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The Civil Rights Revolution at Work: What Went Wrong

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Abstract

The civil rights and women's movements led to momentous changes in public policy and corporate practice that have made the United States the global paragon of equal opportunity. Yet diversity in the corporate hierarchy has increased incrementally. Lacking clear guidance from policymakers, personnel experts had devised their own arsenal of diversity programs. Firms implicated their own biased managers through diversity training and grievance systems and created a paper trail for personnel decisions, but they maintained the deeper structures that perpetuate inequality. Firms that changed systems for recruiting and developing workers, organizing work, and balancing work and life saw diversity increase up the hierarchy, but those firms are all too rare. The courts and federal agencies have found management processes that do not explicitly discriminate to be plausibly unbiased, and they rarely require systemic reforms. Our elaborate corporate diversity programs and public regulatory systems have largely failed to open opportunity, but social science research points to a path forward.

INTRODUCTION

Laws forbidding workplace discrimination, and corporate efforts to comply, have drawn the interest of scores of sociologists over the past forty years. Sociologists of political, organizational, and legal institutions were drawn to civil rights compliance as a site for studying the coevolution of state, society, and firm. The state responded to the civil rights movement with legislation that was ambiguous and susceptible to challenges at the federal, state, and local levels. The meaning of the law was difficult to discern through the crowd of activists, consultants, academics, managers, and politicians hawking interpretations. While the main contours of federal legislation were set in place by 1964, when Congress passed the Civil Rights Act, in the decades that followed there was much compliance and enforcement action to study.

As enforcement ebbed and flowed across the decades, dozens of innovations, framed as compliance programs, spread through companies: nondiscrimination policies, race-relations workshops, equal opportunity departments, affirmative action officers, civil rights grievance procedures, formal job tests, performance ratings, maternity leaves, sexual harassment training, and plenty more. In the 1980s, just as institutional theory was emerging, sociologists began to study the diffusion of these measures, mostly writing them off as window dressing. From the late 1990s, sociologists began to study the effects of regulation, litigation, and corporate compliance on workforce diversity, documenting how little they did to address structural racism and sexism.

In the five sections that follow, we review studies of the evolution and effects of government and corporate antidiscrimination policies. First, we review studies that explore why the American state produced weak and ambiguous federal regulations, inviting frequent challenges to interpretation. Second, we explore corporate responses to the moving legal target. Personnel experts concocted measures that would little interfere with management routines, such as mission statements, or that would expand the duties of personnel, such as performance ratings. Third, we discuss studies examining whether compliance measures increase workforce diversity. Popular measures designed to quash manager bias mostly backfire by raising their ire. More effective are the rare innovations that change management systems, engage managers, create social accountability, or undermine the narrative that work and family cannot coexist. Fourth, we examine research on how state agents reacted to these compliance measures, which finds that the regulated often set the terms of compliance: Regulators, judges, and legislators frequently approve whatever measures human resources (HR) departments invent. Fifth, we review studies of the effects of regulatory and legal enforcement, which show that their efficacy depends on who is in the White House and who is pressing for change. Absent media or social movement pressure, regulatory and judicial enforcement mostly fails to make victims whole or change workplaces for the better. Regardless of case outcomes, workers who attempt to mobilize their civil rights often suffer dire ramifications.

Taken together, these studies provide a damning indictment of corporate compliance with laws forbidding discrimination at work. Companies took a variety of measures to comply, but these generally failed. Regulators and judges often vetted company compliance measures that had proven ineffective or worse. The studies also provide an indictment of the system of civil rights enforcement. When victims of discrimination sue, the legal system rarely protects them from retaliation and rarely rights employers' wrongs. We conclude by discussing prospects for change.

THE STRENGTH OF A WEAK STATE

In 1960, in most of the United States, it was perfectly legal to refuse to hire Blacks. It was perfectly legal to decree that women could not be managers and to fire them when they married or got pregnant. Some states had passed antidiscrimination laws, but enforcement was spotty. Things changed in 1961 when John F. Kennedy's Executive Order 10925 required firms with federal

contracts to take "affirmative action" to end race discrimination. Soon the Civil Rights Act of 1964 forbade race, color, religion, sex, and national-origin discrimination among all private-sector employers. Workplace discrimination was now clearly illegal. Firms changed little at first. But over time, as the legal meaning of what counts as discrimination and what counts as compliance evolved through the back-and-forth between employers and state agents, they changed a great many things (Edelman et al. 1999, Skrentny 1996).

Why did the legal meaning of discrimination change over time? Early institutional studies emphasized that the law was ambiguous; neither Kennedy's order nor the Civil Rights Act defined discrimination or the terms of compliance (Dobbin et al. 1993, Edelman et al. 1991). Chen (2009) argues that America's state structure explains the legal ambiguity. Legislation must be approved by two houses of Congress, often controlled by different parties, and the president. In the United States, parties do not control their own members' votes, so drafters of the Act had to water it down to win a majority. If they had had their way, the Act might have established hiring quotas for African Americans.

Scott & Meyer (1983) argue that the legal meaning of a term such as discrimination can change over time because the fragmentation of the American state creates ongoing uncertainty about interpretation of the law. City, state, and federal governments can regulate employment, and at each level, powers are separated across legislative, judicial, and administrative branches. This gives citizens many openings for challenging the meaning of the law (Kelly 2003). This isn't a bug, it's a feature of a system designed by the founders to sustain a decentralized, highly participatory form of democracy. Moreover, the common law system plays a role in the inconsistency and unpredictability of how the law is applied, for the courts have wide latitude to reinterpret statutes.

As the meaning of the law changed frequently, new interpretations often seemed arbitrary. Take Kennedy's affirmative action order prohibiting race discrimination. Originally framed as race blind, it was interpreted as race conscious by Nixon administration officials defending the Philadelphia Plan, which required government contractors to hire minority workers (Pedriana & Stryker 1997, Skrentny 1996). Republicans in the executive branch thereby expanded Kennedy's order.

Or take the recent interpretation of the Civil Rights Act's prohibition against sex discrimination. Activists have sought to use it to protect the rights of lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) workers. They won local and state protections of LGBTQ rights beginning in the mid-1970s (Tilcsik 2011) but held little hope of winning federal action with Trump in the White House. Yet in 2020, the Supreme Court extended the Civil Rights Act's sex-discrimination protections to LGBTQ workers, in a 6–3 decision written by Trump appointee Neil Gorsuch and joined by George W. Bush appointee Chief Justice John Roberts. Both legal teams were gobsmacked.

Neither of these changes in interpretation could have happened in France, whose civil law courts do not have the power to reinterpret statutes (Lieberman 2002). In the context of America's fragmented, porous, and constitutionally weak state, legal ambiguity and the power of the courts to alter the meaning of statutes can have paradoxical effects. By stimulating compliance anxiety, the weak state can lead to strong corporate responses (Dobbin & Sutton 1998). In this case, corporations hired experts and staffed entire departments devoted to forecasting future interpretations of civil rights laws and inventing compliance measures.

INVENTING EQUAL OPPORTUNITY

The tradition of organizational scholarship tracing firm practices to internal technical and managerial needs was challenged in the 1950s and 1960s by scholars looking outside of the firm

(Selznick 1957, Stinchcombe 1965). The late 1970s saw a full-fledged paradigm shift, in which inward-looking paradigms were supplanted by paradigms that tied features of the firm to environmental factors: networks, industry ecology, institutions, and resources (Scott 2001). This was happening just a few years after Washington bolstered civil rights laws. The burgeoning field of civil rights compliance was the perfect empirical site for new organizational institutionalists to study how policies and norms shape organizations. How is it that, with little guidance from Washington, firms across the country built race relations workshops in the 1960s, civil rights grievance procedures in the 1970s, and sexual harassment training in the 1980s?

In the 1960s, executives in the country's biggest firms were worried about losing federal contracts and made some changes, but most executives thought they had nothing to fear. While the Civil Rights Act made it illegal for employers to categorically rebuff women and people of color, most thought they would just have to remove "no Blacks need apply" signs. Even that seemed to help: The sixties saw significant gains for Black men in blue-collar and managerial jobs (Stainback & Tomaskovic-Devey 2012).

Companies took notice when Washington ramped up enforcement in the early 1970s. In 1971, the Supreme Court [*Griggs v. Duke Power Company* (1971)] expanded the Civil Rights Act's definition of discrimination, ruling against neutral-sounding policies designed to exclude Blacks. Duke Power had adopted an employment test covering academic skills not needed for common power plant jobs. Blacks from North Carolina's subpar segregated schools failed the test at high rates. The *Griggs* decision put employers on notice that they could not simply move discrimination underground and boosted an industry of organizational psychologists developing tests for skills used on the job (Stryker et al. 2012). Then, in 1972, Congress passed the Equal Employment Opportunity Act, giving the Equal Employment Opportunity Commission (EEOC) authority to bring discrimination lawsuits on behalf of plaintiffs. Discrimination suits skyrocketed from a few hundred a year to 5,000 a year by 1980 (Burstein & Monaghan 1986). The Civil Rights Act had outlawed overt discrimination, such as "no Blacks need apply" signs. The Supreme Court now outlawed covert discrimination, such as job tests that served no purpose but to exclude Blacks. Moreover, the EEOC was now suing firms. Managers began to look for measures that could inoculate them, and their quest attracted institutional theorists.

In the 1970s, the new paradigm emerging in organizational sociology described this process well. In one foundational article, "Institutionalized Organizations: Formal Structure as Myth and Ceremony," Meyer & Rowan (1977, p. 349) emphasized that even ceremonial compliance practices can confer legitimacy on, and attract resources to, firms: "Employees, applicants, managers, trustees, and governmental agencies are predisposed to trust the hiring practices of organizations that follow legitimated procedures—such as equal opportunity programs . . . and they are more willing to participate in or to fund such organizations." Purely ceremonial practices can do this without rocking the boat.

Civil rights compliance was well described by the other foundational piece in the new organizational institutionalism, DiMaggio & Powell's (1983) "The Iron Cage Revisited," detailing three vectors of practice diffusion: coercive, normative, and mimetic isomorphism. When powerful agents, such as the state, pressure firms to adopt particular practices, they produce coercive isomorphism. Firms have identical policies because the state mandates them. In civil rights compliance, public policy did not coerce firms to adopt particular policies, but legal uncertainty led many to do something. When experts expound theories about why firms should use a given policy, they produce normative isomorphism. In civil rights compliance, personnel experts detailed new practices and theories of what made them equitable (Strang & Meyer 1993). When managers copy practices mindlessly from leading firms, they produce mimetic isomorphism. In the case of civil rights, many executives did not overthink compliance, they just mimicked industry leaders.

Both of institutional theory's foundational works, then, suggested that prominent firms are copied because they are prominent. Hewlett-Packard (HP) was that firm in the 1980s. Other firms benchmarked HP's equity practices and poached even low-level HP HR staff, hoping for the secret recipe. Now firms copy innovations from Google and Facebook, despite the fact that both firms post their workforce data and have nothing to crow about.

Organizational institutionalists proposed that firms favor ceremonial compliance practices that do not change career systems. But they chose a method, event-history analysis, that made it hard to test the idea. The choice was happenstance—in Stanford's sociology department, institutional theory was gestating in the work of John W. Meyer and W. Richard Scott just when event-history methods were being developed by Nancy Tuma and Michael Hannan. Institutionalists began to use the method, which appealed to journal editors because it beat cross-sectional regression on causal identification. But it could only be used to model successful diffusion, not to explore why some practices failed to take off. Thus, institutionalists focused on why firms adopted the practices that became popular, not on which practices worked or whether firms failed to adopt those that did work (Dobbin et al. 1993). They would eventually get around to studying which practices worked but might have tried to figure that out earlier by examining firms that made real progress (e.g., Kanter & Roessner 2003a,b).

Studies of the diffusion of diversity innovations nonetheless tell us a great deal about how we ended up with the particular configuration of innovations that prevails today. Those studies identify several forces promoting diversity measures.

Compliance as a Human Resources Professionalization Project

Within the firm, personnel, equal opportunity, and affirmative action experts took charge. Over the years they rebranded themselves, respectively, as "human resources," "diversity," and "compliance" experts. These groups scanned the environment for new regulatory and judicial interpretations; for impending changes in local, state, and federal laws; and for promising compliance measures. They dreamed up most compliance strategies, creating more work not for the office of legal counsel but for HR. Personnel experts thus grew tenfold between 1960 and 2000, while the labor force grew threefold. There were few women in personnel in 1960, when dealing with unions was job one. Women held half of personnel jobs by 1980, and 70% by 2000 (Dobbin 2009, Roos & Manley 1996, Stainback & Tomaskovic-Devey 2012).

HR experts often framed new HR programs they favored as compliance measures. Thus, when work-life benefits were being defined as gender equity measures, HR benefits specialists invented the dependent care expense account (DCEA) in response to a 1981 Economic Recovery Tax Act tax exemption for workplace childcare designed to get mothers back to work. The tax-free expense account caught on with employers as a discount alternative to onsite childcare and was approved by the Internal Revenue Service (Kelly 2003). DCEAs, managed by HR, spread widely, but workplace childcare centers never really caught on.

Diffusion studies show that experts within firms played key roles in the spread of everything from paid maternity leave to sexual harassment training (Dobbin & Kelly 2007; Dobbin et al. 1993; Edelman 1990, 1992; Guthrie & Roth 1999; Kelly & Dobbin 1999), confirming Selznick's (1957) insight that when firms put a new function in managers' hands, those managers take charge.

Japan saw a similar pattern of symbolic compliance spearheaded by HR, despite HR's significantly greater clout there thanks to its management of the internal career system that feeds top executive positions (Jacoby 2005). When gender equity legislation was passed, HR executives made symbolic changes to leave the man's world of management in place (Mun & Jung 2018). As in the United States, HR devised compliance measures that buffered the traditional career system.

Why Did Lawyers Not Take Charge?

How did personnel take over legal compliance? Personnel managers are in marginal positions in firms, and when executives want insurance against litigation, HR sometimes promotes unproven solutions. The legal profession, by contrast, is conservative and self-referential. Lawyers are thus less prone to wild speculation about what compliance measures judges will accept (Sutton & Dobbin 1996). They have a modus operandi, coming in on the back end of legal disputes when firms need representation (Nelson & Nielsen 2000, Stryker 2000). Edelman and colleagues (1992) illustrate the two professions' approaches in a study of wrongful discharge law. Personnel experts authoritatively exaggerated both the risk of lawsuit and the protection afforded by employment-at-will statements, which soon spread widely. Lawyers did not speculate, and personnel's audacity paid off. Their speculations became self-fulfilling when judges and regulators gauged legal compliance by whether firms were in step with their peers.

Popularity Increases Popularity

Theory suggests that as innovations diffuse, they gain legitimacy and come to be taken for granted (Tolbert & Zucker 1983). Diffusion studies find that as the prevalence of most civil rights compliance innovations increased, remaining firms became more likely to join the bandwagon (Dobbin et al. 2011). Most diversity-practice diffusion curves are s-curves, with some practices, such as diversity departments, flattening out early because they are costly, and others proceeding to near complete saturation. Sexual harassment complaint procedures spread almost everywhere; you can cut and paste one from a website, so they are cheap, and they do not interfere with day-to-day routines including, notably, sexual harassment itself (McLaughlin et al. 2017).

Public Visibility

Theory suggests that public agencies and nonprofit firms face great pressure to conform to social norms and thus are quick to adopt civil rights innovations (Edelman 1990, Scott & Meyer 1983). Studies show this to be true of civil rights grievance procedures, antidiscrimination policies, and a range of work/life benefits, including maternity leaves, dependent-care assistance, and flexible work arrangements (Edelman 1992, Ingram & Simons 1995). Large firms are also subject to greater public, social movement, and media scrutiny (Collins 1997, Hirsh & Cha 2018, McDonnell & King 2018), which leads them to install civil rights grievance procedures (Edelman et al. 1999), hiring and promotion rules (Dobbin et al. 1993), and sexual harassment procedures and training (Dobbin & Kelly 2007) at higher rates than smaller firms.

Regulatory Scrutiny

That firms embrace popular innovations to maintain legitimacy is a first principle of institutional theory. A close corollary is that firms subject to extra government scrutiny, which can threaten legitimacy through exposure of bad behavior, may adopt compliance innovations first. Big federal contractors subject to Kennedy's 1961 affirmative action order thus joined forces with the new President's Commission on Equal Opportunity, headed by Vice President Lyndon Johnson, to create a private-sector compliance consortium, dubbed Plans for Progress. Three hundred firms committed to adopting specific innovations, such as recruitment at Black high schools (Graham 1990). Plans for Progress did not last, but federal contractors remain subject to Department of Labor oversight. Studies show that in the 1970s and 1980s, contractors were more likely to join compliance bandwagons for everything from grievance procedures to maternity leave (Guthrie &

Roth 1999, Skaggs 2009), although as enforcement activities were reduced, contractors behaved more like noncontractors (Anderson 1996, Dobbin et al. 2011).

The Civil Rights Act is enforced by the EEOC and the courts. EEOC litigation and investigation of complaints have been shown to promote myriad diversity programs, as the EEOC seeks to promote structural reform in the workplace (Schlanger & Kim 2014). Lawsuits that come before liberal judges are particularly effective (Guthrie & Roth 1999). When lawsuits spark bad press, firms are more likely to adopt new programs (Suchman & Edelman 1996).

Women and People of Color in the Workforce

Women in positions of power have been particularly effective in championing diversity innovations. Generally, white women show more support for affirmative action than white men, and Blacks and Hispanics show more support than whites (Bobo & Kluegel 1993, Cohen & Huffman 2007, DiTomaso 2013, Scarborough et al. 2019, Stainback et al. 2016, Steeh & Krysan 1996). Some studies have found that employers with more women are more likely to offer work-life programs (Guthrie & Roth 1999, Osterman 1995), while others find that workforce feminization alone does not boost such programs (Glass & Fujimoto 1995, Ingram & Simons 1995). Women managers appear to be particularly effective in advocating for diversity programs, including equal opportunity job advertisements, diversity task forces, diversity training, and sexual harassment training and grievance systems (Dobbin & Kelly 2007, Dobbin et al. 2011). Women in government have also prevented regulatory backsliding, as when Reagan threatened to pull the plug on equal opportunity enforcement (Edelman et al. 2001).

We found no studies reporting effects of racial diversity on employer adoption of diversity programs. In our own study, reporting that white women managers boost adoption of five diversity programs, we found that managers of color had no effects (Dobbin et al. 2011). Although Blacks are frequently saddled with diversity work, they may not succeed in establishing diversity programs because they are marginalized as people of color and as diversity proponents (Collins 1997, Williams et al. 2014, Wingfield 2019).

Labor Scarcity

Some diversity programs, notably work-life programs, are thought to help firms recruit and retain talent. Thus, managers often allow schedule flexibility to attract and retain high-performing women (Kelly & Kalev 2006). Does labor scarcity, then, drive adoption of work-life programs? Firms with more hard-to-replace professionals and managers are more likely to offer paid maternity leaves (Glass & Fujimoto 1995). While industry-level scarcity of women workers led employers to offer unpaid maternity leaves before Washington required it (Goodstein 1994, Ingram & Simons 1995), one study found that labor scarcity does not lead firms to adopt work/family policies more generally (Osterman 1995).

In sum, many of organizational institutionalism's core insights about program diffusion came from studies of civil rights compliance. Regulations that left latitude for interpretation opened the door for HR experts to concoct compliance measures that tracked public opinion and judicial decisions. Thus, many firms would offer maternity leave long before Congress required it, create sexual harassment programs long before the Supreme Court vetted them, and provide protections for LGBTQ workers long before the Court extended them.

But did these new practices help to open opportunity? Institutionalists described most diversity practices as mere window dressing. In the next section we see that while some practices actually help to promote diversity, many do not—not only because the policies are decoupled

from corporate management routines, as Meyer & Rowan (1977) suggested, but also because they are ill suited to the task of promoting diversity (Bromley & Powell 2012).

DO CORPORATE CIVIL RIGHTS INNOVATIONS OPEN OPPORTUNITY?

A growing number of studies explore whether diversity programs affect workforce diversity. Workplaces with active diversity programs have more women and people of color (Konrad & Linnehan 1995), but cross-sectional research leaves us with the question of which came first. Sociologists, psychologists, and economists have measured program efficacy in different ways, including with lab experiments (Brady et al. 2015, Castilla & Benard 2010, Kaiser et al. 2013), field experiments (Bohnet 2016; Castilla 2008, 2015; Kelly et al. 2011), and analyses of corporate workforce data (Kalev et al. 2006). The findings from these research streams are disconcerting. Many popular practices show poor results in lab, field, and workforce studies. Some even lead to decreases in workforce diversity, but some show promise.

Bias-Control Practices

Employers often reduce the problem of discrimination to manager bias, adopting only innovations that target such bias, including diversity training, bureaucratic personnel rules, and grievance processes. This leaves in place the bigger systems that produce inequality (Nkomo 1992). Perhaps most troubling is evidence that this approach backfires because shifting blame to managers alienates them. Job-autonomy theorists suggest that in general, efforts to control managers (and workers) tend to backfire, leading to resistance and sabotage (Hodson 1996, Lamont 2000). This appears to hold for common practices designed to control manager bias.

Diversity training takes up the lion's share of the corporate diversity budget today. Some firms couple it with annual diversity performance ratings to provide feedback to managers, and bonuses linked to those ratings (Reskin 2003). Psychologists show that whites resist pressure to control racial prejudice and that such pressure can increase measured prejudice (Galinsky & Moskowitz 2000, Legault et al. 2011, Plant & Devine 2001). This suggests that diversity training for whites may fail. Other studies show diversity training activating rather than suppressing bias (Sidanius et al. 2001). An early review of research (Williams 1947) found that antibias training often fails to moderate bias. A recent review of over 900 studies finds weak, and sometimes adverse, effects of training on attitudes (Paluck & Green 2009). When it comes to harassment training, laboratory results suggest that men who score high on "likely harasser" and "gender role conflict" scales frequently have adverse reactions (Kearney et al. 2004, Robb & Doverspike 2001, Tinkler et al. 2015). Harassment training may do more harm than good if it antagonizes the very men trainers hope to reform.

Studies using workforce data suggest that diversity training programs do not increase the share of women and minorities in management. In the average company, mandatory diversity training for managers led to a 10% decline in Black women managers and 4% to 5% declines in Asian American men and women managers (Dobbin & Kalev 2016). Harassment training led to a 5% decline in white women managers (Dobbin & Kalev 2019b). No underrepresented group saw a positive effect in either study.

Some react to the news that antibias training does not increase opportunity within firms by arguing that training is so pervasive, it has reduced bias everywhere. But studies of hiring discrimination show no reduction in racial bias over 25 years (Quillian et al. 2017).

Bureaucratic personnel procedures, such as job tests and performance ratings, were popularized to quash managerial bias in hiring, promotion, and pay (Baron & Bielby 1980, Kochan et al.

1994). Social scientists have argued that objective performance-rating systems can quell managerial bias (Reskin & McBrier 2000). Then there are internal hearing systems designed to root out problem supervisors. Formal grievance procedures for civil rights and harassment complaints were designed to remedy bias after the fact (Edelman 1992).

But bias-busting personnel procedures and legalistic complaint processes have been shown to fail in several ways. White men managers do not like the implication that they are biased, and so resist using job tests and performance ratings to choose workers, ignoring scores that do not align with stereotypes (Mong & Roscigno 2010, Rivera 2015). Performance raters inflate scores for white men (McKay & McDaniel 2006, Roth et al. 2003) and subvert rating-bonus formulas to favor their white male cronies (Castilla 2008, Shwed & Kalev 2014). In the case of civil rights and harassment grievance procedures, bosses and coworkers retaliate against people who file complaints, which deters use of procedures (McLaughlin et al. 2017, Roscigno 2007). It is vexing, then, to learn that highly bureaucratic personnel systems and low rates of complaints can create unwarranted confidence in system fairness (Acker 1990, Castilla & Benard 2010, Kaiser et al. 2013).

In studies of workforce composition, personnel procedures designed to stop discrimination and complaint processes designed to punish it appear to lead to decreases in women and minorities in good jobs. Companies creating written job tests for managers see decreases of 8% to 16% in Black, Hispanic, and Asian American men and women, and white women, in management. Performance-rating systems lead to decreases of 4% in white women managers. Civil rights grievance systems lead to declines of 4–11% in white women, Black women and men, Latinx women and men, and Asian men in management (Dobbin et al. 2015). Sexual harassment grievance procedures have adverse effects on women in companies with mostly male managers, likely because men often doubt victims. When such firms create harassment grievance systems, Black, Latinx, and Asian American women managers decline by 10% to 14% (Dobbin & Kalev 2019b). Several studies find that antibias program effects improve when there are more women in management. Women are more likely to believe harassment victims (Dobbin & Kalev 2019b), for instance, and to use personnel procedures to address pay inequity (Abendroth et al. 2017).

Experimental studies can be particularly useful in testing design tweaks thought to make antibias measures more effective (Bohnet 2016). For instance, reducing the range of scores in performance ratings, and thereby eliminating the top scores that many raters reserve for men, reduces the gender rating gap (Rivera & Tilcsik 2019). Field studies can also help employers to design interventions. For instance, two standardized employer layoff rules thought to quash bias in downsizings—last-hired-first-fired and job-category elimination—lead to outsize losses in women and minorities, but one does not: layoffs based on performance ratings (Kalev 2014).

Engaging Managers in Changing Systems

The second broad compliance approach employers took was to ask managers to change career systems. The research suggests that structural changes to career systems carried out by managers can create new pathways to success and turn managers into champions for change. Self-perception theory suggests that by encouraging managers to help, employers may turn them into allies (Ito et al. 2006, Mori & Mori 2013). Special college recruitment and mentoring programs for women and people of color turn participating managers, many of them white men, into boosters for their recruits and protégés (Reskin & McBrier 2000). In-house management training programs can turn company manager-trainers into champions for the aspiring managers they train.

Surveys of employers suggest that special college recruitment, in-house management training, and nomination procedures to diversify trainees are associated with greater workforce diversity (Holzer & Neumark 2000, Konrad & Linnehan 1995). An early longitudinal study showed special

recruitment programs to be effective (Edelman & Petterson 1999). Analyses of panel data show that special college recruitment programs are followed by increases of 8% to 15% in white women, and in all minority groups but Latinx women, in management. Mentoring programs are followed by increases of 15% to more than 35% in Black women, and Latinx and Asian American men and women, in management. Management training boosts white women in management, and programs to draw diverse trainees boost both white women and Asian American men (Dobbin et al. 2015). How do we know these practices actually make a difference and are not simply the preferred strategy of firms truly committed to change? Most analysts use statistical techniques to increase confidence that practices have effects, including fixed-effects panel models with robust standard errors, tests using only before-and-after data from firms that adopt these measures, and tests using placebo adoption events prior to actual adoption (Heckman & Hotz 1989).

Social Accountability Practices

Firms have also used social accountability—and managers' worries about how peers and supervisors will assess them (Tetlock & Lerner 1999)—to promote change. A diversity manager or task force that might question managers' decisions can cause them to take more care in hiring decisions, for instance (Bielby 2000, Reskin 2000). Diversity managers improve the efficacy of equity reforms by activating accountability (Castilla 2008, Hirsh & Kmec 2009), despite being marginalized and facing resistance when they succeed too well (Collins 2011). Diversity task forces typically bring together higher-ups from different departments in monthly meetings; members scrutinize personnel data to identify problems, brainstorm for solutions, and implement the reforms in their own departments (Sturm 2001). Task forces create social accountability and have the added benefit of ratcheting up managerial engagement.

Companies that appoint diversity managers see increases in white women, Black men and women, and Hispanic and Asian American women in management, ranging from 5% to more than 20%. Diversity task forces lead to growth of at least 12% for all four groups of women in management (Dobbin et al. 2015). About 11% of medium to large firms have diversity managers, and about 20% have task forces. These interventions work well, but they are not common.

Work-Life Practices

While the courts have not generally found that the Civil Rights Act requires employers to offer work-life benefits, personnel experts pushed for benefits under the banner of gender equity.

Managers' negative views of motherhood, but not of fatherhood, are known to stymie women's careers (Blair-Loy 2003, Correll et al. 2007, Killewald & Bearak 2014). Work-life programs can signal that the firm is committed to helping workers with family demands to succeed (Acker 1990, Williams 2000). They can also provide benefits that help women to persist and move up. Thus, long maternity leaves signal that employers want women back and provide a tangible benefit, leading more women to return (Han & Waldfogel 2003, Kelly et al. 2011). Parental leaves, even without pay, improve women's prospects in corporate management (Kelly et al. 2012). Flexible scheduling helps to resolve work-life conflicts (Christensen & Staines 1990) and increases women's commitment and satisfaction (Glass & Estes 1997), but it does not reduce the gender pay gap (Coltrane et al. 2013, Glass 2004, Weeden 2005). Among faculty members, childcare resources can reduce work-family conflict, reduce the cost of staying in the labor force (Xie & Shauman 2003), and normalize parenthood (Ostrow 2002).

Some argue that these innovations can help to change a narrative that has hindered progress for women and mothers, namely that the ideal worker comes without family commitments or

encumbrances. Some scholars have pursued action research to explore how employers can quash this narrative (Bailyn et al. 2002, Kelly et al. 2011). Joan Williams, and the WorkLife Law Center, have used both action research and legal advocacy to promote change. One challenge is to encourage employees to make use of work-life programs without fear of adverse career consequences (Ely & Padavic 2020). Sixty percent of women in need of flexibility do not ask for it (Golden 2001, Kanter 1977) for fear that their careers will suffer (Drago et al. 2006, Kelly et al. 2008). About 70% of eligible women faculty use parental leaves (Drago et al. 2006), as do only 26% of women in the sciences (Lundquist et al. 2012). Supervisors often reject employee requests to use work-life programs (Kelly & Kalev 2006). But efforts to turn supervisors into supporters of work-life programs can improve participation, reduce stress, and improve performance for both men and women (Kelly & Moen 2020) in both low and high wage jobs (Williams 2010).

Firms that create all sorts of work-life programs see subsequent growth in the share of women managers. Parental leave policies help women to persist and move up (Mason et al. 2006, Mun et al. 2020). Flex time policies, work-family workshops, DCEAs, and childcare referral services lead to increases in the share of white, Black, Latinx, and Asian American women in management, ranging from 2% to 15%. All four groups see increases from onsite childcare (6% to 12%) and childcare vouchers (16% to 18%). Even low-cost practices, such as work-family workshops and DCEAs, show significant effects, perhaps because they signal that executives want mothers to stay with the firm (Dobbin & Kalev 2019a, Vican 2012, Williams et al. 2014).

Unanticipated Gains from Teams and Cross-Training

As diversity innovations diffused, the participatory-management movement popularized practices that bring together people from jobs that are usually segregated by gender and race. Cross-functional self-managed teams and cross-training systems that rotate workers through departments do just that. While not designed to promote diversity, these new management practices create contact between groups, expanding opportunities for collaboration and networking and leading to increases in women and people of color in management. By the early 2000s, a third of medium and large firms used self-managed teams for core service and production work, and nearly four-fifths had cross-training programs for core workers (Kalev 2009).

In sum, most employers have attributed workplace inequality to manager bias, which they address with training, personnel rules, and complaint processes. These innovations have spread widely, and they often backfire. More effective innovations designed to engage managers in changing career systems, or activate social accountability, are less common. Work-life programs are unusually effective in bringing women into management. Participatory management innovations that bring workers from different functions together, through project teams or cross training, help break down entrenched group boundaries. If more employers adopted manager-led systemic reforms, accountability, work-life accommodations, and cross-functional collaboration, diversity in good jobs might increase significantly.

WASHINGTON LEGALIZES DISCRIMINATION

Most equal opportunity compliance measures were designed by corporate managers. The regulated have thus shaped the regulator's compliance standards, in a process that Edelman and colleagues (1999) dub the "endogeneity" of the law. In the context of ambiguous laws, regulators and the courts often defer to common practice (Edelman et al. 2011). If everyone does diversity training, disregarding the evidence that it may backfire, not doing it looks suspicious. Judges and regulators have often inscribed, in case law and guidelines, whatever employers were doing.

Below we detail studies documenting this pattern. State agents have not always capitulated to corporations, of course. Early in affirmative action enforcement, Department of Labor regulators pushed uncommon practices that showed promise, including some that faced substantial resistance (Anderson 1996, Blumrosen 1993, Kalev & Dobbin 2006). But for the most part, regulators have rubber-stamped whatever is popular, legalizing discrimination by letting employers with purely ceremonial programs off the hook.

Judges routinely defer to popular compliance structures, finding in favor of employers using them without scrutinizing them "in any meaningful way" (Krieger et al. 2015, p. 843). In the case of sexual harassment, the Supreme Court endorsed innovations that had already been discredited. When federal judges defined harassment as discrimination—13 years after passage of the Civil Rights Act—personnel championed harassment grievance procedures. These spread widely by 1997 (Dobbin & Kelly 2007), and in 1998, the Supreme Court found that a harassment grievance procedure could provide legal protection, endorsing an innovation that, as studies of the federal civil service had already shown, incited retaliation without quelling harassment (Erdreich et al. 1995, McLaughlin et al. 2017). This sort of judicial standard-setting is exceptionally American. When France, Germany, and then the European Union outlawed harassment, employers did not embrace unproven compliance programs in hope that the courts would approve, because their courts do not set standards. Most employers did little or nothing (Bleich 2000, Saguy 2003, Zippel 2006). In this case, nothing was better than the something American firms settled on.

The courts also legalized gender pay inequality. The Equal Pay Act of 1963 required employers to pay women and men the same wages for the same work. A popular compliance strategy was to develop different job titles for men and women doing similar work, at different wages, and attribute the difference to market forces. Defendants in equal-pay cases made the different jobs/market forces argument. Judges came to accept it, even when an employer's technical job evaluation showed that men and women held equivalent jobs. The courts thus vetted an employer-devised compliance strategy that subverted the Equal Pay Act (Nelson & Bridges 1999).

Federal litigators legalized inequality as well, in discrimination suit settlements requiring changes known to be ineffective. EEOC lawyers negotiate settlements in cases they take part in. They typically ask for widely popular compliance measures that do not promote diversity (Hegewisch et al. 2011). The most common changes they negotiate for are posted equal opportunity policies (88%), equal opportunity training (87%), written equal opportunity policies (33%), and grievance systems (32%) (Schlanger & Kim 2014)—innovations that do nothing to advance diversity, or even backfire.

In writing federal compliance guidelines, the EEOC often looked to the practices of leading employers and the preferences of EEOC litigators, endorsing practices that have proven ineffective, such as legalistic diversity training, sexual harassment training, civil rights and sexual harassment grievance procedures, job tests, and performance ratings (EEOC 1998). More recently the EEOC has stimulated research on what actually works by making workforce composition data available to social scientists and using research to inform guidelines.

But not every one of Washington's recommendations was snake oil. The EEOC championed many of the work-life policies that boost gender equity. In its 1972 guidelines on pregnancy discrimination, for instance, the EEOC advised firms to offer maternity leaves protecting women's jobs. Per Edelman's endogeneity thesis, it based the recommendation on what leading employers were doing. In turn, the guidelines helped to spread corporate maternity leave to more employers, which led judges to define pregnancy discrimination as illegal, which led states to outlaw it, which spurred Congress to pass the Family and Medical Leave Act of 1993 (Kelly & Dobbin 1999). And as noted, parental leaves help women to move into management. More recent guidelines on best practices for workers with caregiving responsibilities (EEOC 2009) promote practices that social

scientists have proven to be effective, such as predictable time off (Perlow 2012). Post-hoc approval of compliance measures invented by companies and designed not to rock the boat was one way in which regulators and judges legalized discrimination. Another way was in their responses to discrimination complaints, which we turn to next.

DO REGULATORY AND JUDICIAL ENFORCEMENT WORK?

Civil rights enforcement has fluctuated across presidential administrations. Trends in sex and race segregation at work reflect this. Race segregation declined in the 1960s and 1970s under the Kennedy, Johnson, Nixon, and Carter administrations. Even Nixon, the California Republican, backed the civil rights programs opposed by Jim Crow Democrats (Skrentny 1996). Yet the next California Republican, Ronald Reagan, slashed the EEOC's budget, appointed ultraconservative Clarence Thomas as chair, and threatened to end affirmative action by defunding the federal regulator, the Office of Federal Contract Compliance Programs (OFCCP). Racial segregation at work began to increase after Reagan was elected in 1980, with Black women faring particularly poorly. White women continued to progress under George H.W. Bush and Bill Clinton, but their progress stalled roughly when George W. Bush was elected in 2000 (Stainback & Tomaskovic-Devey 2012). It appears to matter who is president: Firms take their cues from the top.

Like Reagan, Donald Trump cut the EEOC's budget and threatened to close the OFCCP. The OFCCP survived, but Trump has had a profound effect on the judiciary. Trump appointed 3 Supreme Court justices and 54 deeply conservative federal circuit court judges (Rust 2020). Judges matter, as shown below. Trump's predecessors, Obama, George W. Bush, and Clinton, each held office for eight years. Each appointed 2 Supreme Court justices and at most a handful more federal circuit judges than Trump (55, 62, and 66). Biden cannot roll back their lifetime appointments, but he has rolled back Trump's executive orders undercutting civil rights laws, including orders forbidding most diversity training among federal agencies and contractors. If the Reagan era is prologue, the Trump administration has likely set back progress on desegregation, helped by the pandemic economic crisis, which led to outsize job losses among white women and people of color (Montenovo et al. 2020).

While it may matter who holds the presidency, the research we turn to next suggests that many regulatory and judicial efforts to promote equity failed. Antidiscrimination laws are enforced through two principal channels. First, the Department of Labor's OFCCP requires contractors to conduct self-audits and develop annual affirmative action plans, which specify procedures for ensuring that qualified minorities and women are considered for employment at every level. It also conducts compliance reviews of federal contractors, and if it finds deficiencies in affirmative action plan content or implementation, it attempts conciliation. It can require changes in personnel practice and back pay for employees. Conciliation failure may lead to debarment, which occurs rarely, but audits can nonetheless strike fear into the hearts of corporate compliance officers (Anderson 1996).

Firms with federal contracts saw the fastest progress on sex and race desegregation in the 1960s and 1970s, when the OFCCP was scrutinizing employers closely and asking for changes. Firms that faced compliance reviews saw even faster improvements for Blacks. But these effects disappeared after Reagan curtailed enforcement. Clinton's attempt to bring affirmative action back to life did not change things. Firms with federal contracts, from fighter jet makers to soda bottlers, were thereafter less diverse than those without contracts. Yet, federal contracts continued to popularize norms of equity at the industry level, benefitting Black women in particular (Stainback & Tomaskovic-Devey 2012). Having a federal contract also catalyzes the effects of a number of diversity practices that, in the absence of a contract, can fail or backfire (Kalev et al. 2006).

Antidiscrimination laws are enforced, second, by the EEOC. It conciliates charges brought by workers under the Civil Rights Act, issues "right to sue" permits, and initiates suits. Employees file discrimination charges with the EEOC and may sue if conciliation fails. This sort of individualized problem-solving was less effective than the OFCCP's early institutional approach of scrutinizing employment practices and asking for wholesale changes. One reason is that employees who face discrimination rarely file complaints. Reasons range from poor knowledge of rights to fear of retaliation to inability to pay legal fees. Federal agencies and plaintiff lawyers often cool out complainants, aware of the poor odds of success. Moreover, employers increasingly require workers to sign mandatory arbitration agreements that preclude litigation.

Workers who do file EEOC charges learn that the system is rigged in favor of employers. Over the past 15 years, multi-method studies have painted a portrait of the litigation process through analyses of EEOC charges; court cases; case law; and interviews with plaintiffs, lawyers, and HR professionals (Berrey et al. 2017, Edelman et al. 2016, Green 2016, Hirsh 2008, Roscigno 2007). Employers are resourceful repeat players in the charge and litigation processes. They can choose their battles and shape case law by quickly settling cases that might set pro-plaintiff precedents and fighting to the death when cases might set pro-defendant precedents (Berrey et al. 2017, Edelman 2016). Judges have made it difficult for plaintiffs to prevail. They increasingly accept symbolic structures as immunization against suits, require proof of intentional discrimination, enforce mandatory arbitration clauses that quash lawsuits, refuse to certify classes in class-action suits, and issue summary judgments favoring employers (Edelman 2016, Hirsh 2008). In a process termed "discrimination laundering" (Green 2016), the courts frequently recast discrimination as interpersonal conflict and organizations as innocent bystanders, if not victims of rogue low-level supervisors acting on their biases.

It is no wonder that plaintiff wins are rare. Berrey and colleagues (2017) estimate that fewer than 1% of full-time Black workers who say they have experienced employment discrimination have filed charges. Of that 1%, fewer than 3 in 100 end up with nominally favorable outcomes. Among those, most settle for meager payouts and ceremonial policy changes. Yet the media, diversity experts, and employment liability insurance firms play up the rare plaintiff victories and overstate the risk to employers.

The poor odds that discrimination plaintiffs face may reflect judicial values. Those claiming discrimination based on caregiving responsibilities are more likely to prevail than those claiming race or sex discrimination, suggesting that judges are sympathetic to claims rooted in family values (Calvert 2016).

Not only does the charge-and-litigation system rarely satisfy plaintiffs, it frequently puts employers on the defensive. Correcting wrongs and remedying discrimination are the last things on executives' and their attorneys' minds when they face charges. Maintaining the status quo and preventing additional suits are front of mind. This is evident in the adversarial stances they take. They often intimidate, isolate, and humiliate plaintiffs. Workers who sue often lose their jobs and face increased odds of bankruptcy, illness, and divorce, whether they win or lose. Many regret that they did not keep quiet (Berrey et al. 2017, Edelman 2016, Roscigno 2007).

Quantitative research points to contexts in which charges and lawsuits have positive effects. EEOC charges lead to slight increases in firm gender and racial segregation, but large numbers of lawsuit settlements can push an entire industry to reduce sex segregation (Hirsh 2009). Lawsuits do more to promote gender equity than racial equity among supermarkets, in both defendant firms and their peers (Skaggs 2008, 2009). Multiple trips to court can cause a firm to increase workforce gender and racial diversity (Kalev & Dobbin 2006). Lawsuits filed in federal courts with more diverse judges are more likely to lead to increased workforce diversity (Skaggs 2008, 2009). High-profile discrimination settlements that mandate new personnel practices, attract national

media coverage, or make stock value plummet lead to increased workforce diversity, although settlements with large financial penalties typically decrease diversity (Hirsh 2009, Hirsh & Cha 2018). Generally, it seems that pressure from investors and from the public can make a difference, and judges can make a difference, but punishing damage awards appear to backfire. Still, on the whole litigation not only fails to unwind corporate compliance measures that backfire, it leads to settlements requiring additional useless measures.

CONCLUSION

Political, organizational, and legal institutionalists have painted a detailed mural of the second phase of the civil rights movement, when the state and employers got involved. First, political institutionalists chronicled why the Kennedy and Johnson administrations made discrimination illegal without spelling out the terms of compliance. They were hamstrung by the founders' determination to build a decentralized form of democracy on three weak branches of government. Thus, executive orders and federal laws were often vague and were open to judicial interpretation under America's common law tradition. Civil rights laws, as a result, invited constant challenges from the right, with claims that the Civil Rights Act forbids reverse discrimination, and from the left, with claims that it forbids harassment and protects LGBTQ rights.

Second, organizational institutionalists have shown that employers responded with largely ceremonial compliance measures that would not disturb management routines. HR, diversity, and compliance experts developed programs that would appease executives anxious to avoid lawsuits and bad press, all the while expanding HR's purview. Dozens of different compliance innovations spread widely, particularly among large, high-profile firms subject to regulatory oversight. Thus, a wide range of untested innovations became commonplace. Lionized firms served as models for others, even lionized firms whose diversity initiatives had conspicuously failed.

Third, sociologists, social psychologists, and economists have found that many of the popular compliance programs do nothing to open opportunity. Some backfire. Antibias and harassment training, personnel rules to quash bias, and grievance procedures—these all focus blame for institutional racism and sexism on managers, alienating them and leading to decreases in diversity. Innovations that change systems, such as recruitment targeting historically Black colleges; those that activate social accountability, such as diversity councils; and those that make line managers part of the solution, such as formal mentoring programs for women and people of color, lead to increases in diversity. The successful innovations, however, have not been widely adopted. Nearly everything in the work-life bucket has shown positive effects on women's careers, from childcare referrals to flex time. Those programs challenge the narrative that the only workers worth developing are those unencumbered by family responsibilities.

Fourth, political and legal institutionalists have shown that state agents rubber-stamped almost everything employers drew up. Before judges and regulators were asked to vet antibias training, harassment grievance systems, and performance ratings, research had shown that each backfires. They vetted these measures anyway. State agents did nothing to stop systemic racism and sexism: nothing to stop employers from replacing rules excluding Blacks with inflated educational prerequisites to keep them out, nothing to stop them from replacing rules barring women from management with length-of-service prerequisites that exclude women who take maternity leaves, nothing to stop them from recruiting only at majority-white high schools and colleges, and nothing to stop them from relocating factories and offices to all-white suburbs.

Fifth, legal and political institutionalists have examined effects of state enforcement. Regulators enforcing Kennedy's affirmative action mandate for federal contractors were effective in the 1970s, when they pushed meaningful changes to hiring and promotion. But since the 1980s,

when Washington curtailed enforcement, contractors have fallen behind. Court enforcement of the Civil Rights Act has largely been a disaster. Lawsuits lead to retaliation, leaving many plaintiffs without jobs. Suits rarely settle in favor of plaintiffs, and when they do, settlements usually provide only token compensation and stipulate that employers adopt innovations known to fail. Poor processes and results discourage victims, and so very few sue.

What is to be done? Work-life programs promise to remedy systemic bias against mothers by weakening the ideal-worker narrative that firms only want workers who are all in, 24/7. They provide a model for change, for we need more than mere assimilation of people of color, women, disabled, LGBTQ, and older workers to corporate cultures based on the ideal of white, male, abled, straight, and younger workers (Nkomo 1992). That culture erects barriers and increases psychic costs for underrepresented groups. Indications abound that corporate culture has changed little: the diversity managers expected not to focus too much on diversity (Collins 2011), the Black consultants hired to recruit Black clients (Bielby 2012), and the frontline workers who learn that generous work-life benefits are not for them (Kelly & Kalev 2006). The persistent gender and racial segregation of corporate jobs and the lack of diversity at the very top suggest systemic change is needed (Stainback & Tomaskovic-Devey 2012). Even in firms that have made progress on diversity, often the structure and culture of work have changed little (Berrey 2015).

Managers need to rethink everything they do with inclusion in mind. They are more inclusive when they create collaborative teams that span jobs and departments (Kalev 2009), give workers autonomy to manage work-family challenges (Kelly et al. 2011), make clear that harassment has no place at work (McLaughlin et al. 2017), offer skill and management training to help frontline workers to move up (Dobbin et al. 2015), refuse to outsource jobs to armies of workers of color (Kalleberg 2011), address the specific barriers different intersectional groups face (Crenshaw 1989), and use data from their own HR information systems to determine who is being left out and who is not moving up.

Employers also need to pay attention to hidden biases in the career system (DiTomaso 2013). Pay determination based on past salary perpetuates unequal pay (Adler 2020). Banning workers with criminal records harms overincarcerated African Americans (Pager 2003). Downsizing the last hired harms women and people of color (Kalev 2014). Tech utopians see unbiased algorithms as the answer, but artificial intelligence learns who a promising employee is by crunching data on past decisions made by biased human intelligence, and so the Amazon recruiting algorithm assigns points for being good at math but also for being male (Trindel et al. 2020).

The #MeToo and Black Lives Matter movements lit a fire under diversity managers, who report unprecedented support for real change. They have been keenly aware that sex and race discrimination remain widespread in low-skill jobs, even if they have gone underground in the executive ranks (Skrentny 2014). Studies of civil rights complaints reveal persistent, egregious discrimination that belies the anodyne narrative offered by unconscious bias trainers, who describe bias as unwitting (Berrey et al. 2017, Edelman 2016, Green 2016, Roscigno 2007). Many workers are subject to sustained mistreatment at work that goes well beyond the bounds of microaggressions and invisible second-generation discrimination (Sturm 2001). Diversity managers have a once-in-a-generation opportunity to reboot diversity efforts.

The civil rights revolution at work has largely failed. It has left organizations with little legal incentive to monitor discrimination or promote thoroughgoing change (Green 2016). But many who hope for change have been inspired by the continuing optimism of heroes of the women's and civil rights movements, such as Anita Hill, who cheered on the #MeToo movement, and the late John Lewis, who heralded the swelling Black Lives Matter movement. Research suggests reason for optimism. Social movements have succeeded in pressuring even resistant firms to adopt diversity programs, while media attention and public opinion can move firms to do better (Briscoe

& Safford 2008, Hirsh & Cha 2018). Judges who want to make a difference can do so (Skaggs 2009). Pandemic-induced changes are a source of optimism as well. Employers are mainstreaming work-from-home programs and flexible schedules for both men and women (Alon et al. 2020). Academics can play a role, perhaps best by doing more of the same—showing that the elaborate corporate compliance measures and government enforcement mechanisms have rarely worked and showing what might work. The sociological work in this field should change the ways of corporate leaders who have embraced ceremonial compliance measures that will not change their worlds. The jig is up. Sociologists have unveiled many of America's civil rights innovations as fraudulent. If investors, clients, employees, movement activists, legislators, and regulators demand systemic change, the promise of the civil rights movement might someday be realized.

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LITERATURE CITED

Abendroth AK, Melzer SM, Kalev A, Tomaskovic-Devey D. 2017. Women at work: women's access to power and the gender earning gap. *Ind. Labor Relat. Rev.* 70:190–222

Acker J. 1990. Hierarchies, jobs, bodies: a theory of gendered organizations. *Gend. Soc.* 4:139–58

Adler L. 2020. *From the Job's Worth to the Person's Price: The Evolution of Pay-Setting Practices Since 1950*. Presented at the Social Science History Association Meeting, online, Nov.

Alon T, Doepke M, Olmstead-Rumsey J, Tertilt M. 2020. *The impact of COVID-19 on gender equality*. NBER Work. Pap. 26947

Anderson BE. 1996. The ebb and flow of enforcing Executive Order 11246. *Am. Econ. Rev.* 86:298–301

Bailyn L, Rapoport R, Fletcher JK, Pruitt BH. 2002. *Beyond Work-Family Balance: Advancing Gender Equity and Workplace Performance*. San Francisco: Jossey-Bass

Baron JN, Bielby WT. 1980. Bringing the firms back in: stratification, segmentation, and the organization of work. *Am. Sociol. Rev.* 45:737–65

Berrey E. 2015. *The Enigma of Diversity: The Language of Race and the Limits of Racial Justice*. Chicago: Univ. Chicago Press

Berrey E, Nelson RL, Nielsen LB. 2017. *Rights on Trial: How Workplace Discrimination Law Perpetuates Inequality*. Chicago: Univ. Chicago Press

Bielby WT. 2000. Minimizing workplace gender and racial bias. *Contemp. Sociol.* 29:120–29

Bielby WT. 2012. Minority vulnerability in privileged occupations: Why do African American financial advisors earn less than whites in a large financial services firm? *Ann. Am. Acad. Political Soc. Sci.* 639(1):12–32

Blair-Loy M. 2003. *Competing Devotions: Career and Family Among Women Executives*. Cambridge, MA: Harvard Univ. Press

Bleich E. 2000. Antiracism without races: politics and policy in a 'color-blind' state. *Fr. Politics Cult. Soc.* 18:48–74

Blumrosen AW. 1993. *Modern Law: The Law Transmission System and Equal Employment Opportunity*. Madison: Univ. Wis. Press

Bobo L, Kluegel JR. 1993. Opposition to race-targeting: self-interest, stratification ideology, or racial attitudes? *Am. Sociol. Rev.* 58:443–64

Bohnet I. 2016. *What Works: Gender Equality by Design*. Cambridge, MA: Harvard Univ. Press
Brady LM, Kaiser CR, Major B, Kirby TA. 2015. It's fair for us: diversity structures cause women to legitimize discrimination. *J. Exp. Soc. Psychol.* 57:100–10
Briscoe F, Safford S. 2008. The Nixon-in-China effect: activism, imitation, and the institutionalization of contentious practices. *Adm. Sci. Q.* 53(3):460–91
Bromley P, Powell WW. 2012. From smoke and mirrors to walking the talk: decoupling in the contemporary world. *Acad. Manag. Ann.* 6:483–530
Burstein P, Monaghan K. 1986. Equal employment opportunity and the mobilization of law. *Law Soc. Rev.* 20:355–88
Calvert CT. 2016. *Caregivers in the workplace: family responsibilities discrimination litigation update 2016*. Rep., Cent. WorkLife Law., Univ. Calif. Hastings Coll. Law, San Francisco, CA. **https://worklifelaw.org/publications/Caregivers-in-the-Workplace-FRD-update-2016.pdf**
Castilla EJ. 2008. Gender, race, and meritocracy in organizational careers. *Am. J. Sociol.* 113:1479–526
Castilla EJ. 2015. Accounting for the gap: a firm study manipulating organizational accountability and transparency in pay decisions. *Organ. Sci.* 26:311–33
Castilla EJ, Benard S. 2010. The paradox of meritocracy in organizations. *Adm. Sci. Q.* 55:543–76
Chen AS. 2009. *The Fifth Freedom: Jobs, Politics, and Civil Rights in the United States, 1941–72*. Princeton, NJ: Princeton Univ. Press
Christensen KE, Staines GL. 1990. Flextime: a viable solution to work/family conflict? *J. Family Issues* 11(4):455–476
Cohen PN, Huffman ML. 2007. Working for the woman? Female managers and the gender wage gap. *Am. Sociol. Rev.* 72:681–704
Collins SM. 1997. Black mobility in white corporations: up the corporate ladder but out on a limb. *Soc. Probl.* 44:55–67
Collins SM. 2011. Diversity in the post affirmative action labor market: a proxy for racial progress? *Crit. Sociol.* 37(5):521–40
Coltrane S, Miller EC, DeHaan T, Stewart L. 2013. Fathers and the flexibility stigma. *J. Soc. Issues* 69:279–302
Correll SJ, Benard S, Paik I. 2007. Getting a job: Is there a motherhood penalty? *Am. J. Sociol.* 112:1297–338
Crenshaw K. 1989. Demarginalizing the intersection of race and sex: a Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *Univ. Chicago Leg. Forum* 1989:139–67
DiMaggio PJ, Powell WW. 1983. The iron cage revisited: institutional isomorphism and collective rationality in organizational fields. *Am. Sociol. Rev.* 48:147–60
DiTomaso N. 2013. *The American Non-Dilemma: Racial Inequality Without Racism*. New York: Russell Sage Found.
Dobbin F. 2009. *Inventing Equal Opportunity*. Princeton, NJ: Princeton Univ. Press
Dobbin F, Kalev A. 2016. Why diversity programs fail – and what works better. *Harvard Business Review*, July–August, pp. 53–60. **https://hbr.org/2016/07/why-diversity-programs-fail**
Dobbin F, Kalev A. 2019a. *Do Diversity Initiatives Increase Diversity? Thirty Years of Evidence from Eight Hundred Companies.* Presented at Boston Women's Workforce Council, Cambridge, MA, Oct. 24
Dobbin F, Kalev A. 2019b. The promise and peril of sexual harassment programs. *PNAS* 116(25):12255–60
Dobbin F, Kalev A, Kelly E. 2007. Diversity management in corporate America. *Contexts* 6:21–28
Dobbin F, Kelly E. 2007. How to stop harassment: the professional construction of legal compliance in organizations. *Am. J. Sociol.* 112:1203–43
Dobbin F, Kim S, Kalev A. 2011. You can't always get what you need: why diverse firms adopt diversity programs. *Am. Sociol. Rev.* 76:386–411
Dobbin F, Schrage D, Kalev A. 2015. Rage against the iron cage: the varied effects of bureaucratic personnel reforms on diversity. *Am. Sociol. Rev.* 80:1014–44
Dobbin F, Sutton JR. 1998. The strength of a weak state: the employment rights revolution and the rise of human resources management divisions. *Am. J. Sociol.* 104:441–76
Dobbin F, Sutton JR, Meyer JW, Scott WR. 1993. Equal opportunity law and the construction of internal labor markets. *Am. J. Sociol.* 99:396–427
Drago R, Colbeck CL, Stauffer KD, Pirretti A, Burkum K, et al. 2006. The avoidance of bias against caregiving: the case of academic faculty. *Am. Behav. Sci.* 49:1222–47

Edelman LB. 1990. Legal environments and organizational governance: the expansion of due process in the American workplace. *Am. J. Sociol.* 95:1401–40

Edelman LB. 1992. Legal ambiguity and symbolic structures: organizational mediation of civil rights law. *Am. J. Sociol.* 97:1531–76

Edelman LB. 2016. *Working Law: Courts, Corporations, and Symbolic Civil Rights*. Chicago: Univ. Chicago Press

Edelman LB, Abraham SE, Erlanger HS. 1992. Professional construction of the law: the inflated threat of wrongful discharge. *Law Soc. Rev.* 26:47–84

Edelman LB, Fuller SR, Mara-Drita I. 2001. Diversity rhetoric and the managerialization of the law. *Am. J. Sociol.* 106:1589–641

Edelman LB, Krieger LH, Eliason S, Albiston CR, Mellema V. 2011. When organizations rule: judicial deference to institutionalized employment structures. *Am. J. Sociol.* 117:888–954

Edelman LB, Petterson SM. 1999. Symbols and substance in organizations response to civil rights law. *Res. Soc. Stratif. Mobil.* 17:107–35

Edelman LB, Petterson SM, Chambliss E, Erlanger HS. 1991. Legal ambiguity and the politics of compliance: affirmative action officers' dilemma. *Law Policy* 13:173–97

Edelman LB, Smyth AC, Rahim A. 2016. Legal discrimination: empirical sociolegal and critical race perspectives on antidiscrimination law. *Annu. Rev. Law Soc. Sci.* 12(1):395–415

Edelman LB, Uggen C, Erlanger HS. 1999. The endogeneity of legal regulation: grievance procedures as rational myth. *Am. J. Sociol.* 105:406–54

EEOC (US Equal Employ. Oppor. Comm.). 1998. *Best Practices of Private Sector Employers*. Washington, DC: EEOC

EEOC (US Equal Employ. Oppor. Comm.). 2009. *Employer Best Practices for Workers with Caregiving Responsibilities*. Washington, DC: EEOC

Ely R, Padavic I. 2020. What's really holding women back? It's not what most people think. *Harvard Business Review*, March–April, pp. 58–67. **https://hbr.org/2020/03/whats-really-holding-women-back**

Erdreich BL, Slavet BS, Amador AO. 1995. *Sexual Harassment in the Federal Workplace: Trends, Progress, Continuing Challenges*. Washington, DC: US Merit Syst. Prot. Board

Galinsky AD, Moskowitz GB. 2000. Perspective-taking: decreasing stereotype expression, stereotype accessibility, and in-group favoritism. *J. Pers. Soc. Psychol.* 78:708–24

Glass JL. 2004. Blessing or curse? Work-family policies and mother's wage growth over time. *Work Occup*. 31:367–94

Glass JL, Estes SB. 1997. The family responsive workplace. *Annu. Rev. Sociol.* 23:289–313

Glass JL, Fujimoto T. 1995. Employer characteristics and the provision of family responsive policies. *Work Occup*. 22:380–411

Golden L. 2001. Flexible work schedules: Which workers get them? *Am. Behav. Sci.* 44:1157–78

Goodstein JD. 1994. Institutional pressures and strategic responsiveness: employer involvement in work-family issues. *Acad. Manag. J.* 37:350–82

Graham HD. 1990. *The Civil Rights Era: Origins and Development of National Policy 1960–1972*. Oxford, UK: Oxford Univ. Press

Green T. 2016. *Discrimination Laundering: The Rise of Organizational Innocence and the Crisis of Equal Opportunity Law*. Cambridge, UK: Cambridge Univ. Press

Griggs v. Duke Power Company 401 U.S. 424 (1971)

Guthrie D, Roth LM. 1999. The state, courts, and maternity policies in U.S. organizations: specifying institutional mechanisms. *Am. Sociol. Rev.* 64:41–63

Han WJ, Waldfogel J. 2003. Parental leave: the impact of recent legislation on parents' leave taking. *Demography* 40:191–200

Heckman JJ, Hotz VJ. 1989. Choosing among alternative nonexperimental methods for estimating the impact of social programs. *J. Am. Stat. Assoc.* 84:862–74

Hegewisch A, Deitch CH, Murphy EF. 2011. *Ending Sex and Race Discrimination in the Workplace: Legal Interventions that Push the Envelope*. Washington, DC: Inst. Women's Policy Res.

Hirsh EC. 2008. Settling for less? The organizational determinants of discrimination-charge outcomes. *Law Soc. Rev.* 42(2):239–74

Hirsh EC. 2009. The strength of weak enforcement: the impact of discrimination charges on sex and race segregation in the workplace. *Am. Sociol. Rev.* 74:245–71

Hirsh EC, Cha Y. 2018. For law and markets: employment discrimination lawsuits, market performance, and managerial diversity. *Am. J. Sociol.* 123(4):1117–60

Hirsh EC, Kmec JA. 2009. Human resource structures: reducing discrimination or raising rights awareness? *Ind. Relat.* 48:512–32

Hodson R. 1996. Dignity in the workplace under participative management: alienation and freedom revisited. *Am. Sociol. Rev.* 61:719–38

Holzer HJ, Neumark D. 2000. What does affirmative action do? *Ind. Labor Relat. Rev.* 53:240–71

Ingram P, Simons T. 1995. Institutional and resource dependence determinants of responsiveness to work-family issues. *Acad. Manag. J.* 38:1466–82

Ito TA, Chiao KW, Devine PG, Lorig TS, Cacioppo JT. 2006. The influence of facial feedback on race bias. *Psychol. Sci.* 17:256–61

Jacoby SM. 2005. *The Embedded Corporation: Corporate Governance and Employment Relations in Japan and the United States*. Princeton, NJ: Princeton Univ. Press

Kaiser CR, Major B, Jurcevic I, Dover TL, Brady LM, Shapiro JR. 2013. Presumed fair: ironic effects of organizational diversity structures. *J. Pers. Soc. Psychol.* 104:504–19

Kalev A. 2009. Cracking the glass cages? Restructuring and ascriptive inequality at work. *Am. J. Sociol.* 114:1591–643

Kalev A. 2014. How you downsize is who you downsize: biased formalization, accountability and managerial diversity. *Am. Sociol. Rev.* 79:109–35

Kalev A, Dobbin F. 2006. Enforcement of civil rights law in private workplaces: the effects of compliance reviews and lawsuits over time. *Law Soc. Inq.* 31:855–79

Kalev A, Dobbin F, Kelly E. 2006. Best practices or best guesses? Assessing the efficacy of corporate affirmative action and diversity policies. *Am. Sociol. Rev.* 71:589–617

Kalleberg AL. 2011. *Good Jobs, Bad Jobs: The Rise of Polarized and Precarious Employment Systems in the United States, 1970s–2000s*. New York: Russell Sage Found.

Kanter RM. 1977. *Men and Women of the Corporation*. New York: Basic

Kanter RM, Roessner J. 2003a. *Deloitte & Touche (A): a hole in the pipeline*. Harvard Bus. Sch. Case 300-012, Harvard Bus. Sch., Cambridge, MA

Kanter RM, Roessner J. 2003b. *Deloitte & Touche (B): changing the workplace*. Harvard Bus. Sch. Case 300-013, Harvard Bus. Sch., Cambridge, MA

Kearney LK, Rochlen AB, King EB. 2004. Male gender role conflict, sexual harassment tolerance, and the efficacy of a psychoeducative training program. *Psychol. Men Masc.* 5:72–82

Kelly EL. 2003. The strange history of employer-sponsored childcare: interested actors, uncertainty, and the transformation of law in organizational fields. *Am. J. Sociol.* 109:606–49

Kelly EL, Dobbin F. 1999. Civil rights law at work: sex discrimination and the rise of maternity leave policies. *Am. J. Sociol.* 105:455–92

Kelly EL, Kalev A. 2006. Managing flexible work arrangements in U.S. organizations: formalized discretion or 'a right to ask'. *Socio-Econ. Rev.* 4:379–416

Kelly EL, Kalev A, Dobbin F. 2012. *Are family-friendly policies woman-friendly? The effects of corporate work-family policies on women's representation in management*. Work. Pap., Dep. Sociol., Univ. Minn., Minneapolis

Kelly EL, Kossek EE, Hammer L, Durham M, Bray J, et al. 2008. Getting there from here: research on the effects of work-family initiatives on work-family conflict and business outcomes. *Acad. Manag. Ann.* 2:305–40

Kelly EL, Moen P. 2020. *Overload: How Good Jobs Went Bad and What We Can Do About It*. Princeton, NJ: Princeton Univ. Press

Kelly EL, Moen P, Tranby E. 2011. Changing workplaces to reduce work-family conflict: schedule control in a white-collar organization. *Am. Sociol. Rev.* 76:265–90

Killewald A, Bearak J. 2014. Is the motherhood penalty larger for low-wage women? A comment on quantile regression. *Am. Sociol. Rev.* 79:350–57

Kochan TA, Katz HC, McKersie RB. 1994. *The Transformation of American Industrial Relations*. Ithaca, NY: ILR

Konrad AM, Linnehan F. 1995. Formalized HRM structures—coordinating equal-employment opportunity or concealing organizational practices? *Acad. Manag. J.* 38:787–820

Krieger LH, Best RK, Edelman LB. 2015. When "best practices" win, employees lose: symbolic compliance and judicial inference in federal equal employment opportunity cases. *Law Soc. Inq.* 40(4):843–79

Lamont M. 2000. *The Dignity of Working Men: Morality and the Boundaries of Class, Race, and Immigration*. Cambridge, MA: Harvard Univ. Press

Legault L, Gutsell JN, Inzlicht M. 2011. Ironic effects of antiprejudice messages: how motivational interventions can reduce (but also increase) prejudice. *Psychol. Sci.* 22:1472–77

Lieberman RC. 2002. Weak state, strong policy: paradoxes of race policy in the United States, Great Britain, and France. *Stud. Am. Political Dev.* 16(2):138–61

Lundquist JH, Misra J, O'Meara K. 2012. Parental leave usage by fathers and mothers at an American university. *Fathering* 10:337–63

Mason MA, Goulden M, Wolfinger N. 2006. Babies matter: pushing the gender equity revolution forward. In *The Balancing Act: Gendered Perspectives in Faculty Roles and Work Lives*, ed. SJ Bracken, JK Allen, DR Dean, pp. 9–30. Sterling, VA: Stylus

McDonnell M-H, King BG. 2018. Order in the court: how firm status and reputation shape the outcomes of employment discrimination suits. *Am. Sociol. Rev.* 83(1):61–87

McKay PF, McDaniel MA. 2006. A reexamination of Black-white mean differences in work performance: more data, more moderators. *J. Appl. Psychol.* 91:538–54

McLaughlin H, Uggen C, Blackstone A. 2017. The economic and career effects of sexual harassment on working women. *Gender Soc.* 31:333–58

Meyer JW, Rowan B. 1977. Institutionalized organizations: formal structure as myth and ceremony. *Am. J. Sociol.* 83:340–63

Mong S, Roscigno VJ. 2010. African American men and the experience of employment discrimination. *Qual. Sociol.* 33:1–21

Montenovo L, Jiang X, Rojas FL, Schmutte IM, Simon KI, et al. 2020. *Determinants of disparities in COVID-19 job losses*. NBER Work. Pap. 27132

Mori H, Mori K. 2013. An implicit assessment of the effect of artificial cheek raising: when your face smiles, the world looks nicer. *Percept. Mot. Skills* 116:466–71

Mun E, Jung J. 2018. Change above the glass ceiling: corporate social responsibility and gender diversity in Japanese firms. *Adm. Sci. Q.* 63:409–40

Mun E, Vican S, Kelly E. 2020. *What do employers do after a mandatory leave policy? The FMLA and women's representation in U.S. organizations*. Work. Pap., Sch. Labor Employ. Relat., Univ. Ill., Urbana-Champaign, Ill.

Nelson RL, Bridges WP. 1999. *Legalizing Gender Inequality: Courts, Markets and Unequal Pay for Women in America*. Cambridge, UK: Cambridge Univ. Press

Nelson RL, Nielsen LB. 2000. Cops, counsel, and entrepreneurs: constructing the role of inside counsel in large corporations. *Law Soc. Rev.* 34:457–94

Nkomo SM. 1992. The emperor has no clothes: rewriting "race in organizations." *Acad. Manag. Rev.* 17:487–513

Osterman P. 1995. Work/family programs and the employment relationship. *Adm. Sci. Q.* 40:681–700

Ostrow E. 2002. The backlash against academic parents. *Chronicle of Higher Education*, Feb. 2. **https://www.chronicle.com/article/the-backlash-against-academic-parents/**

Pager D. 2003. The mark of a criminal record. *Am. J. Sociol.* 108:937–75

Paluck EL, Green DP. 2009. Prejudice reduction: What works? A critical look at evidence from the field and the laboratory. *Annu. Rev. Psychol.* 60:339–67

Pedriana N, Stryker R. 1997. Political-culture wars 1960s style: equal employment opportunity–affirmative action law and the Philadelphia plan. *Am. J. Sociol.* 103:633–91

Perlow LA. 2012. *Sleeping with Your Smart Phone: How to Break the 24/7 Habit and Change the Way You Work*. Cambridge, MA: Harvard Bus. Rev. Press

Plant EA, Devine PG. 2001. Responses to other-imposed pro-Black pressure: acceptance or backlash? *J. Exp. Soc. Psychol.* 37:486–501

Quillian L, Pager D, Hexel O, Midtbøen AH. 2017. Meta-analysis of field experiments shows no change in racial discrimination in hiring over time. *PNAS* 114:10870–75

Reskin BF. 2000. The proximate causes of employment discrimination. *Contemp. Sociol. J. Rev.* 29:319–28

Reskin BF. 2003. Including mechanisms in our models of ascriptive inequality. *Am. Sociol. Rev.* 68:1–21

Reskin BF, McBrier DB. 2000. Why not ascription? Organizations' employment of male and female managers. *Am. Sociol. Rev.* 65:210–33

Rivera LA. 2015. *Pedigree: How Elite Students Get Elite Jobs*. Princeton, NJ: Princeton Univ. Press

Rivera LA, Tilcsik A. 2019. Scaling down inequality: rating scales, gender bias, and the architecture of evaluation. *Am. Sociol. Rev.* 84:248–74

Robb LA, Doverspike D. 2001. Self-reported proclivity to harass as a moderator of the effectiveness of sexual harassment-prevention training. *Psychol. Rep.* 88:85–88

Roos P, Manley JE. 1996. Staffing personnel: feminization and change in human resource management. *Sociol. Focus* 99:245–61

Roscigno V. 2007. *The Face of Discrimination: How Race and Gender Impact Work and Home Lives*. New York: Rowman and Littlefield

Roth PL, Huffcutt AI, Bobko P. 2003. Ethnic group differences in measures of job performance: a new meta-analysis. *J. Appl. Psychol.* 88:694–706

Rust M. 2020. How Trump reset the federal judiciary. *Wall Street Journal*, Oct. 15. **https://www.wsj.com/articles/how-trump-reset-the-federal-judiciary-11602785250**

Saguy A. 2003. *What Is Sexual Harassment: From Capitol Hill to the Sorbonne*. Berkeley: Univ. Calif. Press

Scarborough WJ, Lambouths DL, Holbrook AL. 2019. Support of workplace diversity policies: the role of race, gender, and beliefs about inequality. *Soc. Sci. Res.* 79:194–210

Schlanger M, Kim P. 2014. The Equal Employment Opportunity Commission and structural reform of the American workplace. *Wash. Univ. Law Rev.* 91:1519–90

Scott WR. 2001. *Institutions and Organizations*. Thousand Oaks, CA: SAGE

Scott WR, Meyer JW. 1983. The organization of societal sectors. In *Organizational Environments: Ritual and Rationality*, ed. JW Meyer, WR Scott, pp. 129–55. Thousand Oaks, CA: SAGE

Selznick P. 1957. *Leadership in Administration: A Sociological Interpretation*. New York: Harper and Row

Shwed U, Kalev A. 2014. Are referrals more productive or more likeable? Social networks and the evaluation of merit. *Am. Behav. Sci.* 58:288–308

Sidanius J, Devereux E, Pratto F. 2001. A comparison of symbolic racism theory and social dominance theory as explanations for racial policy attitudes. *J. Soc. Psychol.* 132:377–95

Skaggs SL. 2008. Producing change or bagging opportunity? The effects of discrimination litigation on women in supermarket management. *Am. J. Sociol.* 113:1148–82

Skaggs SL. 2009. Legal-political pressures and African American access to managerial jobs. *Am. Sociol. Rev.* 74(2):225–44

Skrentny JD. 1996. *The Ironies of Affirmative Action: Politics Culture and Justice in America*. Chicago: Univ. Chicago Press

Skrentny JD. 2014. *After Civil Rights: Racial Realism in the New American Workplace*. Princeton, NJ: Princeton Univ. Press

Stainback K, Kleiner S, Skaggs S. 2016. Women in power: undoing or redoing the gendered organization? *Gender Soc.* 30(1):109–35

Stainback K, Tomaskovic-Devey D. 2012. *Documenting Desegregation: Racial and Gender Segregation in Private-Sector Employment Since the Civil Rights Act*. New York: Russell Sage Found.

Steeh C, Krysan M. 1996. Trends: affirmative action and the public 1970–1995. *Public Opin. Q.* 60:128–58

Stinchcombe AL. 1965. Social structure and organizations. In *Handbook of Organizations*, ed. JG March, pp. 142–93. Chicago: Rand McNally

Strang D, Meyer JW. 1993. Institutional conditions for diffusion. *Theory Soc.* 22:487–511

Stryker R. 2000. Legitimacy processes as institutional politics: implications for theory and research in the sociology of organizations. *Res. Sociol. Organ.* 17:179–223

Stryker R, Docka-Filipek D, Wald P. 2012. Employment discrimination law and industrial psychology: social science as social authority and the co-production of law and science. *Law Soc. Inq.* 37:777–814

Sturm S. 2001. Second generation employment discrimination: a structural approach. *Columbia Law Rev*. 101:459–568

Suchman MC, Edelman LB. 1996. The new institutionalism in organizational analysis. *Law Soc. Inq*. 21:903–41

Sutton JR, Dobbin F. 1996. The two faces of governance: responses to legal uncertainty in American firms,1955–1985. *Am. Sociol. Rev*. 61:794–811

Tetlock PE, Lerner JS. 1999. The social contingency model: identifying empirical and normative boundary conditions on the error and bias portrait of human nature. In *Dual Process Theories in Social Psychology*, ed. S Chaiken, Y Trope, pp. 571–85. New York: Guilford

Tilcsik A. 2011. Pride and prejudice: employment discrimination against openly gay men in the United States. *Am. J. Sociol*. 117(2):586–626

Tinkler J, Gremillion S, Arthurs K. 2015. Perceptions of legitimacy: the sex of the legal messenger and reactions to sexual harassment training. *Law Soc. Inq*. 40:152–74

Tolbert PS, Zucker LG. 1983. Institutional sources of change in the formal structure of organizations: the diffusion of civil service reform, 1880–1935. *Adm. Sci. Q*. 28:22–39

Trindel K, Polli F, Glazebrook K. 2020. Use technology to increase fairness in hiring. In *What Works? Evidence-Based Ideas to Increase Diversity, Equity, and Inclusion in the Workplace*, ed. D Pedulla, pp. 30–37. Amherst, MA: Cent. Employ. Equal.

Vican S. 2012. *Effects of corporate childcare programs on workforce gender composition*. Work. Pap., Dep Sociol., Harvard Univ., Cambridge, MA

Weeden KA. 2005. Is there a flexiglass ceiling? Flexible work arrangements and wages in the United States. *Soc. Sci. Res*. 34:454–92

Williams JC. 2000. *Unbending Gender: Why Family and Work Conflict and What to Do About It*. Oxford, UK: Oxford Univ. Press

Williams JC. 2010. *Reshaping the Work-Family Debate: Why Men and Class Matter*. Cambridge, MA: Harvard Univ. Press

Williams JC, Dempsey R, Slaughter A-M. 2014. *What Works for Women at Work: Four Patterns Working Women Need to Know*. New York: NYU Press

Williams RM Jr. 1947. *The Reduction of Intergroup Tensions: A Survey of Research on Problems of Ethnic, Racial, and Religious Group Relations*. New York: Soc. Sci. Res. Counc.

Wingfield A. 2019. *Flatlining: Race, Work, and Health Care in the New Economy*. Berkeley: Univ. Calif. Press

Xie Y, Shauman KA. 2003. *Women in Science: Career Processes and Outcomes*. Cambridge, MA: Harvard Univ. Press

Zippel KS. 2006. *The Politics of Sexual Harassment: A Comparative Study of the United States, the European Union, and Germany*. Cambridge, UK: Cambridge Univ. Press