Workplace Discrimination Against African Americans

by Danielle Vickers

While most people try to view discrimination as a “thing of the past,” it still exists in today’s society. This can be particularly detrimental for the minorities that make up nearly one-third of the U.S. workforce (Figure 1).\(^1\) It can prevent people from being hired or promoted in high paying jobs and cause additional stress for the victims of workplace discrimination. While the federal government has passed laws that prevent workplace discrimination, one should still be aware of what it is and what to do about it.

Theory of Discrimination

In order to understand how to combat workplace discrimination, one must first know why discrimination happens. Discrimination happens when people treat others unfairly based on preconceived stereotypes about that group of people. Stereotypes regarding African Americans include being good athletes, lacking intelligence, and having poor critical thinking skills. African American women with natural hair are stereotyped as liberal, black-power advocates, and being hypersensitive to racism. Additionally, the media often portrays African Americans as being violent, “ratchet,” criminals, noncommittal, and involved with drugs and gang. Although these stereotypes are not necessarily true, they can greatly affect how potential employers perceive them. Many study the effects of bias and discrimination through the Lack Fit Model: a theory that “individuals tend to suffer from a perceived lack of fit to their assigned positions in the workplace if the attributes required in these positions are not congruent with the attributes ascribed to individuals”. While researchers generally use this model to describe gender-bias, Lathonia Denise Stewart and Richard Perlow used this model to explain how racial discrimination occurs. According to the this version of the Lack Fit Model, employers judge applicants based on how well they believe that person’s attributes will fit with the skills necessary for the job. If the potential employer has a bias against African Americans, he will

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hesitate on hiring an African American for a professional job. According to the Journal of Business and Psychology, “biased evaluators more confidently hire blacks for low status jobs” since they believe they are more “fit” to that job and have more confidence in them performing well in that position. Vice versa, evaluators had less confidence in “black workers with white jobs” - meaning a job position commonly held by a white person. In fact, research shows that someone’s name alone can affect their chances of receiving a job opportunity. Bertrand and Mullainathan conducted an experiment in 2004 where they sent resumes with identical credentials to 1,300 employers and only changed the name on the resume with some using white names (e.g. Sarah, Brad, etc.) and others using traditionally African American names (e.g. Aisha,

Figure 2

<table>
<thead>
<tr>
<th>Education Level</th>
<th>White</th>
<th>Black</th>
<th>Asian</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Than High School</td>
<td>493</td>
<td>440</td>
<td>477</td>
<td>466</td>
</tr>
<tr>
<td>High School Diploma Only</td>
<td>696</td>
<td>579</td>
<td>604</td>
<td>595</td>
</tr>
<tr>
<td>Some College</td>
<td>791</td>
<td>637</td>
<td>748</td>
<td>689</td>
</tr>
<tr>
<td>Bachelor's Degree Only</td>
<td>1132</td>
<td>895</td>
<td>1149</td>
<td>937</td>
</tr>
<tr>
<td>Bachelor's Degree and a Higher Degree</td>
<td>1219</td>
<td>970</td>
<td>1328</td>
<td>1007</td>
</tr>
<tr>
<td>Advanced Degree</td>
<td>1390</td>
<td>1149</td>
<td>1562</td>
<td>1235</td>
</tr>
</tbody>
</table>

Source: Bureau of Labor Statistics
Jamal, etc.). They found that the resumes with white-sounding names had a 50% greater chance of receiving a callback than the ones with black-sounding names.\(^5\)

Another study by George Wilson from the University of Miami found that after a three year period, African Americans “were dismissed from their jobs 33% more frequently than White workers,” even though they both had similar credentials.\(^6\) The Bureau of Labor Statistics have also found that people of color are also paid less than whites with similar degrees of education. Because of these statistics, several laws exist to prevent workplace discrimination (Figure 2).

**Federal Discrimination Laws**

The Civil Rights Act of 1866 acts as the main law against workplace discrimination; it gives African Americans the right to sue or be sued in court, to give evidence in a lawsuit, purchase property, and make and enforce contracts.\(^7\) This law, although not enforced by any specific organization, may be one of the most important laws, because it not only assures that African Americans can sue in the event that they experience workplace discrimination, but it also “prohibits racial discrimination in the employment relationship” through the use of legally-binding contracts.\(^7\)

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Enforced my the U.S. Equal Employment Opportunity Commission (EEOC), Title VII of the Civil Rights Act of 1964 is perhaps the most cited law against workplace discrimination. This law prohibits workplace discrimination based on individual’s race, color, religion, sex, or national origin. Specifically, employers cannot 1) refuse to hire or discharge anyone with respect to his compensation, terms, conditions, or privileges of employment; 2) limit, segregate, or classify employees or applicants in a way that will deprive them of opportunities or affect their status as an employee; or 3) discriminate against someone for making charges, testifying, assisting, or participating in enforcement proceedings. Therefore, this not only prohibits employers from discriminating against African Americans or refusing to hire them, but also prohibits employers from mistreating employees who file lawsuits or complain about being discriminated against.

Loopholes and Cases

While these laws do help prevent workplace discrimination, they still have flaws that allow discrimination to continue. George Vickers, a top consultant for GPS Consulting, explained in an interview that most discrimination is not clear cut:

You’ll go to one interview and they'll tell you you're under-qualified. Then you’ll go to another interview and they’ll tell you you're overqualified. How can you be overqualified and under-qualified at the same time?


Companies can indirectly discriminate against employees by creating policies that discreetly target a specific group of people. A common policy is banning facial hair. While it sounds relative trite, facial hair is a common characteristic of people of color and is often a result of “ethnic identity, ideology, or religious beliefs,” making a discriminatory policy. An early case regarding facial hair bans occurred on June 6, 1969, when Booker C. Peek, a teacher at Ribault Senior High School and the only black factuality member out of 110 staff, sued Duval County School System after being fired for refusing to shave his goatee. The court ruled that forcing Peek to remove his facial hair “was arbitrary, unreasonable, and based on personal preference” and an attack against “ethnic diversity and racial pride.” Another case occurred in 1991, when Langston Bradley sued Domino’s Pizza for firing him after two weeks for refusing to shave his beard. However, Bradley reported that he could not shave his beard because he suffered from pseudofolliculitis barbae (PFB): a common genetic skin condition that results when “highly curved hairs grow back into the skin causing inflammation and a foreign body reaction;” people who have this are advised not to shave since shaving sharpens the ends of the hair and worsens the condition. 60% of African Americans and other with curly hair suffer from PFB, making Domino’s no-beard policy a violation of equal opportunity law.


Aside from banning shaving, companies also have policies against traditionally African American hairstyles. A recent example of this occurred on September 15, 2016, when Chastity Jones and the EEOC filed a lawsuit against Catastrophe Management Solutions of Mobile, Alabama for rescinding Jones’s job offer when she refused to cut her dreadlocks. Although a clear violation of Title IV of the Civil Rights Act, the 11th U.S. Circuit Court of Appeals ruled it acceptable since hairstyles are not “immutable physical characteristics,” meaning that because hairstyles can be changed, it is legal to not employ someone with a hairstyle that the employer does not approve of, similar to how employers can choose not to hire someone with tattoos. Many people are outraged by this decision since the texture of one’s hair is not an immutable characteristic.

Unlike policies, some forms of racism are extremely indirect and sometimes unconscious. These are microaggressions: brief and commonplace actions that communicate hostile, derogatory, or negative racial slights and insults to the target person or group. These can take three different forms: microassaults, which are overt and intentional discriminatory actions or behaviors; microinsults, which directly attack an individual’s racial identity or heritage; and microinvalidations, which exclude, nullify, or negate a person’s experiences or feelings. While microassaults are more direct and easy to identify, microinsults and micro-invalidations are more

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unconscious to the people delivering them. Examples of microinsults include ascriptions of either high or low intelligence based on race, assumption of criminal status, pathologizing cultural values or communication styles, and treating others as lesser beings. Additionally, microinvalidations include assuming that someone is a foreigner, color blindness (i.e. ignoring or refusing to acknowledge ethnicity or race), denial of personal racism, and the myth of meritocracy. After studying microaggressions, Derald Wing Sue found that African Americans are more likely to experience invalidation or insults than to be stereotyped or mistreated in work environments.

**What To Do**

One can take different steps to handle discriminatory situations. First, if the offense is minor or the person committing the offense may not realize they have discriminated against them, Janet Asante recommends that one avoid directly telling the offender that they have said something “racist” because “all discussions and goodwill towards you” will end the second you bring up the word. Instead, she recommends that one ask “clarifying questions” to force the person to acknowledge their own biases without directly confronting them. For example, if someone says, “You speak so well” to an African American, implying that African Americans are inarticulate, one should respond with questions such as, “What makes you think I wouldn’t speak well?”, instead of explicitly telling them they are making stereotypes about them. If a manager or other supervisor acts dismissive or condescending, Asante suggests scheduling one-on-one meetings.

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meetings with them to discuss what success looks like in the company and how to improve; take
notes on what the advisor says, keep track of your progress, and report back to them monthly to
discuss your progress. In the event of a blatant racial slur or act of discrimination, one should
take note of any witnesses, repeat what was said to “confirm you heard them correctly,” then go
straight to human resources and “make a formal complaint.”

If necessary, one could also file a claim directly to the EEOC, which one can do even
without an attorney. However, one must ensure that they file the claim within 180 days of the
incident to insure all rights. After filing the claim, the EEOC will investigate the complaint and
either try to settle the complaint or refer a mediator. If an agreement between parties is not
reached and the employer is a private employer, the EEOC will file a federal law suit; if the the
charge is dismissed, they will send the victim a “right-to-sue” letter informing them of their right
to sue.

Bystanders can also assist in preventing workplace discrimination. One of the most
helpful, yet easiest, ways to help is to not encourage discriminatory behavior; this could include
anything from defending or standing up for the victim when something is clearly wrong to
simply letting the victim “know that you are aware” that kind of behavior is unacceptable and
encourage them to ask for help. Additionally, one can also consult HR, a manager, or other
supervisor about the problem.

16 “Know Your Rights: Title VII of the Civil Rights Act of 1964,” AAUW: Empowering Women
Since 1881, accessed on April 2, 2017, http://www.aauw.org/what-we-do/legal-resources/know-
your-rights-at-work/title-vii/

17 Rose Bryant-Smith, “‘The innocent bystander’ - What would you do?” Work Logic, accessed
innocent-bystander-what-would-you-do/.
Vickers also advises people to be vigilant and be able to recognize when discrimination is taking place: “People will try to be really underhanded and tricky with discrimination so that you don’t have proof. But if it looks like a duck and quacks like a duck, it’s a duck” - meaning if it seems like discrimination, it probably is. With these measures in place, one should be able to defend themselves against workplace discrimination.