AFRICAN AMERICANS AND WORKPLACE DISCRIMINATION

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ABSTRACT: *The historical and sociological literature portrays the agony of African Americans who have been and are still victimized by discrimination in the workplace. They particularly face a series of unique problems from the policies and the practices of the organizations or from the actions of the individuals. African American women and several minorities were not allowed to participate in most of the desirable jobs and institutions for decades. Even though this is declared unconstitutional, the discrimination against women and minority groups often persisted. But some work organizations are making progress in their efforts to fight against discrimination. Problems are imposed on the African Americans through the complex interactions of racially motivated negative attitudes. They face employment process biases, push into minority positions, lack of access to network and mentors, difficulties in advancement and promotion, and psychological and emotional maltreatment. For African American males especially, employment discrimination patterns are found. For them, employment had become tough in many sectors from 1970's to 1990's, as per Burstein (1985). Studies have found that college- educated African Americans have more difficulty than their Caucasian counterparts in securing employment. Discrimination and stereotypes in education discouraged many from obtaining credentials and skills to get good jobs; the higher the position, the higher the level of discrimination against the African Americans. The employers believed that young African American men were lazy, did not want to work, were immoral, and were not as smart as Caucasian youth. Even if they were employed by chance, they did not receive enough organizational support, had less intrinsic authority, and did not have proper channels of communication and less opportunities of promotion.*

Women have to encounter both sexual and racial harassment in the workplace, which involved verbal abuse, epithets, threats, slurs, derogatory comments and unwelcome remarks. This compels them to leave a workplace culture they perceived to be negative and oppressive. They respond to workplace discrimination and racial harassment with anger, rage, hostility, resentment, bitterness and aggression. They often have to face the displacement of feelings of frustration of their husbands. North America's history of discrimination against African Americans suggests that justice demands effective policies to protect them from human right abuses. Continuation of discrimination and inequalities in work organizations perpetuate a system of injustice and social stratification characterized by imbalance of power and resources. This is a reality of economic, political and social constraint. There is a need for understanding African American experiences in the workplace. The research is essentially an overview of major African American workplace problems that needs to be addressed for an inclusive and diverse workplace. The research will address (a) organizational, individual and structural sources of African American discrimination in the workplace; (b) workplace discrimination, the Affirmative Action controversy, racism and human rights violations of

African Americans; and (c) organizational and governmental strategies in response to workplace discriminatory practices.

KEYWORDS: African Americans, Workplace, Discrimination

INTRODUCTION

 In the past several decades, researchers have identified the sources of continuous inequality in the workplace among Whites and African Americans (Farley, 1996). In this respect, studies show considerable light on the roots of African Americans' disadvantage along stratification-based issues such as the rates and magnitude of Intra-generational and intergenerational mobility (Wilson, Sakura-Lemessy, & West, 1999); access to crucial reward-relevant properties of jobs such as supervisory authority, job autonomy, and substantively complex work (Wilson, 1997; Tomaskovic-Devey, 1993a, 1993b; Hyllegard, 1996); and "returns" in the form of earnings and socioeconomic status for investments in human capital credentials (Thomas, Herring & Horton, 1994; Thomas, 1995; Farley & Allen, 1987; Farley, 1996;).

Workplace discrimination is persistent even though it is prohibited (Beauchamp & Bowie, 1993). Discrimination at workplace can be in the form of race, sex and retaliation. It can be subtle and attributed to unconscious biases. Discrimination on the basis of race involves harassment, denial of access to employment opportunities, underestimation and other unfair treatments (Hill, 1971). There are no biological or genetic differences among races; it leads to inequalities. It is a cordially constructed term which affects normal actions of everyday life. Racism has been unique in United States due to the methods taken to abolish slavery. African Americans also referred to as Black Americans are citizens of United States having partial ancestry from parts of sub-Saharan Africa (Lewis Mumford Center, 2007). The new age racism in America is a byproduct of slavery (Halford H. Fairchild, 2000, p. B7).

There exist a wide gap between the lifestyle of White Americans and Black Americans due to difference in opportunities in education (Figure 1.) and employment (Table 1.). African Americans face a number of serious problems at workplace due to complex interactions which are primarily initiated due to negative attitude against races and organizational policies (Chima, 1999). Laws have changed regarding the treatment of racist interactions but the basic trait of human interactions has not changed in many parts of America and it is prominently reflected in American lifestyle since its origin in 17th century. Unconscious biases against African American still play a significant role in decision making in federal sector (Americans for American Values, 2010). Racism is a serious problem and it continues to exist. Civil rights acts were formed to guarantee voting rights, accommodations and employment to African Americans in America. The Affirmative action was the result of civil rights act and it aims to counter institutional discrimination against African Americans in United States to promote equal opportunities in education and economic justice to African Americans.

The review examines the workplace experience of African American workers and racial bias at workplace. The review identifies the different types of discrimination and the sources of discrimination. Further, it examines the significance of the Affirmative Action in resolving the issues. We identify the settings that promote or discourage such bias and examine the role of **EEOC(Equal Employment Opportunity Commission)** the role of Human Rights Commission, the significance of economic, social & cultural rights in prohibiting racial

harassment. Also the employer's liability for promoting such discriminations and strategies at workplace for prevention has also been discussed from African American context.

Overview of Workplace Discrimination against African Americans

At workplace non-Whites made just 14% of the total labour force in 1900 in United States. In 2005, African American constituted 12% of the total workforce and by 2050 the percentage is expected to be 14% of the total workforce (Report on the American Workforce, 2001; Toossi, 2006). According to the statistics released by EEOC, in 2010 colored people constituted 11.9% of Executive Level Officials / Managers, and 20.1% of all First or Mid-Level Managers (U.S. EEOC (Equal Employment Opportunity Commission), 2011). The statistics also find the median earnings of African Americans were lesser as compared to their White counterparts (Bureau of Labour Statistics (BLS), 2011). Further studies have reported that African American professionals experience extreme racism and differential treatment at workplace which affects their performance, career outcomes and rewards (Greenhaus, et al., 1990; James, 2000; Parks-Yancy, 2006).
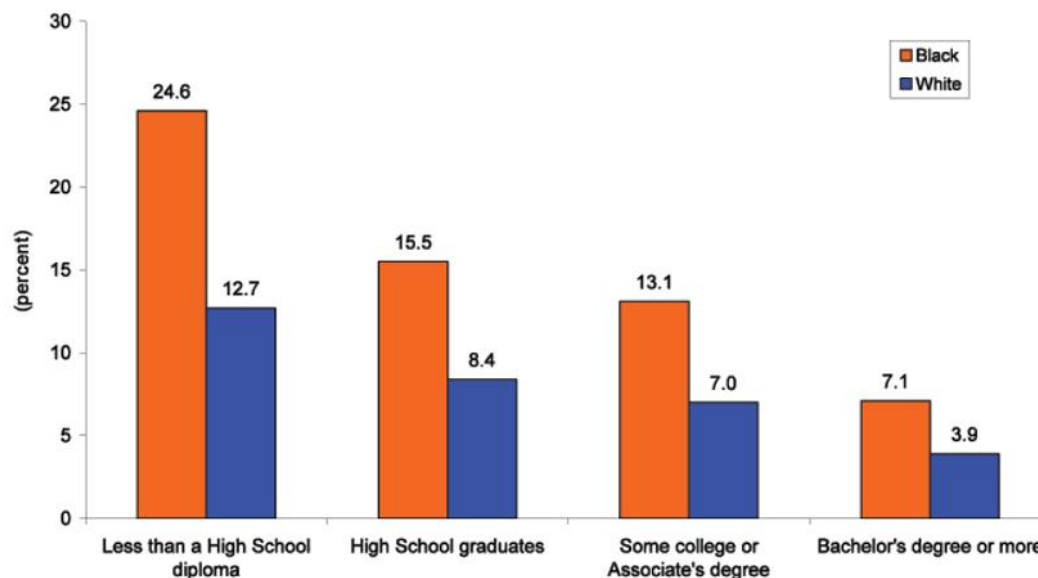

Figure 1: Unemployment Rate for Blacks and Whites aged 25 and older, by Educational Attainment, 2011 Annual Average. Source: Bureau of Labor Statistics, Current Population Survey

Table 1: Unemployment, employment, and earnings characteristics by race and Hispanic ethnicity[1], 2011 annual averages

Characteristics of the employed	Blacks	Whites	Hispanics
% Employed (employment -population ratio among those 16 and older)	51.7	59.4	58.9
% Usually working part time	18.0	19.9	18.9
% Women (age 16 and older)	53.8	46.0	40.6
% College graduates (age 25 and older)	26.5	36.8	16.7
% Working in the private sector (wage and salary workers)	76.9	78.5	83.7
% Working in the public sector	19.3	14.2	10.4
% Self-employed (unincorporated)2	3.8	7.2	5.8
Usual Median Weekly Earnings			

Total	$615	$775	$549
Men	$653	$856	$571
Women	$595	$703	$518
Characteristics of the Unemployed			
Unemployment rate	15.8	7.9	11.5
% Women (age 16 and older)	46.9	43.0	41.9
Median duration of unemployment in weeks	27.0	19.7	18.5
% Long-term unemployed (27 weeks or more)	49.5	41.7	39.9
Source: Bureau of Labor Statistics (BLS), Current Population Survey [1]Persons whose ethnicity is identified as Hispanic or Latino may be of any race. Those identified as White or black includes those Hispanics who selected White or black when queried about their race. [2]Self-employed refer to self-employed workers whose businesses are unincorporated.			

The 2011 Bureau of Labor Statistics depicts that African American constituted 51.7% of total workforce (on employment -population ratio) which is lesser than Whites and Hispanics. The median weekly earnings of Blacks were $615, this is less by more than $100 as compared to Whites $775. The unemployment rate of Black was 15.8% which is higher as compared to Whites (7.9%) and Hispanics (11.5%).
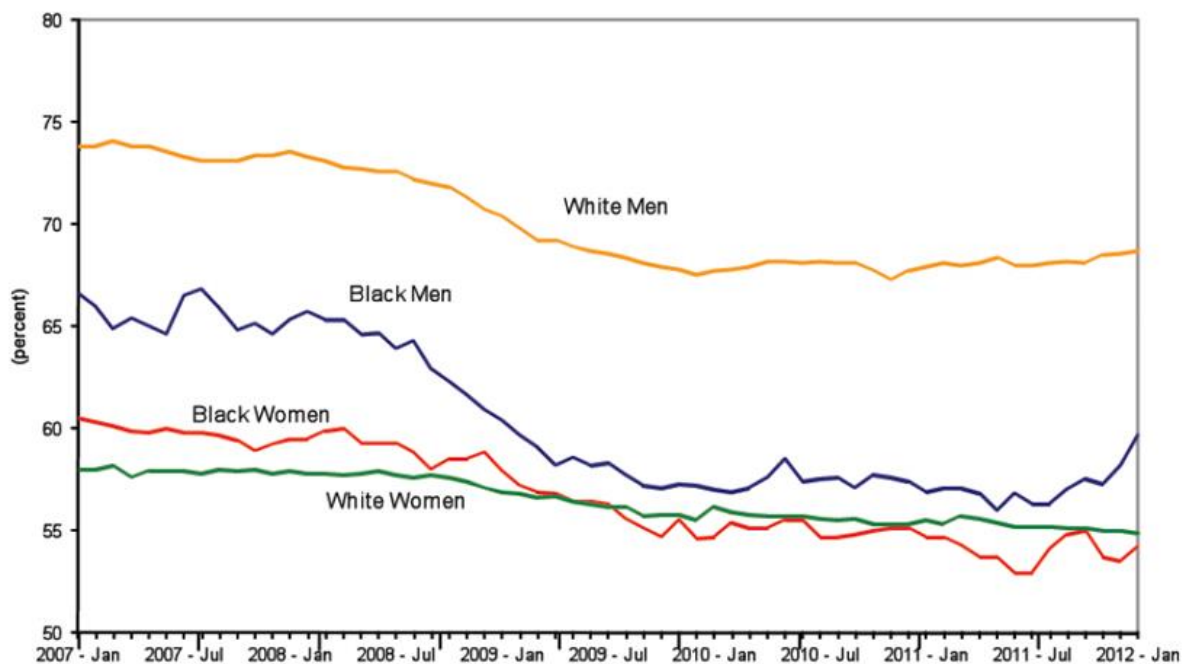

Figure 2: Employment to Population ratio by sex for Whites and Blacks, aged 20 and older. (Seasonally adjusted, monthly data, January 2007 - January 2012). Source: Bureau of Labor Statistics, Current Population Survey

2011 EEO-1 National Aggregate Report

	Number Employed										
Racial/Ethnic Group and Sex	Total Employment	Executive /Senior Level Officials & Managers	First/ Mid Level Officials & Managers	Professionals	Technicians	Sales Workers	Office & Clerical Workers	Craft Workers	Operatives	Laborers	Service Workers
ALL EMPLOYEES	48,653,932	833,406	4,472,760	9,678,956	2,789,459	5,538,457	6,391,032	2,883,205	4,998,078	3,563,415	7,505,164
Men	25,278,488	594,001	2,752,087	4,491,519	1,389,949	2,546,275	1,564,846	2,654,512	3,781,402	2,424,911	3,078,986
Women	23,375,444	239,405	1,720,673	5,187,437	1,399,510	2,992,182	4,826,186	228,693	1,216,676	1,138,504	4,426,178
WHITE	31,808,706	735,530	3,557,852	7,227,750	1,931,406	3,745,585	4,166,021	2,058,261	3,008,159	1,631,117	3,747,025
Men	16,783,342	529,971	2,220,998	3,388,390	987,744	1,806,091	975,763	1,917,708	2,359,676	1,141,499	1,455,502
Women	15,025,364	205,559	1,336,854	3,839,360	943,662	1,939,494	3,190,258	140,553	648,483	489,618	2,291,523
MINORITY	16,845,226	97,876	914,908	2,451,206	858,053	1,792,872	2,225,011	824,944	1,989,919	1,932,298	3,758,139
Men	8,495,146	64,030	531,089	1,103,129	402,205	740,184	589,083	736,804	1,421,726	1,283,412	1,623,484
Women	8,350,080	33,846	383,819	1,348,077	455,848	1,052,688	1,635,928	88,140	568,193	648,886	2,134,655
BLACK	6,653,519	24,199	307,821	718,507	370,730	737,861	1,051,918	254,374	835,198	623,034	1,729,877
Men	2,980,442	12,572	155,149	236,413	135,451	285,053	248,111	220,472	596,669	417,336	673,216
Women	3,673,077	11,627	152,672	482,094	235,279	452,808	803,807	33,902	238,529	205,698	1,056,661
HISPANIC	6,493,894	30,382	310,623	509,946	256,772	700,604	772,365	442,023	866,675	1,100,816	1,503,688
Men	3,613,599	20,284	194,721	231,701	143,159	303,425	218,730	406,336	635,479	736,557	723,207
Women	2,880,295	10,098	115,902	278,245	113,613	397,179	553,635	35,687	231,196	364,259	780,481

| | Number Employed | | | | | | | | | | |
Racial/Ethnic Group and Sex	Total Employment	Executive/Senior Level Officials & Managers	First/Mid Level Officials & Managers	Professionals	Technicians	Sales Workers	Office & Clerical Workers	Craft Workers	Operatives	Laborers	Service Workers
ASIAN	2,742,828	35,336	239,242	1,071,594	179,221	210,998	257,194	79,649	207,370	133,542	328,682
Men	1,429,153	26,060	148,857	568,682	97,660	91,046	79,401	65,935	129,708	78,443	143,361
Women	1,313,675	9,276	90,385	502,912	81,561	119,952	177,793	13,714	77,662	55,099	185,321

PARTICIPATION RATE

ALL EMPLOYEES	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Men	51.96	71.27	61.53	46.41	49.83	45.97	24.49	92.07	75.66	68.05	41.02
Women	48.04	28.73	38.47	53.60	50.17	54.03	75.52	7.93	24.34	31.95	58.98
WHITE	65.38	88.26	79.54	74.67	69.24	67.63	65.19	71.39	60.19	45.77	49.93
Men	34.50	63.59	49.66	35.01	35.41	32.61	15.27	66.51	47.21	32.03	19.39
Women	30.88	24.66	29.89	39.67	33.83	35.02	49.92	4.87	12.97	13.74	30.53
MINORITY	34.62	11.74	20.46	25.33	30.76	32.37	34.81	28.61	39.81	54.23	50.07
Men	17.46	7.68	11.87	11.40	14.42	13.36	9.22	25.56	28.45	36.02	21.63
Women	17.16	4.06	8.58	13.93	16.34	19.01	25.60	3.06	11.37	18.21	28.44
BLACK	13.68	2.90	6.88	7.42	13.29	13.32	16.46	8.82	16.71	17.48	23.05
Men	6.13	1.51	3.47	2.44	4.86	5.15	3.88	7.65	11.94	11.71	8.97
Women	7.55	1.40	3.41	4.98	8.43	8.18	12.58	1.18	4.77	5.77	14.08
HISPANIC	13.35	3.65	6.94	5.27	9.21	12.65	12.09	15.33	17.34	30.89	20.04

Racial/Ethnic Group and Sex	Number Employed										
	Total Employment	Executive/Senior Level Officials & Managers	First/Mid Level Officials & Managers	Professionals	Technicians	Sales Workers	Office & Clerical Workers	Craft Workers	Operatives	Laborers	Service Workers
Men	7.43	2.43	4.35	2.39	5.13	5.48	3.42	14.09	12.71	20.67	9.64
Women	5.92	1.21	2.59	2.87	4.07	7.17	8.66	1.24	4.63	10.22	10.40
ASIAN AMERICAN	5.64	4.24	5.35	11.07	6.42	3.81	4.02	2.76	4.15	3.75	4.38
Men	2.94	3.13	3.33	5.88	3.50	1.64	1.24	2.29	2.60	2.20	1.91
Women	2.70	1.11	2.02	5.20	2.92	2.17	2.78	0.48	1.55	1.55	2.47

Source-http://www1.eeoc.gov/eeoc/statistics/employment/jobpat-eeo1/2011/index.cfm#select_label

The total number of white employees is 31,808,706 and the number of black employees is 6,653,519. The above table shows 735,530 out of 48,653,932 employees are white men employed as Executive/Senior Level Officials that is 88.26 percent of all, while only 2.9 percent (24,199) of blacks are employed at such levels. About 45.77% of whites are employed as labourer and 17.48% of blacks are employed at the same levels.

Employment Process Bias

Employment discrimination is prevalent in workplaces. The employment firm may use codes to cover their faulty hiring practices. For example, the employer uses the code "Talk to Maria" which indicates their preferences for Hispanics. "No people of color" or 'No T' is used for 'no Blacks' (Ford, 1994). A new job at workplace may be filled by recommendation of a friend or person of same race as negative images are associated with African American young men and women. There are organizations where African Americans are hired for low job positions and low paying jobs irrespective of their qualifications or work experience at higher positions. According to diversityinc.com 2013 statistics (the online magazine), six CEOs were Black in Fortune 500 companies which accounts only 1.2% when compared to others. Dual labor market theory was developed by Bluestone and Piore, who tried to address the issue of underemployment and urban poverty, not addressed by the neoclassical economies (Kalleberg and Sorenson, 1979). The economy can be categorised into - primary and secondary types of jobs. The primary consists of high paying jobs where the wages are high, work condition is good and has better job stability (Bluestone 1970; Piore 1975). The chance of advancement is high in this sector, while, the secondary sector is of the less desirable jobs where the wages are low, work condition is poor and most importantly job is instable (Bluestone 1970; Piore 1970). The chance of advancement is low. It is based on personal relationships which can be harsh and in this sector the job turnover rate is high. This dual market theory maintains the blacks disproportionately start their career in secondary labour market. Pager found a strong effect of employment discrimination against blacks as compared to felons (Pager 2003).The job status of African Americans and White workers differ a lot, mainly, due to discrimination in hiring and promotion.

African Americans faced employment discrimination since 1990s. Graduated African-Americans find it difficult to get jobs as compared to their White partners (Beauchamp & Bowie, 1993). As per 1991 comprehensive study (by the Urban Institute), African American job applicants faced discrimination in job searches (Turner, Fix, & Struyk, 1991). Higher the job post, higher is the intensity of discrimination against Blacks (Turner, Fix, & Struyk, 1991). Labour market discrimination may result in lower employment perspective and low wages for minorities through wage setting system and hiring.

Discrimination

African Americans face employment discrimination as the requirement for soft skills such as interaction skills and motivational skills is high. Hence, African American men's chance of getting jobs is less. It is believed that White men have greater soft skills as compared to African American men. However, African American women are considered easier to work with as they are less aggressive than men (Fugiero, 2006; Moss & Tilly, 1996; 2001). Moreover, African American women continue to suffer from racial attitudes at workplace. Around 77% of African American nurses in three different nursing homes in Arkansas (Mercer, Heacock, and Beck, 1993) reported extreme discriminatory behavior on part of patients and management.

In white collar jobs, African Americans face exclusion from informal social networks, assumption of incompetence from White co-workers, clients, supervisors' and face many forms of racial bias. Similar findings were obtained from African American female managers (Bell, 1990).

Difficulties in Privileged Occupations (Promotion, Advancement), Networking and Physical Issues

African Americans may not get the same opportunities for promotion, growth, higher administrative roles or networking. They continue to face racisms and unequal treatment at workplace which hinders their professional growth. Barrier to upward career mobility is higher in service workers, skilled laborer and unskilled labor as compared to managers and professionals. According to the Bureau of Labor Statistics (Chart 1.), the unemployment rate for black and white in the age starting from 25 and older, by Educational Attainment suggested that Blacks are less employed as compared to whites.   African American women workers are concentrated in lower primary sector occupations such as clerks, receptionists, secretaries while men are concentrated in secondary sector jobs such as dock workers, truck drivers, janitors etc. This situation is extremely problematic as it results in prejudice, oppression and negative stereotypes against Black men (Mutua, 2006).

William Julius Wilson (2011) showed in his studies that tested the "provocative thesis" given in the book "*The Declining Significance of Race* (1980)," that claimed the change in politics and economy during the civil rights era benefited the middle-class Blacks but hardly had its impact on the majority of poor urban. A series of studies based on conceptual models or cognitive bias, social closure and statistical discrimination was conducted by George Wilson who worked on the "minority vulnerability thesis" that was based on mid to upper - level job. In the thesis (G. Wilson and McBrier 2005; G. Wilson and Roscigno 2010;) writes - "The minority vulnerability thesis states how employers in work settings make layoff decisions which reinforce the patterns of racial exclusions. The race based patterns of layoffs are based on modern racial prejudice which can be situational, racial and institutional in nature (2005, 304). The study states that at privilege levels of America occupational structure , African American placement in racially delineated jobs and restrictions on their ability to demonstrate

the right matter for favorable performance evaluation can result in setting up of race specific determinants of layoffs (p,. 304)."Discrimination and racism can create emotional and physical issues. They may face sexual and verbal harassment in the form of name calling, threats, abuse, and remarks as per individual behavior. It has been found that they face both physical and racial harassment at workplace (Jackson, 1994; Janofsky, 1993). The abuse can affect mental health of employees (Leymann, 1990) and result in low productivity, absenteeism, accidents, alcohol abuse and drug abuse.

Major Problems Faced by African Americans at the Workplace
The unemployment rate of African American was highest and in January 2012, it was found to be 38.5%; the labor force participation of Blacks (both men and women) reduced by 2.3% in 2011 to 75.9%, from 78.2% in 2007.
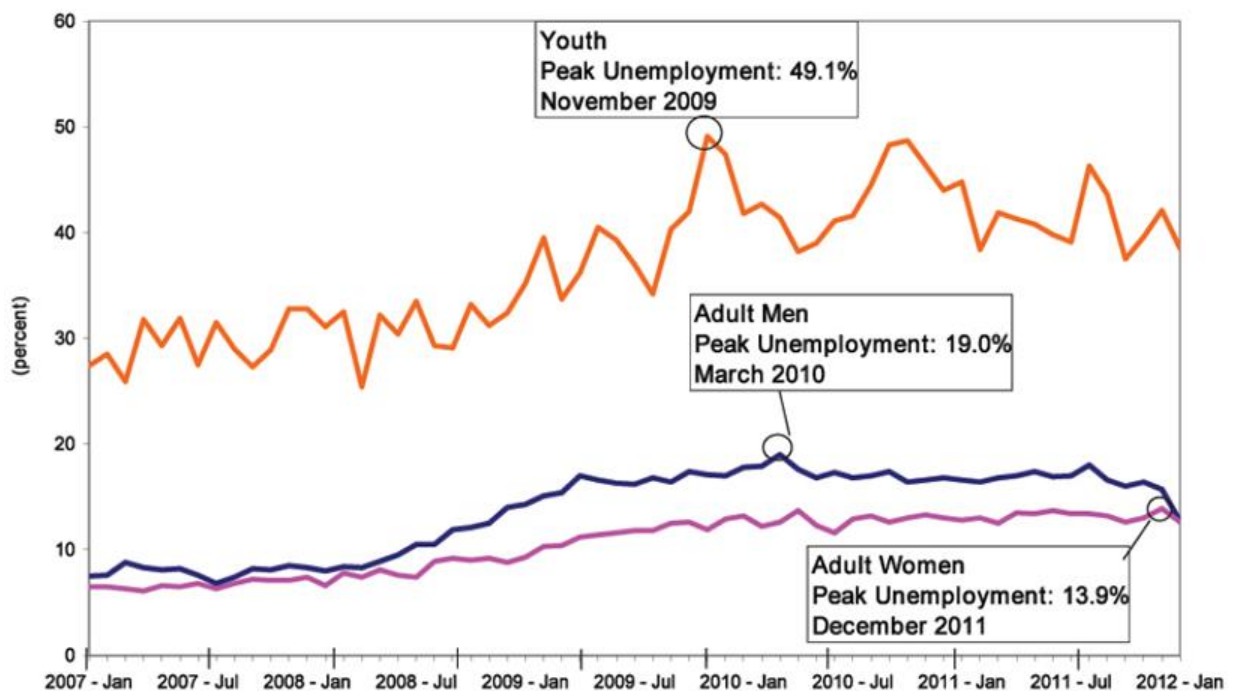

Figure 3: The figure shows "Unemployment Rate" among Adult Black Men & Women, and Youths. (Seasonally adjusted data for durations January 2007 to January 2012)

Channeling minority positions has been a major problem for African American workers. 50% of the group occupied jobs such as garbage collectors, while only 4% were in the managerial posts (Jaynes & Williams, 1988). A research on senior level administrators found that black men and women felt they were better qualified for the job but had less organizational support , less opportunities and limited channels of communication (Kenney & Wissoker, 1994). African American workers face issues of unequal distribution of salaries, job assignment, benefits, opportunities for advancement and differential treatment in interactions, feeling of discomfort, stereotyping on part of White supervisors and co-workers. Supervisors at workplace may not handover challenging jobs to them as they fear their positive criticism may be misconstrued (Chideya, 1995). White men have more advantage at workplace as they have access to growth opportunities and desirable jobs.

Theories of Discrimination

Workplace discrimination is the term used for the condition when individuals in an organization behave in an unreasonable manner that thoroughly impairs the capabilities of the group or individuals working there (K.M. Rospenda, J.A. Richman, & C.A. Shannon, 2009). The discrimination can be motivated by the feeling of inferiority for the socially underprivileged group as compared to other group (Roberts, Swanson, & Murphy, 2004).The discriminations on the basis of race or genetic composition has its roots in the historical societal power relationships that existed within races (D. R. Williams, 1997).

There are two leading theories of discrimination (Fryer, 2001). The first is based on taste (Becker, 1957) and second on information.

I. Taste Based Model - The tastes based theory states that certain economic actors prefer not to get in touch with people of some particular class and are not ready to pay cost for such interactions.

II. Information Based Model - The information based model of discrimination states that one groups may have mistaken beliefs about another group's abilities, skill level and act accordingly.

These are not very satisfying economic models of discrimination. The information based models of discrimination is based on criticism (Phelps, 1972). This model targets individual discrimination typically employers' discrimination against a particular group for reasons - firstly , the signals of their ability are less informative within that groups and secondly, the presence of human capital investment , its equilibrium exists in the negative prior beliefs related to the particular group to get self-fulfilling.

III. Statistical Model of Discrimination - The statistical model of discrimination states that the economic actors have no animus just like the taste based models but the discriminations may exist. The theory states it is difficult to measure the extent of discrimination (Alton and Blank, 1999).

IV. Unconscious Bias Theory - Early theories on discrimination relied on occupational segregation and wage discrimination. The nature of discrimination faced by workers in the current situations is unlike the spiteful discrimination that was prevalent prior to the establishment of the Civil Rights Act of 1964. The supporters of 1964 Civil Rights Act aimed to protect women and minorities from deliberate discrimination which restricted their job opportunities. The Civil Rights supporters are at present facing more challenges, the discrimination of more subtle nature where the researchers in social science literature found the continuation of unconscious racial discrimination and bias in the society. The unconscious bias theory is prevalent in hiring itself. Economists assigned stereotypically white sounding names e.g. Emily or African American name Lakisha to identical resumes (Susan T. Fiske, 2004, Bertrand & Mullainathan, 2004).

Bertrand and Mullanaithan (2002) found the resume that carried black names were less likely to get job interviews. The second approach is based on the study of discrimination to compare salaries where the discrimination to compare the salaries for blacks and whites were made. The studies found applicants with white sounding names got fifty percent more call-back interviews than African - American names (Bertrand and Mullanaithan, 2002).

Social psychology experts believe individuals can immediately identify and categorise the group status of a person and several factors have shown to influence the individual's unconsciously activate the stereotype associated to someone's group (Susan T. Fiske, 2000).

Conceptual Model of Discrimination

The conceptual model of discrimination states workplace injustice can lead to health disparities. The conceptual model of discrimination was developed on the works of Krieger

which acts as a pathway between workplace injustice and health impact. It recognizes the injustice which works at institutional level those effects through the structural inputs at individual levels or interpersonal levels resulting in direct exposure (Krieger, 1994; Krieger, et al., 2008).

Sources of Discrimination

African Americans are considered less qualified as compared to White males (McCoy, 1994). According to the U.S. Census Bureau data (2011), women in the country were paid 77 cents against 1 dollar paid to men (on an average) while Black women earned only 70 cents against 1 dollar earned by black men and just 64 cents against 1 dollar given to white or non-Hispanic men.

A. Individual Sources

African American executives believe that change in workplace structure in corporate America undervalues their education, talent and experience. This affects their career development and upward mobility. Becker (1957) explained discrimination can be due to employer's taste or due to aversion towards minority groups. Certain individuals have negative images of African American young men and consider them to be lazy, immoral and disinterested in work, or not smart as their White partners. The employer may support discrimination which means employers internalize the White customers' disutility from buying products or services from the minority group. While customer discrimination may exist in competitive labour markets, customer discrimination is restricted to condition where public interactions are ended.

B. Organizational Sources

In an organization, the racial harassment can be in the form of rage, anger, bitterness, resentment, aggression or hostility (Keashly, 1998). Institutional racism is less visible, less identifiable and more subtle as compared to individual act of racism (institutionalracism.net, 2008). In organization, networking and mentoring can be a problem for African American workers. Power elites in organization mentor White males as they find it more comfortable to work with.

Interview and laboratory studies of self-report data confirm workplace racial bias against African American (Pettigrew & Martin, 1987). For example - in the success or failure of both White and African-American employees, White point constructive actions of African American to situational factors, and unconstructive actions to the dispositional factor. They have less eye contact as well as verbal exchange with African Americans as compared to Whites which shows they have less friendly interactions with them (Pettigrew & Martin, 1987).

C. Structural Sources

About 13% of the US African American population includes 29 % of poor. Discrimination such as education, housing, employment and poverty makes it difficult for this group to rise (McFate, 1995). Residential segregation is a common problem. Substandard education at district schools hinders self - growth (Laseter, 1997).

The subjugation of African American men is a history rooted in the interesting patterns of racism and patriarchy (Mutua, 2006). Historically, White men were highlighted for their conquests, masculinities and male experiences. In colonial era, American White men dominated the economy, politics and education. White women were responsible for raising citizens who would lead the society (Lerner, 1986, p. 27). African American suffered a degree of un-freedom during this time. The woman workers faced exploitation as "providers of sexual slavery or as a reproducer". The African American men were never fully credited for their work.

Phelps and Constantine (2001) explained historically race or ethnicity was not a variable considered in developing career development theories or models. The behavior of Africa

Americans has been evaluated on the basis of White male behavior. The socio-political and sophisticated realities have to be considered along with the personal and individual realities of African Americans. There is no theory which focuses African American professional men and it is difficult to identify the factors or issues involved in their career growth (Phelps & Constantine, 2001).

Harvard Law Review article (Moss and Tilly, 2001; Lacy, 2008) explained about the discrimination prevalent against African American men. Though civil rights and law provide better access and opportunities for African American at workplace, it fails to provide complete remedy against discrimination encountered at workplace. In this content, the Critical Race Theory (CRT) was created by the legal community to address the stagnation and ineffectiveness of civil rights legislation. Critical race theory (CRT) understands the conceptualization of African American men. CRT states racism and race is endemic to American social order as they serve to normalize the White power in US, while subordinating the Blacks. The in-subordination of suppressed people in America shows the effectiveness of CRT (Mutua, 2006).

2. The Affirmative Action Controversy

The Affirmative Action and equal opportunity act was introduced by US government to prohibit workplace discrimination but many controversies emerged with this. The existing mindset favored the Affirmative Action and some opposed it.

2.1 The Affirmative Action

In 1961, President John F Kennedy established the equal opportunity act to prevent discrimination against employees on the basis of color, race, creed or nationality. This was called the Affirmative Action which was introduced with the aim to promote Equal Opportunity in Employment.

A. Title VII of the Civil Rights Act of 1964

The Civil Rights Act was introduced in 1964 and it broadened the Affirmative Action principle. The Title VI had provision where "No person in US was allowed on the grounds of race, nationality or color to be excluded or denied the benefits or subject to discrimination in activities related to federal financial assistance."

The Title VII was amended in 1972 and it banned all forms of discrimination in employment. The Title VII, mainly, referred to race but it was aimed to address the issues faced by African American who were denied employment opportunities. The law mainly aimed to reduce the segregation of life aspects of African American.

B. The Equal Pay Act of 1963

The main aim of the Civil Rights Act was to eliminate discrimination in hiring. In 1972, the Equal Pay Act of 1963 was upgraded to cover executives, professional workers and administrates. The act prohibits sexual discrimination in wages or fringe benefits.

C. Title 9th of the Educational Amendments of 1972

Affirmative Action is not just to prohibit racial discrimination; however, it even prevented gender discrimination. Its aim is to provide equal opportunities for everyone. Title 9th was a part of the Educational Amendments of 1972 which was directly applied to programs that receive federal aid. The Title promoted enforcement and implementation of right to get a fair chance to education of their choice and develop skills. Mainly, the Title IX of the Educational Amendments of 1972 was introduced for women workers who were vulnerable to complete their education. It prohibited sexual discrimination in educational institutions that receive federal funding. It involved both employment and admissions to educational institutions. Later, it was modified to promote equal opportunity in education irrespective of communities, groups and races.

Executive Order 11246

Executive Order 11246 was established to prevent non-discriminatory practices in employment, mainly, on the part of U.S. government contractors. The contractors who take government orders were required to take actions to ensure the proper treatment of employees irrespective of their color, race, religion, sex or nationality.

D.   Affirmative Action and Equal Opportunity

Affirmative action mainly aims to reduce disparities in employers or educational institute admissions where the people of all ethnicity and races apply for admissions and it monitors the process of hiring, promotion and admissions to reduce disparities against different groups. The law disallows employers to make discrimination against any applicant on the basis of race or group members. The employer cannot defend for not being guilty, if the process of hiring does not include the mandatory checklist mentioned in the affirmative action acts.

3. Racism / Ethical Bullying at the Workplace

Workplace bullying is a type of harassment which aims to hurt somebody's feelings or exclude a section of workers and have reverse impact on the work or the task performed by the group (Grubb, Roberts, Grosch, & Brightwell, 2004). This may happen frequently over a certain period of time (Grubb, et al., 2004). Racial minorities have been targeted by derogatory comments which make their work duties and activities tough (Alleyne, 2004). Racial and ethical bullying at workplace is presentation of deterioration of interpersonal relations and organization's dysfunctions culture (Cassitto et al., 2003).

A.   Blatant Forms of Discrimination

The examples of blatant forms of racial discrimination are - use of abusive language, the use of behaviors or language which humiliates or frightens such as screaming, yelling or criticizing. Teasing, displaying offending material and spreading rumors are also included in blatant form of racial discrimination at workplace. The extreme forms of bullying can be violence, stalking and assault which are categorized under criminal offence and are reported directly to police.

B.   Difficulties faced by African Americans

Workplace discrimination can occur before one enters into labor force and it can result in occupational health problems caused, mainly ,due to the occupational isolation at social level which are disproportionately related to the industrial sectors as well as to undesirable hazardous jobs (Agudelo-Suarez et al., 2009). The occupational segregation can be a type of broad social level discrimination where poor education system and prospects as well as the dwelling conditions are effected by environmental pollutions resulting in limited job opportunities restricting one to poor quality job opportunities in adolescence(Haggerty & Johnson, 1995). Jones (2000) found the prevalence of institutional racism that results in differential access to goods and services as well as growth opportunities in society (p. 1212) that can be applied to workplace injustice.

Abusive workplace behavior involves the following:

1.   Disrespecting the individual using verbal abuse
2.   Overwork
3.   Harassment
4.   Threat and intimidation
5.   Preventing access to opportunities
6.   Stealing credit
7.   Destructive behavior
8.   Downgrading employee's capabilities (Bassman,1992)
9.

4. Human Rights and Violation at the Workplace

A.   Affirmative Action and United States' Constitution of Human rights

Despite the government's initiatives to prevent discrimination at workplace, the controversies over equal opportunities and affirmative action continue to prevail as it is believed that racial discrimination is a human rights issue. The racial discrimination practices against African American employees are basically considered as a Human Rights issue.

B.   United Nations' (UN) Declaration of Human Rights , Approval and Adoption

Racism against African American existed in the past and it continues to exist (Cose, 1997). The human rights framework was established to prevent inequalities. Affirmative action has been endorsed by the US constitution as well as by the United Nations' (UN) Declaration of Human Rights.

C.   Article I of the Universal Declaration of Human Rights (All people are equal in rights and dignity)

"United Nations' (UN) Declaration of Human Rights Article 1 states that all human being are born free and have equal dignity and rights "(United Nations, 1987). This means the laws apply to all in the same way and all have the same rights irrespective of their place or actions. The Article 3 of the declaration states that every person has the right to live life, security and liberty.

D.   Article 23 - 27 Of Economic, Social and Cultural Rights

The Article 23 of Universal Declaration promotes the right to get a job and is free to select his / her employment and a favorable work environment. The Article 24 promotes the right to leisure and paid holidays at work. The Article 25 promotes the right to standard of living.

The Article 26 promotes the right to free elementary education. The higher level of education is also accessible equally to all on the basis of merit. Parents are given the right to choose the kind of education they want to provide to their children. Education shall promote tolerance, understanding and friendship, between all, irrespective of race, religion or nationality.

The Article 27 gives the right to freedom to participate in cultural activities and group functions. It gives the right to share the benefits of scientific advancement.

E.   Resolution at 1993 Session of the UN Human Rights (based on cotemporary forms of racism, racial discrimination and intolerance)

From 1980s, UN started programs to combat racism and to prevent racial discrimination. The sessions held in 1993 aimed to promote equal rights to all (Human Rights Act, 1993). The resolutions included measures to regularly check racial discrimination as many new forms of discrimination were reported. The impact of conflicts caused by distribution of economic resources in developed and developing countries was resolved through educational, economic and legislative methods. The fundamental Human Rights were all interrelated and governments of countries were urged to take measures and create policies to prohibit racial discrimination (Human Rights Act, 1993).

5. Government Role in Responding to Workplace Discrimination (Role of Equal Employment Opportunity Commission [EEOC])

The U.S. EEOC (Equal Employment Opportunity Commission) was formed to make laws and implement it to restrict employment discrimination. The organization is a federal law enforcement commission set up to prevent any form of discrimination at workplace including race, religion, color, sex, age, disability or nationality. The commission settles employment issues.

The government of USA has been trying to enforce the UN Human Rights programs to tackle the problem of racism. EEOC (Equal Employment Opportunity Commission promotes investigation, persuasion, conciliation and works on cases in federal court to take actions against racism discrimination. In 2012, the commission recorded a total of 99,412 workplace discrimination in private sector which included 33,512 cases on racial discrimination. The

agency is continuously working on eliminating various pattern of discrimination and it completed more than 240 investigations in 2012 which resulted in 46 settlements in the year. It even secured 36.2 million dollars for the victims of discrimination.

However, Equal Employment Opportunity Commission (EEOC) continues to remain underfunded which hinders its actions. Additionally, the commission faces the problem of staffing, backlog and workload. In 1975, more than 100,000 charges were filed and the budget approved by the government was inadequate to handle the cases effectively. Hence, the performance and effectiveness of commission, which was mainly created to handle workplace discriminations, was constrained due to workload and low budget.[5]

Charge Statistics FY 2009 - FY 2012

	FY 2009	FY 2010	FY 2011	FY 2012
Total Charges	93,277	99,922	99,947	99,412
Race	33,579	35,890	35,395	33,512
	36.0%	35.9%	35.4%	33.7%
Sex	28,028	29,029	28,534	30,356
	30.0%	29.1%	28.5%	30.5%
	2,943	2,780	2,832	2,662
	3.2%	2.8%	2.8%	2.7%
Color		0.2%	0.2%	0.3%

Source: The data was compiled by the Office of Research, Information and planning (http://www.eeoc.gov/eeoc/statistics/enforcement/charges.cfm). The data shows more than one-fourth of total charges filed with EEOC are related to racial discrimination at workplace.

Role of Organizations in Workplace Discrimination

There are organizations where the employers may choose to exclude African American workers from high earning jobs, promotional opportunities or training. Experts believe the practice in market may not erode racial discrimination and inequalities without organizational interests (Tomaskovic - Devey, 1993).There are two types of racial discriminations at workplace (Dovidio and Gaertner, 1986; Essed, 1990) which influence the job quality. They are - institutional discrimination and interpersonal discrimination. Interpersonal discrimination is the negative attitude towards African American group and institutional discrimination is the organizational policies which restrict the opportunities to African American people.

A.   Affirmative Action Programs

After the formation of affirmative action programs these discriminatory practices have turned indirect and less obvious. The Title Seven of the Civil Rights Act and the formation Civil Rights laws by the federal courts and the U.S. law of EEOC (Equal Employment Opportunity Commission) are considered significant in handling today's race based discriminations (Sara Trenary, 1999). Mainly, plaintiff uses the Title VII to handle racial discrimination against

employers. This resulted in filling of 33,512 cases with EEOC in the year 2012. The employees file racial discrimination under sections 1981 [1] and 1983 [2] of Civil Rights.

The 1981 section allows the individual to create a federal cause for action, for which the person has to ensure that he belongs to the racial minority group and he was discriminated. The 1983 section offers reliefs to those whose rights have been violated.

B.   Policies Against Discrimination, Prejudice, And Racial Harassment

EEOC enforces laws to prevent discrimination against job applicants or employees in an organization and administers discrimination charges. It attempts to resolve the workplace discrimination charges through mediation and conciliation. EEOC is based on Fair Employment Practice Agencies (FEPAs) that manage discrimination and civil rights law enforcements.[3]

Employees can file cases under various state and local laws in U.S. where mediation programs are implemented throughout the judicial system (FED.R.CIV.2008). The mediation programs helps in resolving the cases in limited expense. The most successful mediation program has been the REDRESS program (Lisa Blomgren Bingham et. al., 2009).

The federal agencies in U.S. also have alternative dispute resolution (ADR) system to resolve such cases through Administrative Dispute Resolution Act of 1996.

1 U.S.C. §1981 (Section 1981) - It is based on the federal cause of action for people claiming deliberate racial favouritism. To get such a claim, a plaintiff must be the member of the racial minority group, and it should be proved that he or she was discriminated against / by a particular group supported by activities set forth in the statute. These activities should include the right to "make and enforce contracts, such as employment contracts, as is enjoyed by white citizens."

2 U.S.C. §1983 - This provides legal equitable relief to the sufferers of racial discrimination for the people whose constitutional rights is violated by another person under State or Federal Authority. Section 1983 allows people to enforce rights based on the federal constitution / federal statutes, e.g. the restrictions of public sector job discriminations on the basis of race. It rarely applies to private employers.

C.   Employer's Liability for Racial Discrimination and Harassment

Employers are liable for unlawful racial discrimination at workplace. It is mandatory for private employers to have alternative dispute resolution (ADR) systems to resolve the employment related disputes. Through the American Arbitration Association(AAA), employees and their employers can access the facilities provided under ADR (alternative dispute resolution) to swiftly and efficiently resolve job related disputes (Suzette Malveaux, 2009)

Mediation allows the involved parties to find a solution to resolve dispute (Michael W. Hawkins, 1993). The mediation program benefits both the parties it reducing the time, cost, and stress involved in litigation. The main aim of the mediation program is to reduce administrative /legislative cost, shortens time frame for resolving dispute , handle the win- lose outcomes, resolve the racial issues, enhance parties communication skills to discuss racial issues, maintain confidentiality, reduce retaliation complaints , arrange for remedies e.g. back pay , reinstatement etc.

In U.S. workplace bullying legislations have been passed by 16 U.S. states that allow employees to take legal actions against their employers for creation of offensive work

environment. Many of the legislations are built on proposed Healthy Workplace Bill (The Healthy Workplace Bill, 2012).

D.   Strategies to Curb Discriminatory Practices in The Workplace

There are four steps which can be adopted by organizations to minimize direct and indirect bullying and discriminatory practices at workplace - identifying the hazards, assessing the risks, controlling the risks, evaluating and reviewing the processes.

The employers should try to find out if workplace bullying exists which can be done through surveys, considering work procedures and focusing on systems of work.
The employers should try to identify repeated or unjustified criticism that targets individuals rather than their performance.

The act of humiliating employee in front of client, customer or staff should not be permitted. Employees should not be denied opportunity for training, promotion or assignments. Sabotaging a person's work or excluding from workplace social events should be identified and controlled.

A workplace bullying policy should be designed to prevent discrimination. Employees should be provided information about workplace discrimination. The statistical information related to absenteeism, productivity, complaint and disciplinary actions should be maintained.

CONCLUSION AND DISCUSSION

Literature approves the phenomena of workplace discrimination, harassment and bullying against demographic minority group. Earlier the workplace discriminations were evident and precarious. The demographics show at workplace whites are hired at high paying jobs while blacks continue to work in low paying jobs. Black face discrimination in hiring and promotion. The experience of discrimination at workplace can increase health and psychic costs of job search and hiring. In 1990s the rise in the number of young black men who were dropped out of the labor market resulted in the creation of an artificial convergence in the market and wages (Western & Pettit, 2005). The situation is improving at a slow pace.   After the formation of Affirmative Action, the racial discrimination practice at workplace is more of subtle nature. Employers may support discriminations at workplace by showing preference for white applicants and black workers may have to face less friendly interactions at workplace. Civil rights and laws have been formed to provide better opportunities to African Americans at workplace. Despite government's initiative and Affirmative Action the controversies continue to prevail regarding racial discrimination at workplace. Alternative dispute resolution (ADR) systems have been developed to handle workplace discrimination related matters effectively. Clearly, research for the development of mechanism to expose and prohibit various forms of workplace discrimination should be developed to prevent racial discrimination.

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