THE PSYCHOLOGICAL IMPLICATIONS
OF BEING AN
EMPLOYMENT DISCRIMINATION COMPLAINANT

by

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B.A., Wellesley College
(1978)

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Submitted to the Department of Urban Studies and Planning
on May 27, 1980 in partial fulfillment of the
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ABSTRACT

It was hypothesized that potential complainants incur psychic
costs while they are engaged in the process of filing a charge of
discrimination against their employers because of a mismatch between
the legislative and social science models of human behavior. The
legislative model of human behavior relates to equal employment
opportunity rests upon the assumption that potential complainants
will feel free to complain about discriminatory practices at the
workplace. The sociological and social psychological models of
human behavior concern themselves with the issue of the avoidance
of deviance. This conflict has led to many problems for individuals
who would implement the equal employment opportunity legislation and
for those who would file charges of discrimination.

Complaints of discrimination in employment are filed with many
different agencies due to the fragmented nature of the equal employ-
ment opportunity delivery system. These agencies maintain data on
the number of cases processed over a year. While there is no doubt
that this information is important, the subjective experience of
each complainant is of no lesser importance. If people perceive the
equal employment opportunity delivery system to be ineffectual and/
or anxiety-producing, they will not be likely to make use of it,
and will undermine its intent.

An investigation of the psychic costs employment discrimination
complainants incur was conducted. The subjects for this research
were drawn from a list of people who have filed charges with the
Massachusetts Commission Against Discrimination, as well as Equal
Employment Opportunity Officers and other individuals who are
interested in the delivery of equal employment opportunity.
It was discovered that complainants and EEO Officers believe that as a result of being involved in this system, many complainants lose self-esteem and confidence in themselves.
ACKNOWLEDGEMENTS

This thesis is dedicated to my parents and my grandmother. Without their inextinguishable love and support, none of this would have been possible. Any accomplishments that I might have in my life will be theirs as well.

I'd like to thank Dr. Phyllis Wallace and Dr. Gary Marx, the members of my committee, for all of their help. Special thanks to my advisor, Dr. Hassan Minor, for his help and patience. His comments on my work were always helpful, and I'll remember his confidence in my ability long after I leave M.I.T. The words "thank you" seem so inadequate at times like this...yet they are the only words I have to express my gratitude.

I'd like to thank all of the people that I interviewed for this research: the complainants, the Equal Employment Opportunity Officers, and other interested persons. I thank them for sharing their inner-most feelings about themselves and about the equal employment opportunity delivery system.

Professor Frank Jones, Karen Fulbright, Yvonne Gittens and Jeanne Winbush continued to believe in me even after I began to doubt myself. For that I shall be eternally grateful.

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Hazel Bright, Deborah Jordan and Tracy Smith always found time to cheer me up despite the fact that they were writing their theses as well. I consider myself extremely fortunate for having made such friends.

Finally, I'd like to thank a person who shall remain nameless. Although the person may never know the crucial role he played in all of this, he made me aware of the fact that I still cared about so many things—people, the thesis, but most of all, myself.
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GENERAL INTRODUCTION

When researchers attempt to evaluate the effectiveness of the various interventions made by the Government to achieve equality of opportunity with respect to employment for all citizens, they do so largely on the basis of whether or not the members of protected classes are hired and/or promoted. This is important to document; to neglect this information would be tantamount to ignoring the very condition for which change was sought. Change, however, in addition to the predicted consequences on the targeted conditions, brings with it unintended consequences. These unintended consequences may detract from the action that was taken to improve a particular situation. Because the potential of unintended consequences to abate the effects of an action exists, it is important from the perspective of policy design to attempt to document the unintended consequences of actions. Documentation of these unintended consequences, however, is not sufficient. If the designer of policy is to formulate policy which is truly effective, he or she must learn from previous "mistakes". The individual must attribute the failure of an intervention to achieve an expected outcome to faulty theory formulation, faulty implementation of the intervention, or a change in the environment which makes the original theory invalid. The failure of systems to engage in such learning
sequences periodically leads to the promotion of ineffectual agencies. It is important for all systems to evaluate their performance with respect to the question: "How nearly have we approximated our goals?". These evaluations take on particular importance, however, when one is referring to a service delivery system. It is imperative that the articulated goals and the actual results are not at variance with one another, if the system is to maintain a position of trust from those whom it is charged to serve. Admittedly, it is difficult to enter the human element, with all of its complexity, into the calculus of how effective a system is. Difficulty, however, is no justification for ignoring such an important factor.

Complaints of discrimination in employment are filed with many different agencies due to the fragmented nature of the equal employment opportunity delivery system (see Figure 1). These agencies maintain data on the number of cases processed over a year; there is no doubt that this information is important. There is, however, little data maintained on the subjective experience of each complainant. This information is of no lesser importance. If it was found, for example, that complainants found the entire process to be agonizing regardless of the outcome, they might be disinclined to make use of the equal employment opportunity delivery system in the future, despite the fact that they were being discriminated against. Thus, we have a hypothetical situation in which an action (filing a charge of employment discrimination) has both intended (putting the employer on notice regarding unfair practices) and unintended (anxiety-producing process for the complainant) consequences. The unintended consequences may
operate to make the system less effective (the complainant would rather
tolerate employment discrimination in the future than to be thrust into
the anxiety-producing process again).

This thesis is designed to look at an unintended consequence of
filing a charge of employment discrimination. More specifically, the
psychic costs of filing a charge will be investigated. The subjects
for this research include complainants who filed charges of discrimi-
nation against their employers with the Massachusetts Commission
Against Discrimination (MCAD) during 1978 and 1979; individuals who
are presently or have been important with respect to equal employment
opportunity, and representatives of organizations that complainants
are likely to look to for help.

The complainants' names were obtained from the files of the
MCAD (closed cases are public records). Letters with a questionnaire
included were sent to fifty-one complainants by the author. The letter
explained the research and asked for the complainants' assistance (see
Appendix). Seventeen complainants responded—five complainants who
had charged race discrimination, five who had charged sex discrimina-
tion, and three who had charged other forms of discrimination. In
addition, four complainants returned the questionnaire indicating that
they either would not or could not participate in the research.
Interviews were conducted at mutually convenient times in person or
over the telephone, dependent upon the complainant's preference. It
was no mean task scheduling these interviews—they were rescheduled
without exception. This rescheduling would seem to indicate that the
respondents were somewhat ambivalent about talking about the process
they had been a part of.
## FIGURE 1
**COMPARISON OF CURRENT AND PROPOSED ALLOCATION OF EQUAL EMPLOYMENT AUTHORITIES**

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* A number of Federal grant statutes include a provision barring employment discrimination by recipients based on a variety of grounds including race, color, sex, and national origin. Under the reorganization plan, the activities of these agencies will be coordinated by the EEOC.

*from Reorganization of EEO Programs, Reorganization Plan No. 1 of 1978 (February 23, 1978).
It should be noted that it is not the author's intention to try to evaluate the appropriateness of the subjects' complaints. The assumption is made that if the system is not working effectively, it is ineffective for all complainants, regardless of the validity of their complaints. Further, it is the author's belief that discrimination is a perceptual issue: actions which individual A believes to be discriminatory are not necessarily what individual B would label as discriminatory. Despite the fact that B may not consider this action to be discriminatory, A interprets the action as such, and the experience is as real for him as it would be if B had agreed that the action was discriminatory.

The first chapter will examine the legislative background of the equal employment opportunity delivery system at both the national and state levels. The primary question that is to be addressed is the following: Why was the legislation passed at the time it was?

The sociological and socio-psychological underpinnings of the research will be explored in the second chapter. Research on the areas of discrimination and deviance will be examined.

The third chapter will examine the experience of being a complainant based on sex. This will include selected passages from interviews with actual complainants.

Chapter IV will examine the experience of being a complainant based on race discrimination. Again, selected passages from the interviews will be included.

In the fifth chapter, the author will explore the reasons that individuals might have for choosing not to file a charge, despite the
fact that they have been discriminated against. These reasons have been developed in conversations with people who are important with respect to the implementation of equal employment opportunity. Although it might have been advisable from the point of view of the research to interview the individuals who chose not to file, it was not practicable, as these individuals, by and large, do not want to discuss the specifics of the problems they encountered. It would appear that the variable "pain" intervenes.

The sixth and concluding chapter will examine the relevance of this research to the field of planning. In addition, the author's recommendations for enhancing the ability of the system to deliver equal employment opportunity will be set forth.
CHAPTER ONE

INTRODUCTION

At the first glance of the casual observer, it might seem inappropriate to include a section on the legislative background of the equal employment opportunity delivery system in an investigation of the psychic costs complainants pay in the process. However, it is only from examining the legislative background that one can discern exactly what the legislative intent was. Legislative intent is of paramount importance in the examination of the equal employment opportunity delivery system because, as will become obvious in the following pages, this legislation was developed as much to placate and quiet Blacks as to provide equality of opportunity for them. A piece of legislation with such symbolic value is implemented only with great difficulty.

In this chapter, the legislative background of the equal employment opportunity delivery system will be examined at both the national and state levels. Accompanying this will be a discussion on the difficulty of implementing the legislation and the crucial role the courts have played in defining and resolving employment discrimination.
Finally, the key assumptions underlying the present system will be explored.
HISTORY OF EEO AT THE NATIONAL LEVEL

The federal government has been cognizant of the existence of discrimination in employment since at least 1941, when President Roosevelt signed Executive Order 8802. This order encouraged the inclusion of all citizens of the United States in the national defense program. Government contractors were encouraged not to discriminate against potential employees on the basis of race, creed, color, or national origin. Executive Orders on the issue of discrimination were signed on a yearly basis by each president into the mid-sixties. President Kennedy signed Executive Order 10925 in 1961, the provisions of which included:

1. The contracting agencies of the federal government would be required to ensure that contractors were complying with Executive Orders on equal employment opportunity.

2. The creation of the President's Committee on Equal Employment Opportunity, which the Vice President would chair. This Committee would focus on the private sector.

3. The development of Plans for Progress for private industry. In the first year, 104 private firms pledged to go beyond the requirements of the Executive Orders with respect to equality of opportunity in employment.

4. Practice equal employment opportunity within the federal government.

The President's Committee on Equal Employment Opportunity had the following powers:
1. Publish the names of non-complying contractors and unions;

2. Recommend suits by the Justice Department to compel compliance;

3. Recommend criminal action suits by the Justice Department against contractors who furnish false information;

4. Terminate the contract of a non-complying employer; and

5. Forbid the contracting agencies to enter into new contracts with contractors who have discriminated unless they can demonstrate that they have changed their policies. 3

Although Executive Order 10925 went further than any of its predecessors in its provisions, Kennedy was pressing for something more. He became aware of the fact that Blacks were becoming increasingly dissatisfied with their situation and with their government:

"Unemployment falls with special cruelty on minority groups. The unemployment rate of Negro workers is more than twice as high as that of the working force as a whole. In many of our larger cities, both North and South, the number of jobless Negro youth—often 20 percent or more—creates an atmosphere of frustration, resentment, and unrest which does not bode well for the future." 4

He continues:

"Employment opportunities, moreover, play a major role in determining whether the (civil) rights are meaningful. There is little value in a
Negro's obtaining the right to be admitted to hotels and restaurants if he has no cash in his pockets and no job.\footnote{5}

Kennedy was not alone in pushing for more permanent statements by the government on equal employment opportunity. Emanuel Cellar, the chairman of the House subcommittee that held hearings on the Civil Rights Act of 1963, opened the June 13, 1963 meeting with the following statement:

"Patience is the art of hoping. The Negro has prayed and hoped. Relief seems hopeless despite patience. He has waited—waited with anxiety. There seems no end to anxious waiting. Certainly there must be an end to patience and waiting. Frankly, the Negro will no longer wait. The new generation of Negro, better educated, with more money, with more power than heretofore, will use these advantages and assets to break the shackles that still bind. He will brook no opposition and will not be satisfied with token integration. The white man has tarried too long. The Negro will not accept now the theory of gradualism.

The 20 million Negroes must be reckoned with. They have power. We white leaders must not let the 20 million Negroes be led by demagogues and fanatics and extremists. That power must be molded and led by men of reason—not men of rancor. Congress must help supply the format of leadership, with strong progressive laws. We have a gifted and dedicated President and a dynamic Attorney General, who would execute these laws. We must supply them with the legislative tools asked for. Otherwise, we shall share the blame for unconfined and dangerous strife
and disorder. Much evil will result unless we act and act quickly, for time is of the essence. Might must not triumph over right, riot over reason. The bullet should not replace the ballot..."6

Other members of the committee were concerned about the direction Blacks might turn to out of frustration. There were a number of references to the Black Muslim movement in the hearings—and the Congressmen did not view the Muslims as being particularly temperate with respect to the use of violence to achieve equality.

Thus, we see that the President of the United States, the Chairman and most members of Subcommittee 5 of the House Judiciary Committee sensed that there was a generalized but nevertheless strong feeling of malaise in the Black population which necessitated the swift passage of legislation that would guarantee their civil rights. The legislation had to be passed quickly, otherwise there would be additional bloodshed. As the U.S. Code Congressional and Administrative News put it:

"Both parties articulated commitment to civil rights progress in their 1960 platforms, but it was not until Blacks took to the streets in 1963 that this country and its government recognized again the urgent obligation to remove a daily insult to our fellow citizens."7

Many proponents of the states' rights form of government testified before the committee. The absence of any consistent plan across states with respect to the promotion of civil rights led most of the committee members to believe that the time had come to enact such legislation at the national level.
As has already been indicated, it should not be assumed that there was no opposition to this legislation, although after the assassination of Kennedy, President Johnson gave civil rights legislation high priority. There were those who believed that civil rights issues were best handled at the state and local levels\(^8\). In fact, there was a great deal of opposition to the passage of this legislation—so much that one of the longest filibusters in history resulted. This opposition forced the proponents of the Civil Rights Act of 1964 to compromise\(^9\). These compromises took the form of nebulous terminology in the Act, and the creation of an agency that although not impotent, could hardly be characterized as powerful. Title VII's passage was due to the lobbying of a coalition which was formed between labor, religious leaders and civil rights organizations.

Title VII of the Civil Rights Act of 1964 is regarded as the central core of the equal employment opportunity delivery system. As modified by PL 92-261, it prohibits employers, employment agencies and unions from discriminating against employees because of their race, color, religion, sex\(^10\), or national origin. Discriminatory employment practices were defined and termed illegal. These included: discrimination in hiring, discharge, promotion, compensation, or terms and conditions of employment on the part of the employer; discriminatory referral systems on the part of employment agencies; and exclusionary membership practices, member classification, or apprentice programs on the part of labor unions\(^11\).

One of the provisions of Title VII is the establishment of the Equal Employment Opportunity Commission (EEOC), which is charged with the task of implementing Title VII\(^12\). This is no mean task: although
Title VII defines discriminatory practices, it fails to define what discrimination is. This failure almost necessitated the existence of the EEOC to define more clearly what the legislative intent was in Title VII.

According to the provisions of Title VII, an aggrieved person must file a charge with the EEOC within one hundred and eighty days after the alleged discriminatory employment practice occurred. Where state fair employment practices exist, the EEOC defers to them for at least sixty days. After a complaint is filed with the EEOC, the employer is notified within ten days, and an investigation to determine probable cause is initiated. If there is a lack of probable cause, the case is dismissed, and all concerned parties are so informed. If, however, the EEOC finds that probable cause exists, the Commission is charged to eliminate the alleged discriminatory practices by conference, conciliation and persuasion. These informal attempts to eliminate discrimination are not open to the public. The entire process of determining probable cause is supposed to take no longer than 120 days from the day the charge was filed with the EEOC.

Although Title VII was not to be implemented until one year after its passage in order to give employers, unions, and the EEOC sufficient time to prepare, they all seemed to be caught unaware, and a tremendous backlog of cases occurred during the first year of EEOC's operation.

The Equal Employment Opportunity Commission was initially limited to the role of amicus curiae, or recommending that the Attorney General initiate a suit if voluntary resolutions appeared to be impossible. Since the 1972 amendment, however, the EEOC has had the
power to initiate a civil suit in federal court. In addition, many employers were exempted from Title VII initially. The legislation was aimed at private industry from its inception. State and city employees had to look to the courts for resolution of their charges of discrimination. The only means for these workers in this effort was the equal protection clause of the Fourteenth Amendment. It should be noted that the resolution of cases was often speedier this way than through the Title VII mechanism. In addition, the judges in these equal protection cases came up with the notion of quotas, which can be regarded as the forerunner of the reverse discrimination cases of the 1970's.

Federal employment practices were monitored by the Office of Federal Contract Compliance Programs, which is in turn a section of the Department of Labor. OFCCP was originally little more than a coordinating agency which was to oversee the compliance of the various federal agencies to affirmative action/equal employment opportunity guidelines. OFCCP administered Executive Order 11246, which was signed in 1965 by President Johnson. The order indicated that discrimination was to be ended, and that affirmative action was to be undertaken. A definition of what was meant by the term "affirmative action" did not accompany the executive order. In fact, affirmative action was not "defined" until 1970. Thus, the OFCCP was in a position which was similar to that of the EEOC: both agencies were charged with the task of enforcing nebulous concepts. In addition, there was a conflict built into this system. Contract officers in the various agencies are supposed to purchase quality items for the least cost—it makes little difference to them as to the race of the workers who produce those items. Over and above that was the fact that the different agencies used different
guidelines in terms of how far down the line affirmative action principles were to apply. (In October 1979, a major restructuring of the EEO delivery system occurred. All of the contract agencies were transferred to OFCCP to ensure consistent guidelines. The reader should refer to Figure 1.)

In 1981, OFCCP will be reviewed, and may be placed under EEOC. What was once an extremely fragmented delivery system may become dependent upon only one agency—the EEOC.

Unfortunately, EEOC's track record with respect to management can be characterized only as poor. This is due in large part to the fact that no one within the agency anticipated the number of complaints that were received during the first year. What resulted was a tremendous backlog of cases, a situation which was exacerbated by the fact that fewer and fewer employers were exempted from the provisions of Title VII as time progressed.

Section 706 of Title VII provides that the EEOC should defer to state fair employment practice commissions where they exist. Massachusetts has such an agency—the Massachusetts Commission Against Discrimination. In the following section, its evolution will be examined.

**HISTORY OF EEO AT THE STATE LEVEL**

Massachusetts enacted its first fair employment practices legislation in 1920, but the act was without teeth. It was not until the decade of the forties that anything else was done regarding discrimination in employment.

Like their counterparts in other sections of the nation, Blacks
in Massachusetts were left out of the economy in the forties; at the same time, whites were enjoying near-full employment. Blacks were troubled by their exclusion, and they sought relief. The Governor of the Commonwealth proved to be responsive. He established a Commission on the Employment Problems of Negroes. The Commission was expected to report back to the Governor on the occupational distribution of Blacks, the extent of Black unemployment, the relation between Blacks and unions, and on various other data. The Commission found that there was discrimination in employment opportunities for Blacks, and recommended that the existing statutes be strengthened. Little else came out of the work of the commission.

The Massachusetts Committee on Racial and Religious Understanding was created by the governor in 1943. The committee was formed to discover the causes of racial tension and to combat discrimination.

In 1946, the Massachusetts legislature passed a fair employment practices act. A similar bill had been before the legislature during the previous session, but it died on the floor. Mayhew believes that the success of the 1946 bill was largely due to the active participation of civil rights lobbyists. These lobbyists were not naive enough to believe that legislators would vote for a bill because it was "right" — after all, the definition of what is right depends on who it is that is making the definition. Pressure can be placed on individuals to accept certain "global" values, such as equality, publicly if not privately.

The civil rights lobbyists of 1946 used a two-pronged approach to ensure that the legislation was passed. The approach was to use
two programs:

1. Programs designed to reinforce and reinterpret the values.

2. Programs designed to put decision makers into a position where they must either act on behalf of the legislation or create an appearance of public disavowal of the values that have been established.16

These lobbyists attended sessions of the legislature, and put the legislators on notice. The legislature was unwilling to vote against widely-shared values--and the lobbyists were doing everything they could to make it appear as though these values were indeed widely shared.

The Massachusetts Fair Employment Practice Commission was established by Chapter 376. Discrimination in employment on the basis of race, color, religion, national origin, or ancestry was determined to be unlawful. Unlike the legislation which would be developed nearly two decades later at the national level, the Massachusetts legislation gave the Commission the power to issue cease-and-desist orders if efforts at conciliation failed17. In 1950, the Commission's name was changed to the Massachusetts Commission Against Discrimination.

From this brief and admittedly incomplete view of the histories of the equal employment opportunity delivery systems of the United States and the Commonwealth of Massachusetts, it should have become evident that both delivery systems were formed largely in an effort to placate and "de-fuse" Blacks. Other minorities would come to the realization that employment opportunities were supposed to be equal for them as well at later points in time.
Another trait that the two share is that although both declare
that discrimination is illegal, they never clearly articulate what their
definitions of discrimination are. Is discrimination to be judged by
statistics or by economics? Questions of this genre are not addressed
by the acts. This vagueness with respect to the definition of discrimi-
nation has proven to be problematic for those who would implement the
laws and for those who would file charges of discrimination against
their employers.

It would be beneficial to attempt to bring forth a few key
assumptions that lie beneath the EEO delivery system at this point:

1. The potential complainant must feel that he or she
   is able (both financially and psychologically) to
   step forth and file a charge of discrimination
   against an employer.

The burden of proof for substantiating a charge of discrimination is
initially placed on the complainant. He or she must bring evidence--
which often means collecting statistics—that discrimination is occurring
at the work place. In order to do this, the potential complainant must
feel that he or she is insulated from the employer's wrath. Retribution
is prohibited at both the state and national levels; however, if it is
difficult to define discrimination, it is even more difficult to de-
termine whether or not an employer has retaliated against an employee
because that employee has filed a charge of discrimination.

2. Discrimination is both identifiable and confirmable.

Undoubtedly, there are some actions that can easily be labelled as
discriminatory—an advertisement in a paper stating that Blacks need
not apply to a particular organization for employment would be such an
example. However, as Marshall\textsuperscript{18} notes, a major problem with the law is that it addresses the issue of overt discrimination, but does nothing about the institutionalized and insidious forms of discrimination that workers face daily. Rowe writes:

"Subtle discrimination refers to covert, nonobvious or 'petty' behavior, most of which could never be taken to the courts because it seems too trivial or so difficult to prove."\textsuperscript{19}

Employers became cognizant of the fact that it is costly to discriminate in an overt fashion--this might lead to huge back pay disputes, or to a re-vamping of the internal labor market structure. Assuming that these employers still desired to discriminate against certain groups, they could just make the working conditions unbearable by actions which, on the surface, appear to be innocuous. It might very well be the case, then, that the law is out of step with reality.

3. Economic growth would occur indefinitely.

It was thought at the time that the Civil Rights Act of 1964 was passed that Blacks would obtain employment in an economy that was expanding. The economy stopped growing after a few years, and the unemployment rate began to approximate the levels it had achieved during the Depression. Unions that had worked for the passage of Title VII were extremely concerned about seniority--after all, whether or not an individual was retained on a job, was promoted, or received certain benefits was tied into the notion of seniority. The question that occupied a preeminent spot in union leaders' minds was the following: What would the "rightful place" of Blacks and other minorities be under the provisions of Title VII, and how would this affect their members? Thus,
in the mid-seventies we began to see a number of cases in the courts on the issue of seniority. The system simply was not able to generate enough jobs to implement equal employment opportunity fully.

These assumptions will be explored throughout the remaining portions of this research. Special attention will be paid to the assumption that people feel free to complain about discrimination.
FOOTNOTES


2. Executive Order 10925


4. Presidential Message on Civil Rights and Job Opportunities, June 19, 1963

5. Ibid


8. Representative W.J. Bryan Dorn, testimony before Subcommittee No. 5 of the House Committee on the Judiciary, Thursday, July 11, 1963

9. Equal Employment Opportunities Enforcement Act - S 2453, p. 36

10. Sex was included as an afterthought in an attempt to block the passage of the legislation. The legislation passed by a vote of 168 to 133 without much debate. The lack of substantial debate around this issue has made it difficult for those who would implement the law to determine what the congressional intent was.


12. Ibid, Section 705

13. Ibid, Section 706


15. Ibid, p. 78

16. Ibid, p. 80
17. Ibid, p. 109

18. Marshall, Ray—Discussion on Wallace's "A Decade of Policy Developments in Equal Opportunities in Employment and Housing" (see footnote 1), p. 365

CHAPTER TWO

INTRODUCTION

Imagine, if you will, that you have just applied for a job. Even by a cursory appraisal of your credentials, you are eminently qualified for this position. You have friends in the corporation, and they've scouted around regarding your likelihood of receiving a request for an interview. They lead you to believe that you'll be requested to appear for an interview, and their findings turn out to be correct. On the day of your interview, you spend a great deal of time in preparation—every hair is in place when you arrive at the agreed-upon location. You knock on the door at the specified time, and you're instructed to enter. When you do, you are horrified to watch the interviewer's polite smile transformed into a contemptuous sneer. You've seen that look before—and you realize that your application will no longer be given serious consideration. Your suspicions are confirmed by the interviewer's icy statement: "We have no openings at the present time."

Notwithstanding the fact that the scenario depicted above is overly dramatic, it nevertheless focuses the reader's attention on the
subjective experience of being discriminated against. The phenomenologi-
cal perspective is appropriate for a discussion of the experience of
being discriminated against. The focus of this chapter will be the
personal experience of being discriminated against, as framed by sociolo-
gists and social psychologists. (It should be noted that economists
refer to the scenario that was described as statistical discrimination—
judging the members of a particular group by the preconceived notions
one holds about that group instead of by their individual characteristics.)

In order to properly address this issue, it is important to open
this chapter with some of the sociological thought on the relationship
that exists between the self and society. Following this shall be a
discussion on discrimination and domination, and the various techniques
that individuals may employ to endure discriminatory treatment. The
work on deviance will then be reviewed. The research on the experience
of being the lone deviant in a group will be discussed as well. The
reader may wonder how these subjects are related to the study of employ-
ment discrimination. The employment discrimination complainant is
frequently the sole individual in his or her working group who chooses
to file a charge of discrimination. This action will be labelled as
deviant by the employer in all probability—after all, the employer
will have to devote some energy to fighting this charge at the expense
of other, more profitable activities. In addition, the complainant
may be ostracized by his or her co-workers. Thus, the study of deviance
is relevant to research on the psychological effects of being an employ-
ment discrimination complainant.

Finally, the beginnings of a framework by which investigators
can look at potential complainants will be advanced.
THE SELF AND SOCIETY

Sociologists concern themselves with explaining the way that groups of individuals behave. Many sociologists came to the realization that such groups could not be adequately studied without first understanding that these groups are realities because individuals make them so. As Cooley wrote, "(s)elf and society are twin-born"\(^1\). For Cooley, society was mental, and the mind was social. One could define oneself only by also defining others in the world. Society would cease to exist if there weren't images of society ingrained in the minds of men. Coser, referring to Cooley's work, writes:

"Society is internalized in the individual psyche; it becomes part of the individual self through the interaction of many individuals, which links and fuses them into an organic whole."\(^2\)

Perhaps the most important of Cooley's contributions was his notion of the looking-glass self; we form our perceptions and opinions of ourselves based, in part, on the perceptions and opinions others have of us. He writes:

"Society is an interweaving and interworking of mental selves. I imagine your mind, and especially what your mind thinks about my mind, and what your mind thinks about what my mind thinks about your mind. I dress my mind before yours and expect that you will dress yours before mine..."\(^3\)

Mead's work paralleled and detailed the work of Cooley. For Mead, the existence of a self apart from society was an impossibility: there would be neither consciousness of self nor communication\(^4\).

Mead differentiated between "I" and "me". "Me" was viewed as
an object—it was formed from the point of view of significant others. One could very well have a number of "me's", some of which might be at variance with others. "I", on the other hand, was viewed as a moving pinpoint of consciousness; it is the answer that the individual makes to the attitudes which others take toward him.

How individuals interact with one another is dependent upon the perceived power/powerlessness of each of the actors. Coser writes of Marx's work:

"Marx's analysis continually centers on how the relationships between men are shaped by their relative positions to the means of production, that is, by their differential access to scarce resources and scarce power."\(^5\)

Marx was not alone in his belief that relationships between human beings were based on power. Schutz differentiated between the "in-group", which is predominant, and the "out-group", which seeks more power\(^6\). Kanter felt that organizational behavior could be determined by the following structural determinants: opportunity, power, and proportions\(^7\). Her findings are well worth listing\(^8\):

**Opportunity** was defined as expectations and future prospects. People low in opportunity would tend to:

* limit their aspirations, not hoping for mobility in general, not valuing more responsibility, more participation;

* have lower self-esteem, value their competence less than adequately;

* seek satisfaction in activities outside of work, dream of escape, and "interrupt" their careers;

* have horizontal orientation, compare themselves
with peers;
*be critical of high power people, of management;
*but be less likely to protest directly or seek change; rather to channel grievances into griping than direct action;
*orient peer groups toward protection and reassurance, with strong loyalty demands;
*find ways to create a sense of efficacy and worth through personal relationships rather than in terms of task accomplishment;
*be more attached to the local unit than to the larger organization;
*resign themselves to staying put;
*be concerned with basic survival and extrinsic rewards.

People high in opportunity would tend to:
*have high aspirations;
*have high self-esteem, value or overrate their competence;
*consider work a more central life interest;
*be more committed to the organization;
*be competitive, oriented toward rivalry;
*have a "vertical" orientation;
*be more attracted to high power people and identify with them;
*create power and action-oriented informal groups;
*engage in active change-oriented forms of protest;
*be concerned with the intrinsic aspects of the job.
Power was defined as the capacity to mobilize resources.

People low in organizational power would tend to:

* foster lower group morale;
* behave in more authoritarian ways;
* try to restrict opportunities for others' growth;
* use subordinates as their frame of reference for status assessment;
* be more insecure;
* be less well liked.

People high in organizational power would tend to:

* foster higher group morale;
* behave in less rigid and authoritarian ways;
* groom talented subordinates for better things;
* be viewed by the subordinates as helping;
* be better liked.

Proportions referred to the social compositon of the workplace.

People whose type is represented in very small proportion would tend to:

* be more visible, be "on display";
* feel more pressure to conform, to make fewer mistakes;
* try to become "socially invisible";
* find it harder to gain "credibility";
* be excluded from informal peer networks;
* not have mentors;
* be stereotyped;
* face more personal stress.

People whose type is represented in very high proportions would tend to:

* be seen as one of the group;
*be preferred for managerial jobs;
*find it easier to gain "credibility";
*be a part of the informal network;
*have a mentor;
*face less personal stress.

Social conflict was viewed by Simmel to be the very essence of social life. He, like Cooley and Mead, believed that in order to fully understand and analyze social action, one had to refer to both the actions of the superordinates and to those of the subordinates. To fail to engage in such a dual reference system would be an example of what Simmel would term the fallacy of separateness. 

Schutz, too, believed that it was important to refer to both the subordinate and superordinate groups in order to thoroughly understand social action. He noted that the superordinate or predominant group and the subordinate groups are more likely than not to have quite different definitions of equality, because equality has a relational component. 

**DISCRIMINATION AND DOMINATION**

Adam has identified three characteristics which inferiorized persons share with each other:

1. They are viewed as a "problem";
2. They are viewed as being all alike, and therefore interchangeable; and,
3. They are recognizable as such without exception.

Those individuals who must face a hostile environment on a daily basis must develop strategies for coping with that environment. Adam states:
"In the face of an apparently irresistible environment, man can only turn inward to find maneuverability; adjustment to the (often hidden) demands of the immovable order increases the chances of survival. Interpretation of the suffering imposed by violation of natural necessity as personal inadequacy permits hope for its alleviation."\textsuperscript{12}

The strategies that Adam identifies for coping with domination and discrimination include:

- mimetic behavior;
- social withdrawal;
- psychological withdrawal;
- guilt-expiation rituals;
- magical ideologies/religion;
- in-group hostility;
- contravention; and,
- assimilation.\textsuperscript{13}

If we attempt to relate these strategies to the subject of employment discrimination, we find that the choice of a strategy is dependent upon the potential complainant's perception of his or her own power and power's relation to "rightness", and the individual's willingness to hold others culpable for the discrimination. Those individuals who are not steadfast in their belief that they are not responsible for the discrimination inflicted upon them are likely to engage in mimetic behavior, to seek expiation for their "guilt", or to engage in in-group hostility—rejecting others who remind them of themselves.

Those individuals who are convinced that it is not they but something outside of themselves that should be held accountable for the discrimination will choose among the remaining five strategies. Those
who view themselves as being relatively powerless or who, when they view
the situation and the high costs they would have to pay to right a per-
ceived wrong don't hold to their principles quite as tenaciously as do
those who view the link between "right" and "might" as strong. They
are likely to choose to assimilate, to turn to religion for an explana-
tion, or to withdraw from the situation. Only the remaining individuals
will choose to pursue a strategy of mitigation.

It is unlikely that a majority of individuals who feel that they
have been discriminated against will seek to contravene, for to do so
places the individual among the rolls of the deviant.

DEVIANCE

Erikson summarized the traditional approach to deviance in the
following manner:

"Deviance is considered a vagrant form of human
activity which has somehow broken away from the
more orderly currents of social life and needs
to be controlled. And since it is generally
understood that this sort of aberration could
occur only if something were wrong within the
organization of society itself, deviant be-
havior is described almost as if it were leakage
from machinery in poor condition; it is an inci-
dental result of disorder and anomie, a symptom
of internal breakdown."14

Erikson and others (most notably Becker) believe that in order to under-
stand deviant acts, one must not only examine the behavior of the
deviants, but of the "moral entrepreneurs", the individuals who label
the acts as deviant, as well. For these researchers, the traditional
view of deviance provides too narrow a framework for many kinds of sociological research. Erikson would rather define deviance as "conduct which is generally thought to require the attention of social control agencies—that is, conduct about which 'something should be done'." The interactive nature of deviance is what is crucial to study in Erikson's framework.

Three variables enter into an individual's calculus in the decision to embark upon a course of action which might be labelled as deviant. They are:

1. The definition of the situation;
2. The individual's self-concept at the time; and,
3. The audience the individual is playing to.

There are costs affixed to the role of deviant: ostracism, rejection and stigmatization rank high among these. Yet there are individuals who choose to become deviants. Why is this? Glaser believes the following:

"...the consequences of rejection depend on how much the rejectee values acceptance, and how achievable it is for him. Any 'stake in conformity' motivates him to avoid further deviance or to hide it more carefully, if rejected, but where he has a greater stake in deviance than in conformity, or where acceptance does not seem favorable or worth the costs it is expected to require, rejection increases commitment to deviance."

It becomes extremely difficult for the employment discrimination complainant to decide whether it would be worth it to file a charge of discrimination. The society of which he or she is a part devalues a
trait that he or she possesses (i.e.--race, sex, or being handicapped). They perceive the likelihood of advancement to be small; what would filing a charge of discrimination against the employer do to this already slim likelihood? (It is at this point that the individual may take the notion that he or she is "the exception" - that his or her competence is such that it compensates for the devalued trait(s). While this coping mechanism may aid the individual in the short-run, the prospects for the long-run are not as optimistic. These individuals must constantly prove their competence to newcomers and oldtimers alike.)

Durkheim believed that deviance could be dangerous in that societal regulations could break down, and individuals would no longer feel compelled to comply with the norms that had been established. It is therefore crucial that employers label discrimination complainants as deviant. If they fail to do so, they risk alienation and anamie at the workplace.

It should be noted, however, that deviance is not viewed as being entirely dysfunctional. Durkheim believed that deviance is just as necessary as is conformity in maintaining societal authority. Deviant behavior can prove to make a group more cohesive in the following ways:

1. It identifies the boundaries of accepted behavior for other group members;

2. It can bring about changes in those boundaries;

3. It can serve as a "safety valve" in that it allows individuals to let off steam without seriously threatening the established system; and,

4. It can point out defects in the institution.
Thus, we see that behavior which looks abnormal from a micro or psychological viewpoint can be functional from the perspective of sociology.

Societal reactions to stigma account for individuals' motive to avoid being stigmatized. There is a tendency to view stigmatized individuals as not being quite "normal"—the physically handicapped, for example, are not viewed as whole people. They are not perceived as having the same needs and desires as "normal" people. Accompanying this is the tendency to assign special attributes to the stigmatized. Some of these assignments are fairly innocuous (i.e., the notion that the blind have "special" hearing). Others, however, are far more deleterious for the deviant (i.e., the notion that women could not lift heavy weights closed the doors to many opportunities in employment for them). The societal reaction to deviance which is by far the most pernicious for the deviant is that the stigmatized person is somehow responsible for his or her condition, and that the stigmatization is justification for how society treats the deviant.

Stigmatized individuals attempt to insulate themselves from the societal reactions mentioned above by maintaining anonymity from the mainstream—by changing names, making frequent moves and the like. When these options are not open to the individuals, and they aren't able to insulate themselves from society, shame, fear and anxiety can occur. The central problem for the stigmatized person then becomes one of adaptation. The methods stigmatized individuals might employ in order to survive in the hostile environment include:

1. "removal" of the stigma
2. compensation and relearning
3. secondary gains

Removal of Stigma: The individual may "remove" his or her stigma by rejecting society's notions of what constitutes normalcy or by careful impression management. The individual may join a group of people who share the stigma with him. This group views its members as normal, and the possession of the stigma is central to group membership. Rejecting this, the individual may choose to "hide" or "manage" his or her deviance.\textsuperscript{17} Compensatory and Relearning: The individual may accept his or her "inadequacy" and attempt to compensate for it. An example would be amputees learning how to dance.

Secondary Gains: These individuals not only accept the stigma that society has placed upon them, but they look upon it as a blessing in disguise, and view "normal" people as living a somewhat limited existence.

It would seem from the preceding discussion that one of the methods by which "deviants" are able to survive is by grouping together. Adam believes that the dominant retain their power over the dominated by keeping them unaware of each other's existence.\textsuperscript{18} Thus, many deviants are placed in the position of being the lone deviant in a majority.

**THE LONE DEVIANT**

Asch used college students as subjects in an experiment to determine the extent to which deviants would conform in a group where their opinion was at variance with every other member of the group. He introduced three lines which were obviously different with respect to their lengths. A standard line was then introduced. This standard line was equal in length to only one of the original three lines. The
subjects were asked to compare the lengths of the lines to that of the standard, and to choose the line which most nearly approximated to length of the standard line. Four participants gave answers that were obviously wrong prior to the subjects' turns. Almost a third of the subjects conformed to the group norm, despite the fact that this norm was wrong. Raven and Rubin20 have summarized the findings of several social psychologists on factors which push the lone deviant toward conformity. They are as follows:

1. the amount of opinion discrepancy in the group;
2. the relevance of the opinion to the functioning of the group;
3. group cohesiveness;
4. personality characteristics of the members; and,
5. cultural differences.

It is interesting to note that when deviants learn that they differ substantially from group norms, they become somewhat disconcerted21. For some, the resistance of group influences can become an end in itself, and the deviant will embark upon a path of anticonformity. Other deviants alter their private opinions in anticipation of public exposure and the concomitant societal reactions to deviance.

A TENTATIVE FRAMEWORK

We have seen what sociologists and social psychologists have to say about discrimination and deviance. It would be helpful at this point to attempt to develop a set of successive hurdles over which all potential complainants must leap if a complaint of discrimination is to be filed. This framework was developed during the author's conversations
with individuals who are familiar with the process of filing a complaint. It should be remembered that this framework is extremely rudimentary; further research should be devoted to refining it.

1. The complainant comes to the realization that a problem exists at the workplace.

He or she is receiving differential treatment on the job. This differential treatment may take the form of receiving a lower wage than co-workers for performing the same tasks, not advancing up the corporate ladder, or any of a number of situations. The differential treatment may have occurred only once; it is more likely to have occurred many times, however.

2. The complainant attributes the problem to some condition outside of himself or herself.

This is likely to be the highest (and therefore, most time-consuming) hurdle over which the potential complainant must leap. He or she must engage in deep introspection. However, if the complainant decides that the differential treatment is not due to his or her personal inadequacies and that the treatment is not justifiable, he or she will proceed to step 3. The complainant must feel that his or her work is comparable to that of co-workers in quantity and/or quality.

3. The complainant seeks legitimation from significant others.

The complainant will talk with family members and/or close friends to check his or her perceptions. If these significant others provide positive reinforcement, that is, if they agree that a problem exists and that the complainant is not the source of the problem, the complainant will proceed to step 4. If, however, the significant others do
not share the perceptions of the complainant, he or she will return to either of the previous steps. Should the complainant decide to proceed to the next step, these significant others can play a crucial role in the process because of the support they can give the complainant throughout the process.

4. **The complainant develops a strategy for dealing with the situation.** (The reader is referred to the discussion of Adam's strategies already discussed in this chapter.) Most of the potential complainants will proceed to the next step out of curiosity; only those who have chosen to contravene will proceed past that point, however.

5. **The complainant engages in a second level of attribution.**

The complainant must decide whether discriminatory practices are atypical of the individual or institution in question. Should the complainant decide, for example, that the supervisor was consumed with personal problems at the time he discriminated against the complainant, the complainant may decide not to attempt to change that individual's behavior—the supervisor was under a great deal of stress, he or she was not intentionally trying to harm the complainant, and the complainant believes that such behavior is not likely to recur. If, however, the complainant determines that discrimination is a way of life for the supervisor, he or she may choose to go further. The complainant collects this information by speaking with co-workers, supervisors, and other key people in the organization on an informal basis. The purpose of this second level of attribution is to rule out alternative hypotheses regarding the cause of the discrimination.

6. **The complainant assesses the risks associated with filing a charge**
of discrimination.

The individual conducts a job search both within and outside of the company. He or she assesses the probability of escaping from the discriminatory situation. If the individual finds that escape is unlikely or that the costs of escaping are prohibitive, the costs of filing the charge will be more carefully examined. For example, if it was discovered that to escape from the condition the individual would have to move out of a city he or she liked, or change professions, that individual would want to give the situation serious consideration. After all, resolving charges of discrimination takes quite a bit of time—some cases exceed two years. During that time, the individual might have to work with the same supervisor that discriminated against him or her. This is certainly an unenviable position, so the individual must realistically assess both the likelihood of reprisals and his or her ability to cope with these reprisals.

7. The complainant engages in a second level of legitimation.

At this point, the complainant is prepared to seek redress. He or she will speak with the EEO Officer at the job, with lawyers, and with investigators at equal employment opportunity agencies.

This model is admittedly unpolished; factors such as the individual's personality have not been included. Another factor which was excluded is the perceived accessibility of the EEO Office. Factors such as these can either raise or lower the height of the hurdles. The model is effective, however, in bringing out the following point: the decision to file a complaint of discrimination is not one which is made on the spur of the moment. The potential complainant must overcome
barriers both within and without before he or she files a charge of
discrimination. The perceived costs at these boundaries may be viewed
as excessive, thus precluding the possibility of some individuals filing
a charge.

It would appear that the legislative model of the EEO delivery
system and the sociological and socio-psychological research on human
behavior are at variance with each other: the legislative model assumes
that individuals will "want" to file charges of discrimination, while
social science research indicates that individuals will avoid being
labelled deviant, unless they want to "educate" their employers by act-
ing as martyrs. It is this conflict that is at the heart of the ex-
periences of employment discrimination complainants. It is to their
stories that we now turn.

2. Ibid, p. 306-7

3. Ibid, p. 306

4. Ibid, p. 334

5. Ibid, p. 48


8. I am indebted to Lois Biener for her summary of Kanter's findings.

9. Coser, op cit, p. 185

10. Schutz, op cit, p. 267


12. Ibid, p. 71

13. Ibid, p. 95-113


15. Ibid, p. 18


17. The reader is referred to Erving Goffman's work: *The Presentation of Self in Everyday Life* for a discussion of impression management.

18. Adam, op cit, p. 55


21. Doob, as cited by Raven and Rubin
CHAPTER THREE

INTRODUCTION

In this chapter, the reader's attention shall be focused on the experience of being an employment discrimination complainant on the basis of sex discrimination. To fully understand this, however, it is important to look at the psychological research on being a female in American society.

Women are entering the work force in unprecedented numbers. We shall look at the way women are participating in the work force briefly.

Finally, the interviews with complainants will be summarized.
ON BEING A WOMAN IN AMERICAN SOCIETY

Most individuals would have very little difficulty in describing the differences between men and women. These individuals would, in all probability, have a long list of differences. Between 1966 and 1973, MacCoby and Jacklin\(^1\) reviewed the literature on sex differences and reached the following conclusions:

**Established Sex Differences**
- *women are more verbal
- *men are more visually and spatially inclined
- *men fare better with mathematics
- *men are more aggressive

**Unfounded Beliefs**
- *women are more social
- *women are more suggestible
- *women have lower self-esteem
- *women are more influenced by heredity
- *women have lower achievement motivation
- *men are more analytical
- *men are more influenced by their environment

These results should not be taken as definitive; other researchers (most notably Block\(^2\)) are extremely critical of this work. However, the work was important in that it attempted to bring disparate pieces of information together.

One of the presumed sex differences that has intrigued psychologists since Matina Horner first labelled it is the fear of success. It is really no wonder that it has intrigued psychologists; at least part of their fascination with this research area is due to the fact that the "fear of success" gives employers a "psychological license" of sorts to
discriminate against females in employment because after all, they don't really want to succeed. Women supposedly fear success because it would bring unfortunate consequences along with it. One such unfortunate consequence is rejection by males.

Horner states:

"The motivation to avoid success is conceptualized within the framework of an expectancy-value theory of motivation. It is identified as an internal psychological representation of the dominant societal stereotype which views competence, independence, competition, and intellectual achievement as qualities basically inconsistent with femininity even though positively related to masculinity and mental health. The expectancy that success in achievement-related situations will be followed by negative consequences arouses fear of success in otherwise achievement-motivated women which then inhibits their performance and levels of aspiration."

As one can gather from glimpsing at Horner's statement, women fear success because society does not equate competence and the other qualities that were mentioned with femininity. Unfortunately, this societal stereotype is subscribed to jointly by men and women.

Additionally, when women do succeed, their accomplishments are devalued. Any event can be attributed to external reasons (i.e.-luck) or to internal reasons (i.e.-skill). It has been shown that both men and women tend to attribute the success of a man to skill, and that of a woman to luck.

Horner measured fear of success by the existence or the absence
of negative or bizarre consequences in response to the following stimulus:

"After first term finals, Anne (John) finds herself (himself) at the top of her (his) medical school class."

Subjects who wrote about Anne or John without including negative consequences were assigned a score of 0, while their counterparts who included negative consequences received a score of 1.

Many researchers have criticized Homer's fear of success variable because it did not test people's attitudes toward a "real" situation... what if Anne were at the top of an unspecified class? Would the fear of success be significantly decreased in this situation? Alper\(^7\) tested just that. Anne was now at the top of her class, and she now had rosier futures predicted for her; the incidence of fear of success in the subjects decreased dramatically. It would appear that since Anne is now training for a profession which is not in obvious conflict with the female role, her sex and role are consistent, and the subjects experienced far less dissonance.

Monahan, Kuhn and Shaver\(^8\) tested both males and females in response to both male and female cues. They found that males gave Anne even more serious consequences for her achievements in medical school than did females. Thus, it would appear that perhaps the responses subjects give to the cue about Anne in medical school should be taken as indicative of the subjects' pragmatism, or to her awareness of conditions in the real world.

A further elaboration of Horner's original study was undertaken by Cherry and Deaux\(^9\). They not only had both males and females respond to male and female cues, but they had the male and female cues in both
sex-appropriate and sex-inappropriate situations. More specifically, both Anne and John were at the top of their classes in nursing school and in medical school. Thus, there were four different cues. The researchers concluded that both sex and situation must be considered, because the verbal cue of John being at the top of his nursing school class elicited a high level of fear of success in males.

Condry and Dyer\textsuperscript{10}, in noting that in some studies, men wrote significantly more fear of success stories than did women, believe that Horner's variable more adequately measures the negative consequences of deviance. They suggest further that individuals who appear to fear success may merely be acting based on the very real information they've received from the world. Horner found that for Blacks, the trend for fear of success was reversed for the sexes. Black men indicated fear of success in 67 percent of their stories, while Black women indicated fear of success in only 29 percent of the cases. To understand why this apparently anomalous situation exists, it is necessary to examine the history of Blacks in the United States.

**HISTORY OF BLACKS IN THE U.S.**

In the institution of slavery, the Black man was to be castrated by white society; he was expected to stand by passively while his master and the sons of his master satisfied their lust by raping Black women. If the Black man attempted to defend a Black woman's honor, he was suppressed\textsuperscript{11}. Neither the fact that this woman might very well have been his wife, daughter or mother, nor the fact that under similar circumstances, the white man would rise to defend white women seemed to matter. But slavery did not limit itself to castrating the Black male.
while he remained in the family; in fact, slavery seems to have had the disruption of the Black family as one of its objectives. Staples\textsuperscript{12} asserted the following:

"Under the conditions of slavery, the American Black father was forcefully deprived of the responsibilities and privileges of fatherhood. The Black family's desire to remain together was subordinated to the economic interests of the slave-owning class."

The emasculation of Black men by society during the institution of slavery, and the separation of Black men from the families to aid in the economic advancement of the white ruling class forced Black women to become self-sufficient in order to provide for themselves and for their off-spring. Ladner\textsuperscript{13} believes that the inequities that accompany racial discrimination in present-day America make it necessary for the Black woman to remain in the working force, to remain self-sufficient; she can often find work, albeit menial work, when her mate cannot, and can therefore keep the family off the welfare rolls.

Billingsley\textsuperscript{14}, too, comments on the economic function of the Black woman:

"It is sometimes said by students of the family that husbands and fathers play a preeminent role in the meeting of instrumental functions, while women are assigned to the more expressive functions. This view, however, provides far too simplistic a framework for examining the functioning of Negro families. As we have just seen, the dramatically increased economic hazards faced by the caste system have a direct bearing on the difficulty and complexity of carrying out the major instrumental functions of the Negro family. The white
breadwinner's security of employment and his reliance upon community systems in fulfilling the functions of providing stability and basic needs to family members are denied the Negro breadwinner. Thus, the simple model which allocates instrumental functions to the father cannot be expected to describe all of the adaptations required for the Negro family in its struggle for survival.

Thus, we see that a major difference exists between Black and white women—Black women generally had to work in order to keep the family financially viable.

Studies by Weston and Mednick\(^1\) and Mednick and Puryear\(^2\) have shown that the fear of success in Black women is significantly lower than that in their white counterparts. An interesting contrast can be drawn between the responses of white and Black women in the Weston and Mednick study:

*from a Black student in response to Anne's achievement in medical school:*

"Anne is very pleased because upon completion of finals she finds herself at the top of her medical school class. Anne has studied diligently for long and hard hours. She has always wanted to be a part of the medical profession. Although she studied constantly, she never dreamed of being number one in her class. She wants to pursue a medical career and she is convinced that she can master the work. Her parents and boyfriend will be proud of her. She will continue in medical school, graduate and go on to become a leader in her profession."

*from a white student in response to Anne's achievement in medical school:
"Anne and her fellow classmates are sitting around 'shooting the bull'. Final exams, naturally, is the topic of discussion. Two or three people seem to dominate the conversation, and Anne is sitting quietly off to one side, her facial expression is one of mixed emotions. Anne has always been a good student and medicine is her 'thing'. She has worked many long and hard hours to achieve the goal she has reached, with very little time for fun. Anne wonders whether it is worth it, as she seems to be left out of the 'fun crowd' and ignored by the guys because she is a 'brain'. The only time she is noticed is when someone needs help with homework. Anne will let her studies go and become a party girl."

There is an obvious difference in the level of fear of success in the two stories. In their conclusion, the authors believed that the difference was due to the different sex-role patterns that the two races have. They state that a successful woman is an economic asset and attractive rather than threatening to the Black man. Gurin and Epps\textsuperscript{17} conducted longitudinal research on Black college students in their freshman and senior years, and found that Black women aspired to the conventionally "female" occupations, just as their white counterparts do. It would therefore appear that the Weston and Mednick conclusion should be modified in the following way: while Black women exhibit less fear of success than their white counterparts, they (Black women) nevertheless limit themselves to the traditionally female occupations.

Puryear and Mednick\textsuperscript{18} conducted research on Black militancy, affective attachment, and the fear of success in Black college women.
Their results were quite interesting. They found that the incidence of fear of success and attachment are not significantly related. The authors brought out an important point that Clark\textsuperscript{19} made: Black women are taught to strive and not to fear being dominant or demonstrating intellectual mastery. Ladner's work with lower class adolescent Black females found that the overwhelming majority of these girls wanted to become middle class, and saw education as the key to upward mobility:

Ladner: What are some of the ways a girl can make her life better and live a wholesome life even though she lives in a low income community?

Interviewee: They should have an ambition; then they should have perseverance and have the ingenuity to do what they want to do.

Ladner: Suppose a girl has all of these things but she sees that in her family, there is little hope that she will ever be able to pull herself out of the environment?

Interviewee: She can pull out! She can make her own self have a better life, even if she has to leave her surroundings. I think that is what she is going to have to do anyway, leave the surroundings she lives in, go to a better neighborhood...If I were her, I would continue going to school. I would join some kind of club like the Job Corps or something. There they train you and pay a little, plus they have a little home for you to stay in and then you could go to night school or even day school...\textsuperscript{20}

Some researchers have found a shift in the incidence of fear of success with the passage of time for white women\textsuperscript{21}. Researchers have attributed at least part of this shift to the women's liberation movement. In addition, the increase of single parent households and in-
creasingly difficult economic conditions would indicate that the fear of success is becoming dysfunctional—it is a luxury which Black women could never engage in, and it is becoming rather luxurious for white women as well.

Assuming that a woman is able to overcome her alleged fear of success, and is hired for a job in a male dominated organization, what then happens to her? Rosabeth Kanter believes that these women are pressured to adopt one of the following roles in which she is no longer a serious competitor with men and where her sexuality defines her:

1. **mother**: The woman is encouraged to be nurturant, to plan social occasions and buy gifts. She is rewarded for her service behavior, and not for her independence. She is identified with the emotional side of life.

2. **sex object**: The men in the office compete for the woman's attention. If the woman shares her attention among a number of men, she is labelled promiscuous. She is rewarded for her "femaleness", and is identified by her sexuality.

3. **pet**: The woman is regarded as a mascot—she is cute and amusing. She is expected to admire what goes on among the men, but is not expected to participate in any meaningful way. Things which are taken for granted when performed by a man are focused on when performed by the pet. "Girlish" behavior is promoted.

4. **iron maiden**: The woman refuses to accept any of the above roles.

Despite all of the aforementioned obstacles that women have to overcome, nearly half of all women work at the present time, and women
make up almost 42 percent of all workers. Women who previously left the labor market for extended periods of time are curtailing the amount of time they spend out of the market. In addition, women are increasingly seeking placement in jobs that were previously considered to be inappropriate for women (i.e., medicine and management). The vast majority of female workers, however, remains in traditionally female occupations.

Employment discrimination against women operates primarily through occupational differentiation; it is only when women and men in the same jobs are compared that wage differences cease to be significant. The wage differentials that exist, however, are revealing. For example:

1. Victor Fuchs' study entitled "Differences in Hourly Earnings Between Men and Women" revealed that women earn only 66 percent of the male wage after factors such as marital status, job classification, schooling, age and city size—the factors that others have used to "legitimize" sex wage differentials—were taken into account.

2. Levitan, Quinn and Staines attempted to understand wage differentials using a statistical approach. They used achievement-productivity factors (i.e., length of employment with the employer, education) as dependent variables in a regression equation to explain male earnings. The weights that were obtained for the variables were used to predict women's wages. In 1969, women earned $3458 less than their predicted wage, while men earned only $27 less than predicted.

Women and men, by and large, are not equally compensated for comparable work. Human capital theory does not adequately explain the wage differential—it is clear that some other factor is operating.
There are those who would label the persistence of this wage differential as evidence of the fact that discrimination against women exists in the labor market. We shall now turn to the interviews of individuals who felt that they had been discriminated against.

**SEX DISCRIMINATION COMPLAINANTS**

The interviewees were drawn from the rolls of MCAD complainants during 1978 and 1979. Five of the respondents to the author's questionnaire filed charges of discrimination on sexual grounds against their employers. The average age of these complainants was 28. Two of them classified their jobs as blue collar; the other three classified theirs as white collar. Only one respondent was a member of a union. All five of the respondents had at least begun college at some point; three had gone on to graduate work.

The reasons for filing the charge varied from the employer's denial of sick days due to pregnancy to forced sex with an employer. Some of their comments to the questions posed to them were extremely revealing:

From the interview of a woman who worked for an electronics company--

Q: Would you mind telling me what events led you to file a charge of discrimination against your employer?
A: I would prefer not to. It was not a good experience--really personal. So, I don't want to go into it.

Q: Well, how did you go about attempting to resolve your problem? Did your employer have any formal ways that you could use to deal with discrimination?
A: Well, I don't know if there was an Affirmative Action Officer, but they did have formal hearings. You'd
have to request a hearing. When I requested the hearing, it was denied to me, with no reason given.

Q: Did you continue to work for the company after you filed the complaint?

A: No—it was really complicated. The people that I worked with were told they couldn't help me, and if they got involved in any way, they'd lose their jobs. It was really a frustrating and long situation, and I learned that a company is "all powerful" over its employees, no matter who is right or wrong. Look, I'm sorry, but I've helped as much as possible at this time.

The interview with this woman was atypical in that it was ended in an abrupt fashion. However, it was like the other four interviews in that the woman was still upset about the entire experience.

The other interviewees spoke of being placed in positions where they were judged to be of marginal competence at best. Unlike another employment discrimination complainant that the author interviewed for a similar study, these individuals never questioned their own abilities once their cases were taken by the MCAD. Prior to that, however, most of them wondered if the situation wasn't partially their own fault.

From a woman who refused to have sex with her supervisor:

"Well, you know, I thought I dressed properly—nothing really tight, you know. But, maybe I did something wrong—maybe I teased him and I didn't know it."

She continues:

"My family and friends stopped believing me after a point. They started telling me that I should forget about it. After a while, I
started wondering if I shouldn't forget about it too. But there are some things that you just can't forget about...

From a woman who filed because she was denied sick time for her pregnancy:

"I thought I was doing the job correctly—it really didn't seem to make a difference that I was pregnant. (She pauses) Well, maybe it did and I just wasn't aware of it.

All of the interviewees believed that they had been right to file charges against their employers. The extent to which they believed that they would file a charge in the future if they were discriminated against varied, as did their perceptions of the MCAD:

"They're really just an extension of big business. You would not believe the incompetence in that office..."

"I guess they did the best they could do..."

"I probably wouldn't file another charge. Maybe I'd just change jobs or try to get another assignment in the place."

"I've just filed another charge (against a new employer). You've got to fight this sort of thing all the time."

All of the interviewees described themselves as being "fighters"—it would appear from the comments above that some of the fight had been taken out of them during the process of filing and resolving the charge. Some of the interviewees spoke with an air of indifference about the process, however; it was not possible for me to attribute this lack of
enthusiasm to their having been in the process.

Of the women who were interviewed, two "won" their cases; the other three cases were dismissed for lack of probable cause. Being successful in the case did not necessarily lead to a positive evaluation of the MCAD, however—nor did failure automatically lead to negative evaluations. (See Appendix)

From a woman who lost her case:

"I really don't have any bad feelings toward them (the MCAD). I mean my own family and the people that knew me well thought that I had made up all of the things that happened to me. So, I wasn't all that surprised. But they (the MCAD) tried to be very fair during the case."

Another woman who lost her case wasn't quite as charitable toward the MCAD:

"They were just incompetent. Anybody can see that I wasn't being treated right. Don't you think so?"

The women who won their cases were both happy to have won. One complained about the fact that the case was so time-consuming that she just felt drained at the end. She doubted that she would ever make use of MCAD's services in the future.

It should be noted that although only five women participated in this research fully, four other women responded and indicated that they were unable/unwilling to participate in the research. The author has taken this to indicate that these individuals are ambivalent about either themselves or the process that they had been involved in. If the author extrapolates from the interviews that were conducted, it
seems reasonable to assume that they were ambivalent about both.

Although it is difficult to capture all of the emotions these individuals had surrounding their experiences at the MCAD, the comments of one of the women was particularly striking:

"I stopped caring. I just didn't want to be bothered by anything or anybody. I decided that I would make it on my own—without help from anybody from the MCAD."
*Although it is possible for a male to file a charge of employment discrimination on sexual grounds, none of my subjects fell into this category, so I have concentrated on the experiences of women.


2. Block, Jeanne H. "Debatable Conclusions About Sex Differences", in *Contemporary Psychology*, 1976, 21


5. Deaux, Kay and Tim Emswiller. "Explanations of Successful Performance on Sex-linked Tasks: What is Skill for the Male is Luck for the Female", in *Journal of Personality and Social Psychology*, 1974, 29

6. Horner, op cit


12. Ibid, p. 10


17. Gurin, Patricia and Edgar G. Epps, Black Consciousness, Identity, and Achievement: A Study of Students in Historically Black Colleges, New York: John Wiley and Sons, Inc., p. 51


20. Ladner, op cit

21. Mednick and Puryear, op cit; Monahan, Kuhn and Shaver, op cit


CHAPTER FOUR
INTRODUCTION

"It would be a mistake to assume that Negroes are poor because they do not have good jobs, which is, in turn because they are not highly educated. These factors are confounded by the color factor."

In this chapter, the attention of the reader shall be focused upon the experience of being an employment discrimination complainant based on racial grounds. In order to do this, it is important to attempt to describe the perceptions that Blacks have of their daily existence as well as to note the extent of their penetration into the mainstream of the American economy. Finally, the interviews with complainants will be summarized.
Blacks in America feel that they must compensate for the fact that they are Black by being "super workers": they often feel that they must be twice as competent as their white counterparts in order to be viewed as even marginally competent by their supervisors. To carry such a feeling with you for the duration of your life must lead one to believe that one is like a candle burning at both ends.

Much of the social science research on Blacks appears to be paternalistic and/or condemnatory in nature from the perspective of Black social scientists. Murray writes:

"But ill-conceived and condescending benevolence seems to be the way of American welfare-ism when dealing with Negroes. It is all of a piece with the exasperating convolutions of an immense number of social science theorists and survey technicians who, consciously or not, proceed on assumptions equivalent to those which underlie the rationalizations of intentional white supremacy and black subjugation. Moreover, not only are the so-called findings of most social science surveyors of Negro life almost always compatible with the allegations of the outright segregationist—that is, to those who regard Negroes as assets so long as they are kept in subservience—they are also completely consistent with the conceptions of the technicians who regard Negroes as liabilities that must be reduced, not in accordance with any profound and compelling commitment to equal opportunities for human fulfillment but rather in the intent of domestic tranquility.

The statistics and profiles of most contemporary social science surveys also serve to confirm the
negative impressions about Negroes that the great mass of "uninvolved" white people have formed from folklore and the mass media."  

Jones has shown that through the "sociology of knowledge" research by sociologists, psychologists, and physiologists managed to create a situation in which Blacks of the 1930's were less confident in and proud of themselves than their counterparts of the 1870's. The plain fact is that these social scientists offered "research" that white Americans were anxious to accept—that Blacks were inferior. Faced with such an overabundance of pseudoscientific research, Blacks felt that they had no choice other than to accept the findings of white researchers—that they were inferior. It is interesting to note that the usual rigor of the scientific method was relaxed in all of this research.

There is a movement to form a school of Black social science. Staples comments on what should be included in Black sociology:

"Not only should Black sociology provide an elaboration of the "Black is beautiful" theme, it should explain that white is not necessarily ugly. In order to do this, the process of how people in a society come to place positive or negative valuations on racial traits should be examined, and the role of political and economic factors in influencing these valuations should be considered."  

He continues:

"Black sociology should also explain the problems of poverty and hunger. For example, hunger is allowed to exist in American society in part because white racism permits a callous and vindictive attitude toward poverty-stricken people,
who, to a large extent, are Black, Mexican-American, or native Americans. In addition, the victims of poverty compose a reserve labor supply that can be hired when needed at the lowest wages. Thus the captains of industry benefit from having a large pool of hungry Black labor. Having an adequate food supply, they believe, would make this pool of labor 'uppity'."5

ACHIEVEMENT MOTIVATION AND BLACKS

It is assumed by many white Americans that Blacks would prefer not to work even if given the opportunity. However, the studies on achievement-related motivation reveal that Blacks and whites have similar aspirations. The two groups may differ in the extent to which they view their prospects for advancement as favorable. Gurin cites her work with several colleagues which documented a similarity between Blacks and whites in terms of their achievement values and motivation, but noticed that the two groups varied in terms of their expectancies and sense of personal control6. Blacks and whites share the same notions regarding what factors determine success, and were equally committed to identical work values. However, Blacks did not feel equally confident about their ability to mold their lives into what they wanted them to be. Rotter's Internal-External Control Scale separates personal control over life opportunities from luck and knowing the right people. Black students tended to make statements which would fall under the category "internal control" when they were asked about people in general, but made statements which would be classified as showing an external locus of control when asked about themselves. This contra-
diction points to a problem that is inherent in the traditional achievement literature: that equal opportunities for advancement exist.

Gurin and Epps cited national figures which indicated that twice as many Black male seniors (35 percent) as men in the class of 1965 (16 percent) in the nation at large hoped to enter professional schools for post baccalaureate training. The aspirations of Black women were found to be lower than Black males by the authors. They found that within their sample, 35 percent of the male students intended to pursue professional degrees while only 5 percent of the women intended to do so. Of the Black females who intended to further education, 64 percent planned to terminate their studies at the master's level (only 34 percent of the males planned to conclude their education at this point.

We see that Blacks do not generally expect to go as far as do their white counterparts. Although it is not impossible for all of the Blacks in these samples to have experienced discrimination at the workplace, it is unlikely that they were all discriminated against in an overt manner. It is therefore reasonable to assume that these individuals form their expectations based not only on their own experiences, but on the experiences of others whom they perceive to be like themselves as well. In other words, these individuals learn about discrimination and the effects that it will have on their future both actively and vicariously. For example, in the Gurin and Epps study, the authors noted that Black students viewed certain professions such as engineering and banking as being closed to them, and they tended to exclude these careers from consi-
deration. Clearly, it is inappropriate to think of aspiration and performance only in terms of individuals' achievement motives and values. Performance and aspirations are at least equally dependent upon the individual's expectancies of success.

**PENETRATION OF BLACKS INTO THE ECONOMIC MAINSTREAM**

In 1970, Black women earned $552 less than white women, who earned $2237 less than Black men, who in turn earned $3439 less than white men. As was the case with sex discrimination, part of the wage differential can be attributed to the fact that Blacks are not proportionately represented in all occupational levels. Gurin cites a study by Ashenfelter and Heckman which found that the range of Black women's occupational positions equalled only 45 percent of the range for white men. White women occupied half of the positions held by white men, and Black men occupied 80 percent of the positions that their white counterparts held. Two facts should be noted, however:

1. These percentages vary by region: differences tended to be largest in the south and least in the west.

2. These percentages make no statement about the actual numbers of Black individuals who are in each occupational level. Blacks remain concentrated in the lowest paying occupations.

Economists have not resolved the issue of whether discrimination exists because employers have a "taste for discrimination" or because employees prefer to work with members of their own race. Regardless of the cause of the discrimination, there are some facts which exist:
1. The occupational differentiation which exists is not totally attributable to productivity characteristics. Gurin cites Ashenfelter\textsuperscript{13} who estimated that the relative educational attainments could only explain about one-third of the disparity between Blacks and whites.

2. Blacks earn less even after these productivity characteristics are controlled.

3. Blacks' returns from education are not easily seen when one compares their positions with the occupations that whites hold with similar educational backgrounds.

It has been established that Blacks do not fare particularly well in the economy. What happens to them when they file charges of discrimination against their employers? This is the subject of the following section.

**RACE DISCRIMINATION COMPLAINANTS**

The subjects who shall be referred to in this discussion were five individuals who responded to a questionnaire that was mailed to them. All of them filed charges of racial discrimination against their employers between 1978 and 1979. Their average age was 32.2 years. They had all been to college, and three of them had completed some graduate work as well. Three of these individuals were males.

Their complaints ranged from questioning the promotional practices of the organization to being fired. Some of their comments are particularly interesting.
From a woman who worked in a medical setting:

Q: Why did you file a charge of discrimination against your employer?
A: Well, it was a combination of things. They tried to force me to resign after a medical leave of absence, and they never gave me sufficient instructions to prepare me to do the work that I was hired to perform. What topped it off was when my superiors told me that I 'would find the environment quite uncomfortable' if I remained under their roof!

She went on to explain that her experience at the MCAD was less than pleasant—

"I always had the feeling that they didn't believe me. I know that they're not supposed to take sides—but it certainly appeared that they were siding with my employer. They acted like it was all a figment of my imagination..."

From another woman who also worked in a medical setting:

Q: Why did you file a charge of discrimination?
A: There was a job that I was interested in getting. When the position was posted, I made an application—but I was never interviewed. The job was filled anyway. I felt that the due process of all the workers did not take place, and that the individual that received the job had received preferential treatment. I discussed the situation with my immediate supervisor and with the Department Head. I then went to the EEO Office, and when those discussions broke down, I saw his supervisor. I talked with the director of the hospital before I took the case to the MCAD.
Later in the discussion, we began talking about the impact the experience of being an employment discrimination complainant had on her:

"The changes in myself were that I became more indecisive regarding the usual functions that I had. In addition, I was more depressed and suspicious than I had ever been before. I came to the realization that being right doesn't necessarily mean anything. I tell you, it was really a devastating experience—but you know, I'd do it again if I had to. I'd just be a little more assertive in the future."

From a male who worked for a city government in Massachusetts:

Q: Why did you file a charge of discrimination against your employer?
A: The system was just wrong. I couldn't even communicate—I couldn't talk with some of the people that I was working under. They were just that bad. So the office—the way it was run—it was wrong. And they wouldn't let me participate in any events dealing with affirmative action. It was just ridiculous...that's why I filed. I couldn't work under those conditions.

Later, we talked about the effects the process had on him:

"I spent a lot of time and energy for nothing—I lost the case, and I was furious. I was just mad all the time. If they weren't so incompetent down there (at the MCAD), I wouldn't have been so mad. But most of the time, it looked like they weren't really trying worth a damn."

From a male who worked for the City of Boston:
Q: While you were going through the process, what sorts of things went through your mind regarding the process and your relation to the process?

A: I felt that I wouldn’t get a fair hearing all along. Until I got the attorney, which was much later in the process, I really wasn’t getting a fair shake.

Q: Did you ever go through periods where you thought “well, maybe I was partially responsible for what happened to me”?

A: Not at all. Every move I made was documented. Every time I requested something in the department, it was done in writing. I kept a copy of everything. I was cautioned to do that because I was in a sensitive job, and people could misinterpret what you said.

Q: Did you think that the experience you went through had any bad effects on your family?

A: Not at all. I’m a very flexible person and I don’t take my office problems home. I know that very few people can do this, but I can. When things got really serious, I wouldn’t discuss them with my family.

Q: But you did discuss them with someone?

A: Friends, mostly. Another thing is that in that department, before anybody says anything, it’s all over the place. You have to be very careful who you talk to. So I really didn’t care to say too much to anyone.

Thus, we see that the experience of being an employment discrimination complainant can be extremely isolating.

When asked if they would file again in the future, the responses varied. Two individuals (both female) said that they would file again, perhaps more aggressively. Two others indicated
that the likelihood of their filing again was dependent upon how much money and/or how much of a promotion they stood to gain. One of these individuals, a male, stated:

"I'd go through it (the process) again—if the price was right. But, I know that there are other avenues. It's too time-consuming going to the MCAD. All they do is talk about their backlog and other excuses. I'd prefer to take it to court instead."

Another male who worked in city government had the following overall evaluation of the process:

"It isn't efficient or effective. I didn't get justice at all."

Finally, one man indicated that he wouldn't file with the MCAD again under any circumstances. He stated:

"If I ever confront someone who might have the same problem I had, I would advise against filing a complaint with MCAD. That place is totally disorganized."

We see that the men were far more critical of the MCAD than the women were, although there were no evaluations which could be characterized as positive. One individual won her case, and one of the males is back at the MCAD because of retaliation on the part of his employer. He believes that he will win the case this time, but is angry because he believes that had the initial investigator been more thorough, he would have won the case before. (A summary of the outcomes for each of the ten complainants is included in the Appendix.)
FOOTNOTES


5. Ibid, p. 170-171


8. Ibid, p. 50

9. Gurin, op cit, p. 15

10. Ibid, p. 15 (citing Ashenfelter and Heckman)

11. The reader is referred to Becker, Gary—The Economics of Discrimination, Chicago: University of Chicago Press, 1971


13. Gurin, op cit, p. 17-18
CHAPTER FIVE

INTRODUCTION

Up to this point, the reader's attention has been focused on the experiences of individuals who chose to file charges of discrimination against their employers. As has already been noted, these individuals characterized themselves as being "fighters" without exception. The questions which naturally follow from this are:

1. What happens to the "non-fighter" who is faced with discrimination at the work place?
2. What is the proportion of "fighters" in the protected classes?
3. Are there "fighters" who choose not to file?
4. Can the "non-fighter" make the system work for himself?
5. How do "fighters" and "non-fighters" interact with each other--do they compliment each other's behavior?

In this chapter, several hypotheses will be offered in an effort to explain the hesitancy of some individuals to make use of the equal employment opportunity delivery system.
Crowe, herself a complainant at one point, conducted research on the reactions complainants had to the MCAD. She found that the complainant's class was the most important explanatory factor in predicting his or her reaction to the MCAD. Perhaps the relationship that Crowe should have devoted her attention to is the relationship between the reaction to the MCAD and the complainant's ability to manipulate the situation. Since the members of the more privileged classes of society tend to be more knowledgeable about the ways systems operate, Crowe's findings might yet be valid: the variables class membership and "system knowledge" appear to be directly related to each other. Crowe characterized more affluent complainants as having had more idealistic motives for filing the complaint, as participating in the process more fully than their less affluent counterparts, and as having higher expectations about the process. These individuals' cases tended to have more favorable outcomes; however, these individuals were more likely than others to evaluate the MCAD in a negative fashion.

Three reasons for the negative evaluation of the MCAD were advanced by Crowe. They were:

1. out of pocket costs
2. loss of time
3. high degree of respondent retaliation

Out of Pocket Costs: Many complainants feel that they need personal counsel to assist them in their cases. However, the costs of legal assistance are quite high—a former EEO Officer stated that there were lawyers who demanded deposits upwards of $4,000 to work on employment discrimination cases.
Loss of Time: The complainant must spend time preparing the case and attending the hearings. The backlog of cases makes this time seem even longer, however. Crowe found that the median amount of time that elapsed between filing a charge of discrimination and having the case closed was 19 months—over a year and a half!

High Degree of Respondent Retaliation: Although expressly forbidden by the law, employers will often make life on the job unbearable for the complainant.

Half of Crowe's sample gave the MCAD a negative rating. Of these, 88 percent indicated that the legal mechanism for dealing with discrimination was probably not worth the effort of filing a charge, and that they would probably not choose to file again. The results by class were as follows: 69 percent of the upper middle class complainants indicated that it was unlikely that they would file again; 58 percent of the middle class complainants doubted that they would file again; and only 20 percent of the lower class expressed doubts about the likelihood of filing again in the future.

At this point, we can begin to explore the various hypotheses that may account for the fact that there are individuals who feel they have been discriminated against that choose not to file charges. Briefly, they are:

1. The MCAD is inefficient/Other Avenues
2. Fear of Reprisals/Risk Aversion
3. Subtle Nature of Discrimination
4. Pointless/Discrimination is Pervasive
5. Mechanisms in Place at the Job
MCAD is Inefficient: The complainant feels that a trip to the MCAD will eventually just lead to frustration. The loss of time that Crowe referred to accounts for some of the general feeling that the MCAD is inefficient. An additional factor that one former EEO Officer viewed as being largely responsible for the time lags was the high turnover rate of investigators. She stated:

"A factor which looms large in an individual's decision not to file a charge of discrimination with MCAD is the amount of time that it takes to process a case. It seems to me that there is a high turnover of investigators, that they're neither well-trained nor well-paid. So you have a situation where any "good" investigators will stay with the MCAD only until they can find a position that pays more money, or until they can go back to school. Cases are prolonged because one person will begin investigating the case, and he or she will leave, and someone else will try to pick up the pieces and complete the investigation. So, disorganization runs rampant."

These remarks were similar to those of a former Affirmative Action Officer, himself a complainant at one point:

Q: How would you describe your own experience with MCAD?
A: The young lady who conducted the investigation, I found her to be very partial. Some of the things I asked her to look into, she just omitted them. Another thing that happened was that I got impatient with them. The case passed through three investigators before the hearing. It had been a while—a year—and I'd been calling all through to check on the progress of the case. One day, I was very
impatient, and I was rough on the phone. I think she really didn't like that. Based on that, and this is my opinion, she thought, "well, you're going to be rough with me and I'm the one who's going to make the decision?" That's what I think happened. When I got the information from them, the letter saying that there was no probable cause, I was upset, I knew that I wouldn't accept this, and I went to see the Commissioner. Only then did things start to move."

Both of these individuals thought that impartiality had been a problem for many of the investigators they had come into contact with.

Potential investigators are judged to be competent by the MCAD when they acquire a "thorough knowledge of all case process guidelines". They must know about intake, investigation, fact-finding and probable cause. Counseling experience and the ability to write clearly are characteristics that are highly valued by the MCAD in individuals that seek to become investigators. Conspicuously absent from the training of investigators is any consideration of cross-cultural/sexual relationships. It is believed that investigators will either learn these skills on the job or that only those individuals who are already sensitive to these issues will apply for such a position.

There is the sub-hypothesis that people are aware of the existence of other avenues (i.e., the courts) by which charges of discrimination can be resolved. The comments of a former Affirmative Action Officer on this subject would appear to make this hypothesis less plausible:

Q: Do you believe that the people you saw in your role as an Affirmative Action Officer knew of the other
avenues that were open to them?
A: No. People basically aren't aware of their rights. That's the sort of thing that I was getting into at work. I had developed flyers to help them realize their rights. The guy (to whom the Affirmative Action Officer was accountable) found out that I had literature and wouldn't approve it.

It would appear that although the sub-hypothesis that complainants are aware of other avenues is not necessarily applicable, the larger hypothesis that potential complainants view the MCAD as inefficient is possible.

Fear of Reprisals: This is, by far, the reason that was offered most frequently by former EEO and Affirmative Action Officers. People often do not file charges becuse they fear being fired from a job they need to survive. One former EEO Officer stated:

"It's a question of fear. Fear and retaliation. There was one woman who told me "I like you very much, but I don't want to be seen talking with you. I'll come to your office later."

He continued:

People, once they file a charge of discrimination would have to face pressures at work.

Q: What sorts of pressures are you referring to?
A: Subtle pressures like social things—who will invite you to lunch. It's a clique sort of thing. The position of your desk might be changed. You might not get new furniture while everyone else does. It wasn't really covert—you could see it. Sometimes, some of your responsibilities would be taken away, so they could say that you weren't doing your job—although you had very little to do to begin
with. When you don't have anything to do at work, eight hours becomes like sixteen. People would lie about things—and that's really pressure. After a while, it gets to you. Some people say, "well, I have no more friends here, so I'm going to pack it in."

In an interview the author conducted for other research, a complainant made the following statements:

"There was an effort made to discredit me..."

"He (the director) had some of them (the other workers in the office) everytime I didn't dot an i or put in a period—take it and show it to him. There was always something like that..."

Another former EEO Officer believed that potential complainants not only had to contend with the possibility of being uncomfortable in their jobs, but they had to face the additional possibility of being "blacklisted" as well. This becomes particularly important as one ascends the occupational ladder. She framed it as a situation in which the higher an individual's position was, the more he or she had to lose by filing a charge. She stated:

"People have to realize that things are not going to be the same after they file a charge of discrimination. Employers can make life miserable for you if you stay on the job. Most of the people that I knew of had reconciled themselves to the fact that they'd be leaving the company after they filed. But, even so, you can still be affected. You can be blacklisted very easily. Although they're not supposed to, employers with whom you've had a problem will disclose information to
prospective employers about the fact that you've filed a charge of discrimination. You're portrayed as a trouble-maker. This is really an important factor to consider if you intend to work in the same field, or in the same geographic area."

Another former EEO Officer believes that the situation revolves around the potential complainant's attitude toward risk-taking, and the probabilities that he or she attaches to each of the possible outcomes of the case. He also noted that it was important for an individual to rank relatively high in terms of security and self-esteem if a complaint was to be filed. He felt that many potential complainants, particularly Blacks, are caught up in a "slavery syndrome"—they are ambivalent about their competence. This ambivalence runs very deep in the souls of individuals, and is likely to expose itself only when the system is shocked (by discrimination, for example). This ambivalence is also likely to lead the potential complainant to feel somewhat embarrassed by the fact that he or she has been discriminated against—for these individuals, to admit that one has been the victim of discrimination is like an admission of guilt, of the fact that they're not quite equal to their white counterparts.

A lawyer who worked quite a bit with discrimination cases felt that many of his clients were somewhat ashamed of the fact that they had been discriminated against. He noted that there was a great deal of time spent on the part of complainants deciding whether or not they'd impose upon their fellow workers for assistance in preparing their cases. He felt that this hesitance was due, in large part, to the fact that the complainants were embarrassed by the fact that they
had been the victims of discrimination.

Case Wouldn't Hold Up: Many of the complainants who came in to see one Affirmative Action Officer were unsure about the "legitimacy" of their grievances, or if their grievances were substantial enough to take outside of the organization. As Rowe notes:

"I submit that unequal opportunity also persists in part because of the grains of sand in the system, the micro-inequities which cannot easily be taken to court. These grains of sand foul the processes of education and employment. It is hard to deal with micro-inequities because each one, by itself, appears trivial. Because the victim finds it hard to be sure what happened. Because victims who are female and/or Black are also socialized not to make a fuss, less they get sacked or isolated or put down or called sick."

Why Bother? Discrimination is the Way of the World: There are many individuals who make visits to the EEO Officers to complain about discriminatory practices who later decide that the returns they stand to receive for the effort of filing a formal complaint are not worth the energy they would have to expend.

From a conversation with a former EEO Officer:

Q: Had there been a number of cases of discrimination in your office?
A: Oh, lots. Some people were so frustrated, they didn't even go through the process. They just left. Several employees just left. It simply wasn't worth it for them.
Q: Would they have other jobs set up, or would they just leave?

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A: Some of them were so frustrated that they wouldn't wait to get a job—they'd just leave.

Q: Now, these people that left—do they leave after the first incident of discrimination, or do they wait for confirmation?

A: Oh, no, they wait. On a number of occasions you're frustrated, or your supervisor belittles you—I'm talking about Blacks and whites. I'd try to resolve things, and the supervisors would set up appointments. But somehow something would always come up ten minutes before our meetings, so we'd never get to talk. The people would see this, and they'd just leave.

He continues later:

Q: The people you saw in your capacity of EEO Officer—would they have gone all the way, and would they have pursued all of the options if they had the information?

A: I don't think so. The reason I say this is because they would be hassled. If you go through that process, you really get hassled. My experience with them indicates that they didn't have the energy it takes. Then, they'd have to face additional pressures at work.

These individuals have been so devastated by the discrimination that is prevalent in our society that they choose not to confront it. They have been hurt, as Ellison would state, to the point of invisibility.

_Suitable Mechanisms at the Work Place:_ Employees appear at the offices of the MCAD and the EEOC only if there is a lack of appropriate redress within their organizations. According to a lawyer that was interviewed, in organizations where there are active Affirmative Action/Equal Employment Opportunity Offices and routinized systems for dealing with charges of discrimination, fewer complaints of discrimination are filed.
with state and federal agencies.

2. Ellison, Ralph, Invisible Man, New York: Vintage Books

CHAPTER SIX

INTRODUCTION

Now that the legislative history of the equal employment delivery system and the range of effects that system has had on individuals have both been examined, it is appropriate to attempt to reflect and make some generalizations about and recommendations for the system. Prior to doing that, however, it is important to address the following questions:

*What relevance does all of this have to planning?

*What can the planner extract from the case of the equal employment opportunity delivery system?

*What are the implications for policy in a system which revolves around the perceptions of individuals?
RELEVANCE TO PLANNING; WHAT CAN WE LEARN FROM THIS?

We have seen that the equal employment opportunity delivery system is dependent upon an aggrieved person stepping forth and placing a complaint against the employer. We have also seen that sociological and psychological research exists which would seem to indicate that such individuals are likely to choose not to file a charge of discrimination against their employers because by doing so, they risk being labelled as deviant. It would appear that the potential complainant would rather tolerate a certain level of discrimination—he or she chooses to file only after the situation at work becomes unbearable. Even then, only certain individuals—individuals who, in this research, characterized themselves as "fighters"—choose to file charges of discrimination.

A system has been developed which is inconsistent with existing sociological and psychological principles. This system is dependent upon the personality characteristics of potential complainants, rather than the existence of discrimination, to serve as the ignition. If we assumed, for the sake of illustration, that half of the persons who are discriminated against characterize themselves as "fighters", this delivery system would serve only half of the persons who are discriminated against; half of the people the system was developed to protect would not benefit from the system's existence. The number of cases to be processed might be more manageable for the system in such a situation, but the extent to which discrimination would be fought is debatable.

We have also seen that even once the complainants come forth, they may perceive themselves as being treated in a hostile manner by the system that is supposed to help them—some feel as if they've lost
much more than the money or prestige they may stand to gain in the process. Confidence and self-esteem were the factors most frequently mentioned by the interviewees in this research.

I would assert that these problems are largely due to the fact that this system was developed without taking social science research fully into account. The problem of discrimination was to be attacked; yet the boundaries of the problem were too closely drawn. Although some attention was devoted to the possible reactions of employers to charges of discrimination as evidenced by the prohibition against reprisals, the behavioral tendencies of potential complainants were treated as an exogenous factor. The complainants' responses to the equal employment opportunity delivery system were not given consideration.

What, from the perspective of policy design, can the planner learn from this? Although Matza was writing on a subject other than the field of planning, his comments are nonetheless appropriate for the planner's consideration:

"The confusion began when primitive social scientists--many of whom are still rigorous--mistook the phenomenon under consideration--man--and conceived it as an object instead of a subject. That was a great mistake."¹

If it is the goal of planning to make man's physical, economic and social existence less harsh, it is imperative that planners take into account the full range of man's possible responses to the systems they design. Man is a complex system himself, and any system that interacts with man must deal with that very complexity if the success of that system is not to be undermined. The trend toward increased
citizen participation in the formulation of policy is certainly a step in the right direction; yet, it is not sufficient.

The fields of planning, sociology and psychology must be more intimately connected. The resources of the existing data bases and theories of the social sciences must be tapped by the planner in his or her attempt to understand how men and women will react to proposed changes in the environment. Fusing these fields will enable the policy designer to anticipate pressures that could otherwise lessen the effects of a policy.

Another lesson that the planner can glean from studying the equal employment opportunity delivery system is that problems must be defined precisely if a solution is to be developed for that problem. The fact that discrimination was not defined by the legislators led to a number of problems for those who wanted to implement Title VII. Despite the fact that the legislators who were involved in the development of the Civil Rights Act of 1964 had the best of intentions, they developed a delivery system that is complex and confusing for all parties. The planner may extract from this the fact that they must acquaint themselves with a definition and the scope of the problems they aspire to solve prior to taking action. Otherwise, they may exacerbate the situations which they had hoped to improve.

The feasibility of designing policy to deal with issues that are perceptual in nature has been questioned. If problems are perceptual, what can any one system do about a problem. It would appear that any system that is designed to combat a problem which is perceptual is doomed to failure because it will invariably fail some of the people it was charged to serve. The system could not survive if its mission
varies with the perceptions of all of its clients.

There is another way to look at the problem of designing policies aimed at perceptual issues which is far more creative than abandoning the issue. Concerned individuals (i.e. planners) must try to estimate the parameters of the issues they seek to change. For example, in the absence of a legislative definition of discrimination, the planner should try to discover what actions are taken as discriminatory by large groups of people. Of course, to conduct such research, the planner would have to rely on the field research expertise of social scientists. After carrying out this form of research, the planner would be better equipped to design a system that would be viewed by its potential clients as capable of effecting change. (This system must concomitantly make entry into the system sufficiently "costly" so as to discourage individuals from filing charges unless they were truly discriminated against.)

Notwithstanding the fact that the equal employment opportunity delivery system which exists may be flawed, it does exist, and as such must be dealt with.

Recommendations

The recommendations which follow may be grouped into four categories: those that are aimed at educating employees, those that are aimed at changing employers' practices, those that are aimed at making changes in the practices of the Massachusetts Commission Against Discrimination, and those aimed at academic researchers. It should be noted that these recommendations must be undertaken together if they are to make a change in the EEO delivery system. Even so, they are not offered as a panacea.
Educating Employees: The EEO Officer is in the best position to educate employees about their rights relating to discrimination. He or she must also advise them of the fact that if they choose to file complaints at the present time, they are likely to become extremely frustrated at some point in the process. The EEO Officer should also advise potential complainants of the various avenues by which charges of discrimination may be resolved. It would be a mistake for the EEO Officer to assume that the employer will greet these efforts with accolades of applause; rather, the EEO Officer should look at this as an exercise in marketing.

One such program might be assertiveness training. The EEO Officer might have observed that while both "fighters" and "non-fighters" are discriminated against, it is invariably only the "fighter" who will choose to file a charge of discrimination. The EEO Officer may believe that if the "non-fighter" is assisted, that is, if the "non-fighter" is made to believe that he can find a supportive environment, he or she would come to the realization that discrimination need not be endured—it can be fought. Of course, such a program would show most of its effects in the long-run, with only limited effects registered in the short-run. How then might the EEO Officer market an assertiveness training course to his or her employer? The EEO Officer must show that offering such a course would enhance the workers' ability to perform the tasks for which they were hired. (While this is undeniably a simplification of the EEO Officer's role, it nevertheless illustrates the fact that the EEO Officer must be a prominent actor in fighting discrimination. The EEO Officer must
bring creativity to his or her everyday practice.

EEO Officers must work to make their offices lose the aura of stigma that they are presently perceived to have in some companies and government agencies. He or she must find a way to communicate to both employees and employers that if discrimination problems are solved early, savings in time, money and aggravation will result on all parts.

Employers: If employers would stop engaging in discriminatory practices altogether, there would be no need for an equal employment opportunity delivery system. Since it is unlikely that all employers would suddenly cease their discriminatory practices, it is necessary to devise methods for monitoring and resolving the discrimination that exists.

As was previously alluded to in this research, present-day discrimination is rarely overt—it is often so subtle that the individuals who were discriminated against wonder if they were, in fact, discriminated against. From the responses of the complainants and EEO Officers who were interviewed, it would appear that complainants must firmly believe that discrimination took place—otherwise, they would not be able to cope with the skepticism with which others are likely to regard their complaints. If potential complainants are unsure about whether or not discrimination took place, it is unlikely that they would file charges with the MCAD. Even though the individual may not be confident about the existence of discrimination directed at him or her at the workplace, there may be psychological harm done to the individual. The cumulative effects of the more subtle form of discrimination may equal if not exceed the psychological harm brought about by overt discrimination.
The EEO Officers were in accord on the fact that most discrimination goes unreported, and that much of this can be attributed to the fact that many employees are not "sure" about whether some actions are discriminatory. There exists a need for a mechanism to deal with individuals who have encountered subtle discrimination—the sort of discrimination they would not feel comfortable complaining about to an investigator at the MCAD. Some organizations are employing a non-union compliance system to deal with subtle forms of discrimination. Rowe believes that the survival and effectiveness of these systems is contingent upon the placement of "non-traditional and geographically appropriate" individuals to fill the senior positions in the systems.

MCAD: Most of the complainants and EEO Officers who expressed negative feelings about the MCAD talked about the quality of the investigators. They were viewed as being partial and generally insensitive to the needs of the complainants.

In talking with some representatives of the MCAD, it became obvious that investigators are not trained in interpersonal relations generally, or cross-cultural/cross-sexual relations specifically. It is assumed, instead, that individuals who are sensitive to these issues will self-select into these positions. In light of the negative evaluations the subjects in this research gave the investigators, the inclusion of a segment that dealt with the issues of race and sex (and age, and being handicapped) in the training of investigators would be beneficial for all concerned.

It is not enough, however, to train these individuals more completely. Unless their salaries are kept at a level which is
competitive with positions for which they would qualify in the private sector, we will continue to have a situation in which, to paraphrase the words of an EEO Officer, the good investigators leave the bad ones behind at the MCAD. Keeping these "good" investigators would be helpful in enhancing the continuity of cases and in decreasing the amount of time it takes to resolve a complaint (at present, two or more investigators work on a case in succession. Each individual must take time to familiarize himself/herself with the specifics of the case, the complainant, the respondent, and any other relevant individuals.)

Research Needs: Research must be collected on the dynamics of subtle discrimination in employment. How does it operate? How is it sustained? How pervasive is it?—These are the questions which must be addressed in order to develop strategies would be truly effective in combating such forms of discrimination.

There is a need to begin to estimate the extent to which discrimination is perceptual. This research might take the form of describing a number of working situations and requesting the subjects to comment on whether or not they view the situation as discriminatory. Of course, a problem with this form of research is that the researcher would be asking the subjects how they would feel in these circumstances, instead of observing how they would act. The extent to which researchers can generalize from the comments subjects make about how they would act is debatable.

Finally, more research must be aimed at the experience of being an employment discrimination complainant. This research was exploratory in nature; as such, there remain a number of issues that were not touched in this research that are interesting which should be examined.
FOOTNOTES


2. Interview with Mary P. Rowe
Dear

I am a graduate student in the Department of Urban Studies and Planning at M.I.T. who is interested in investigating the personal experience of being an employment discrimination complainant. I have obtained your name and address from the files of the Massachusetts Commission Against Discrimination.

I am interested in discovering what it feels like to go through the process of filing a discrimination charge against one's employer: are there some areas of one's life that are radically changed as a result of being an employment discrimination complainant? Since you have been through the process, I would be most appreciative if you would fill out the enclosed questionnaire and return it in the self-addressed envelope I have included. I assure you that all correspondence will be kept in the strictest confidence.

Thank you in advance.

Sincerely,

Deborah S. Alexander

(876-0803)
QUESTIONNAIRE

1. Name________________________________________________________

2. Address____________________________________________________________________
__________________________________________________________________________

3. Telephone #________________________

4. Social Security No.________________________________________________________

5. Age________________________ 6. Sex________________________

7. Marital Status: _____ single _____ divorced
   ______ married _____ widowed

8. Number of Children________________________

9. Race: _____ White _____ Hispanic
   _____ Black _____ Other (specify)

10. Employer charged with discrimination:
    Name of Company________________________________________________________
    Address____________________________________________________________________
__________________________________________________________________________

11. How would you characterize the work you performed there?
   _____ blue collar _____ white collar

12. Do you still work there?
   _____ yes _____ no

13. Type of discrimination charged:
   _____ race _____ age
   _____ sex _____ other (specify)

14. Please describe the events that resulted in your filing a charge of discrimination against your employer.

__________________________________________________________________________
__________________________________________________________________________

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II
15. Please list the mechanisms your employer has/had for resolving discrimination complaints.

16. Did you use any of these mechanisms? If so, which ones?

17. Please check the highest level of education completed:

   ______ 6 years or less           ______ some college
   ______ 7 to 8 years             ______ college graduate
   ______ 9 to 11 years            ______ some graduate school
   ______ high school              ______ graduate school

18. Income Level

   ______ $9,999 or less           ______ $20,000 to 29,999
   ______ $10,000 to 14,999        ______ $30,000 to 39,999
   ______ $15,000 to 19,999        ______ $40,000 to 49,999
   ______ $50,000 or more

19. Can you think of any aspects of your life that were changed as a result of your filing a charge of discrimination (i.e., did your employer treat you differently while the case was pending? Did your co-workers or friends act differently toward you?)? Please list them.

20. Would you consent to be interviewed?

   _____ Yes   _____ No

Thank you for your help.
<table>
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<tr>
<th>Form of Discrimination</th>
<th>Specific Charge</th>
<th>Outcome</th>
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<tr>
<td>Sex</td>
<td>denial of sick time for pregnancy</td>
<td>Won</td>
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<tr>
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<td>forced sex with employer; fired following refusal to repeat</td>
<td>Lost</td>
</tr>
<tr>
<td></td>
<td>non-consideration for a promotion; denial of due process</td>
<td>Won</td>
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<tr>
<td></td>
<td>discriminatory practices regarding uniforms</td>
<td>Lost</td>
</tr>
<tr>
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<td>non-consideration for a promotion; denial of due process</td>
<td>Lost</td>
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<tr>
<td></td>
<td>forced medical leave; denial of training</td>
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</tr>
<tr>
<td>Race</td>
<td>Questioning the promotional practices of the organization</td>
<td>Lost</td>
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<td>------</td>
<td>---------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Race</td>
<td>Dismissed from job</td>
<td>Lost (being reconsidered)</td>
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<tr>
<td>Race</td>
<td>Non-consideration for promotion; denial of due process</td>
<td>Lost</td>
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