinson, 1997). Cianni & Romberger (1995) respondents saw Whites as given more encouragement to assume new responsibilities than Blacks; Whites reported receiving more special projects than Hispanics. Black women managers perceived a disparity in career opportunities compared to White men and women.

(5) Race and gender discrimination and prejudice were strong themes in the literature, including intraracial discrimination. Palmer's (2001) participants, African-Americans working in training and organizational development identified experiencing prejudice, stereotypes, racial and gender discrimination, and stereotyping. Sims & Roth's (2003) study suggested that within groups individuals with lighter skin have more privilege than those with darker skin. The professional Hispanic women in Barcena's (1993) study reported having their appearance criticized, being accused of bias in favor of others of their same ethnicity, being treated as invisible or lacking credibility, being excluded from the information loop, being demeaned because of their Spanish accent, and having their values denied the same importance as White values. Racial/ethnic stereotyping was reported in several of the studies (Robinson, 1997; Barcena, 1993; Byrd, 1999; Palmer, 2001; Giscombe & Mattis, 2002).

(6) Several studies reported that women who also claimed a minority racial/ ethnic group identity faced more barriers to advancement than men (Barcena,1993; Bloom, 2001; Byrd, 1999; Combs, 2003; Giscombe & Mattis, 2002; Hite, 2004; Houston-Brown, 2002; Macias, 1995; Palmer, 2001; Pressey, 1997; Regules, 1998). Giscombe & Mattis (2002) identified disadvantages for women of color compared to White women as negative stereotypes about ethnicity and gender, lack of access to influential others, lack of mentors, and ultimately, less optimism about advancement. This included the challenge of balancing the major responsibility for childcare with a career.

Additionally, the studies we reviewed showed that both Black and Hispanic persons experienced significant discrimination, while White persons, both male and female, were generally unaware of their own racial prejudices (Combs, 2003; Darden, 2003; Robinson, 1997). However, Parker, Baltus, & Christensen (1997) concluded from their quantitative study that White men did not associate support for Affirmative Action and Equal Opportunity with a loss in career development opportunities, organizational injustice or negative work attitudes, whereas White women, Black, Hispanic, and Asians associated it with a gain in opportunities, organizational justice, and positive work attitudes.

Career facilitators included mentors, family and spouse support, peer support, creating own opportunities and informal social network (Combs, 2003; Darden, 2003; Padilla, 2003; Palmer, 2001; Peery, 1998; Regules, 1997; Silva, 2003). Interestingly, 2 articles on Hispanics (Peery, 1998; Zuniga, Skaruppa & Powell, 2000) observed that assimilating to the dominant White culture improved career advancement, while none of the articles on Blacks made the same observation. For example, in their qualitative study of 5 Hispanic corporate managers, Zuniga, Skaruppa & Powell (2000) looked at the effect of the degree of assimilation on career advancement and concluded that value and culture congruence with management were important if Hispanic managers wish to advance.

To summarize, the research shows discrimination occurring mostly within the domain of informal learning through subtle mechanisms of exclusion from opportunities for career-building developmental opportunities.

A Shift in the Nature of Workplace Discrimination

The recent changes in workplace organization create new spaces for discrimination to function. With the flattened workplace, we have begun to monitor progress on the diagonal or horizontal rather than in vertical steps. Discrimination thus may appear more as an absence of opportunity and development than as an “identifiable decision to exclude, such as a denial of promotion with a single institutional hierarchy” (Green 2003, p. 105). Green (2003) points to workplace changes that correspond with the increases in subtle forms of racism: (1) flattening of hierarchies, (2) a blurring of job boundaries, (3) the allocation of work to teams rather than individuals, and (4) the increased use of skill-based, individualistic, and flexible methods of evaluation. Thus, informal groups and networks often decide who benefits from important assignments, mentoring, networking, and training.

Racism as expressed within groups and networks “represents a subtle, often unintentional, form of bias that characterizes many white Americans who possess strong egalitarian values and who believe that they are nonprejudiced” (Dovidio & Gaertner 2000, p. 5). Dovidio and Gaertner (2000) refer to this as aversive racism. Aversive racists “possess negative racial feelings and beliefs of which they are unaware or that they try to dissociate from their nonprejudiced self-images...their reactions involve discomfort, uneasiness, disgust, and

sometimes fear...they find blacks 'aversive,' while, at the same time, they find any suggestions that they might be prejudiced aversive as well" (p.5). The authors go on to suggest that the feelings of aversive racists are normal and often adaptive psychological processes. They describe three of these processes: (1) people categorize others into groups, first by what they see, and once categorized place a higher value on their own group and its appearance; (2) basic human needs are power and control for themselves and their group, and one way people maintain that control is resisting the progress of competing groups; (3) people sometimes automatically internalize society's beliefs and values, and many of these beliefs and values are racist. Lawrence (1987) explains this in two ways. First, using psychoanalytic theory, he points out that historically racism is a part of our culture, while more recently society has held an ideal rejected racism as immoral. When we experience conflict between our racist ideas and the societal ethic condemning them, we eliminate racism from our consciousness. Similarly, cognitive psychology holds that discriminatory beliefs and preferences, which are a part of our culture, become a part of our rational ordering of our perceptions of the world. Since tacit racist understandings are not articulated, they do not rise to a conscious level.

Critique of Current Legal Protections

Legal scholars have also documented a shift in the nature of discrimination from specific, identifiable decisions to exclude to "a perpetual tug on opportunity and advancement" (Green 2003, p. 92). "First generation" legal claims resulted from deliberate, intentional exclusion, whereas "second generation" claims grow out of "social practices and patterns of interaction among groups within the workplace that, over time, exclude nondominant groups (Sturm, 2001). Sturm (2001) elaborates the subtle mechanisms of legal claims based on this kind of racism: "[They] involve social practices and patterns of interaction among groups within the workplace that, over time, exclude nondominant groups. Exclusion is frequently difficult to trace directly to intentional discrete actions of particular actors, and may sometimes be visible only in the aggregate. Structures of decision-making, opportunity, and power fail to surface these patterns of exclusion, and themselves produce differential access and opportunity" (p. 460).

Many legal scholars, including critical race theorists, argue that current Title VII law is unequipped to identify and address the subtle forms of workplace discrimination and this is so because legal doctrine addresses individual discrimination and institutional discrimination, but ignores the interaction between the two (Delgado & Stefancic 1999, 2001; Matsuda et al 1993; Tate, 1996). Title VII of the Civil Rights Act of 1964 made discrimination on the basis of race, color, religion, sex or national origin regarding access to employment illegal in the United States and led to the formation of the Equal Employment Opportunity Commission charged with enforcing the act in the workplace. Research on employment trends helps document the act's effectiveness in eliminating discrimination over time. The research shows declines in race and sex occupational segregation throughout the 1950's until 1964, although no studies from this period specifically examine workplace segregation, focusing instead on occupational titles rather than race (Stainbeck, Robinson, & Tomaskovic-Dewey, 2005). After the Act was made law, workplace racial segregation 1) decreased markedly from 1966-1972 during Kennedy's and Nixon's administrations; (2) moderately decreased from 1974 through 1980 during Ford's and Carter's administrations and (3) remained relatively level from 1981 through 2000 during Reagan's, Bush's, and Clinton's administrations. Stainbeck et al. (2005) explain these periodic changes by observing that racial segregation decreased during periods of peak government enforcement, but slowed, stalled, or even increased when enforcement was weak. Although

government enforcement is currently weak, Title VII law appears to have been more effective in an earlier era of workplace discrimination.

Implications for Adult Educators

Research confirms a relationship between workplace learning and career development and the subtle forms of group and individual racism prevalent in work organizations. The legal profession, as well as those who document these forms of racism, have become increasingly despairing regarding their power to effect change. However, because of adult education's history of involvement at the grassroots level in communities and organizations and our frequent positioning outside of traditional lines of power, adult educators are uniquely positioned to do what the legal system has not yet accomplished; we can address the subtle complexity of race/ethnic discrimination in today's organizations.

Drawing on case studies, Sturm (2001) has identified organizations and actors operating within and across workplace boundaries, which have become important in implementing innovations that address workplace discrimination. Organizations that have made change are employee identity-based caucuses; rights groups such as the National Employment Law Project; professional organizations; research/policy/and practice consortia; and nonprofit/academically based centers, which seek to analyze workplace discrimination. Individual change agents are generally human resource development or organizational development professionals, who are within the organization, but outside of usual lines of authority. Both organization and individual change agents have developed systems for gathering information and accountability for organizational discrimination; compared practices across divisions; identified problem areas and successful practices; and participated in multiple networks within and outside of the organization.

Following Sturm's work, adult educators can help build, advocate for, and support employee identity-based caucuses. We can continue our work in activist organizations that address social justice, and within these organizations, we can help focus on patterns of racial and ethnic inclusion and exclusion in organized settings. We can push the professional organizations to which we belong and for which we work to develop concrete plans for addressing professional and workplace discrimination. Adult educators can help organize and work with collaborative efforts, such as community, workplace, and education collaborations that develop the workforce and pay particular attention to redressing workforce exclusion. The human resource and organizational developers among us can address the inequities of the internal labor market by pushing for and developing accountability measures for assessing equitable access to developmental opportunities and surfacing the patterns of behavior and attitudes that are responsible for discrimination. These same organizational practitioners can help publicize successful practices and work together with others to develop new proactive practices. HRD and OD practitioners can work to support those who are already working for equity to network others for support and coalition-building. Finally, HRD and OD professionals can network with their colleagues around the world to learn about successful practices that can be adapted to their own organizations.

Additional ways in which adult educators can combat subtle forms of workplace discrimination, as drawn from our own review of research studies, are by formalizing policies and practices, planning programs, working with workplace culture, and focusing resources. Career development and career advancement for employees has traditionally been addressed informally, but formal planning by employees' managers could become an expectation rather than an option, particularly for minority workers (Barrett 2001; Bloom 2001; Bush 2000; Cianni

& Romberger 1995; Clayton 2001; Houston-Brown 2002; Jackson 2002; Mokoelle 1997; Palmer 2001, Regules 1998; Sherman 1993). Adult educators can push their organizations to hold managers accountable for the development and advancement of minority workers.

Adult educators are in the position to propose programs that can increase opportunities for all employees, such as workshops that teach strategies for career development within the new types of organizations. Mentoring and networking strategies have shown to be effective in facilitating the advancement of minority employees (Caputo & Cianni 1997; Darden 2003; Palmer 2001). Formal mentoring programs can be offered and actively promoted among managers for employees that are least likely to have access to these mentoring networks, and all employees can be made aware of the kinds of attitudes and practices that limit equitable access to development and promotion opportunities. Adult educators can promote proactive workplace learning programs that actively recruit minority employee participation, particularly for the informal learning opportunities and educational opportunities that have been shown to contribute most to employee advancement (Barrett 2001; Bloom 2001; Darden 2003; Clayton 2001; Mokoelle 1997; Palmer 2001)

As the nature of work changes, organizational cultures change, and the patterns of discrimination shift, too. All employees need to become aware of these new forms of discrimination (Bartlett 2001; Bush 2000; Cianni & Romberger 1995; Clayton 2001; Darden 2003; Giscombe and Mathis 2002; Gorena 1993; Mokoelle 1997; Palmer 2001; Sherman 1993). Adult educators can also model non-discriminatory behavior and help surface the behaviors associated with these new patterns. They can foster active dialogue about the changes in their organization's culture and the implications for all employees. They can raise equity issues in the context of demographic shifts, organizational effectiveness, and social justice. Adult educators can help to focus resources towards eliminating discrimination by improving minority access to internships, externships, tuition prepayment, and tuition reimbursement (Bush 2000; Clayton 2001; Macias 1995; Mokoelle 1997; Pressey, 1997). They can also learn to demonstrate the financial losses their organizations incur by failing to develop minority employees.

Workplace discrimination is becoming increasingly subtle and legal measures to eliminate it are diminishing in effectiveness. Adult educators are especially well-positioned at the grassroots within communities and outside of the traditional lines of authority in organizations to help eliminate workplace discrimination against members of minority race/ethnic groups. Our positioning in organizations and communities and skills at educating, both formally and informally, are uniquely appropriate to addressing the emerging patterns of workplace discrimination in the U.S.

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