

Institutional Racism in Victoria: Always and Everywhere a Different Phenomena.

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Introduction

Ethnoracial discrimination is a complex phenomenon that occurs within a social ecology. That is to say that there are multiple causal factors that influence its reproduction at all levels of society. As such, solutions need to be tailored to the multiple sites where racism is reproduced and importantly where discrimination occurs. Finding solutions requires explicit recognition of context, a reflective approach that attributes the reproduction of racism to not only individual attributes, but also to institutions and environments. This paper argues that though they are one of a number of sites for interventions, institutional contexts are critical to addressing ethnoracial discrimination.

Further, while locality is important, the nature of different institutions and their manifestations of discrimination are often contingent on the nature of the relationship between service provider and the public, evident in the commonality in the forms of discrimination manifested in institutions across regions and countries. This commonality extends not only to the nature of discrimination but also to policy and practices to counter discrimination in these settings and consistency in failures across jurisdictions.

This paper will first define ethnoracial discrimination, exploring institutional discrimination as a critical factor in the reproduction of discrimination. The paper will then examine an institutional setting; namely the police force; and an institutional practice, namely the human resources' task of recruitment to explore the nature of ethnoracial discrimination in these sectors and the commonality of issues and responses between Victoria and other settings to argue the critical importance of addressing the specifics of particular institutions as part of a broader ecological approach to addressing ethno-racial discrimination.

Defining and Exploring Ethnoracial Discrimination

Racism can be broadly defined as the unequal distribution of power among ethnoracial groups resulting from attitudes, beliefs, behaviours, norms and practices within societies. The term ethnorace is used to capture notions of both ethnicity and race which in discourse and practice are highly interdependent (Paradies 2006).

Racism can occur at three conceptual levels (which overlap in practice):

- (i) internalised racism: the incorporation of ideologies within an individual's world view which result in the unequal distribution of power across ethnoraces;
- (ii) interpersonal racism: racist interactions between people (i.e. the interactions between individuals which serve to increase power differentials between ethnoraces); and
- (iii) systemic/institutional racism: the production, control, and access to material, informational, and symbolic resources within society which serve to increase power differentials between ethnoraces (Paradies 2006 and Paradies & Williams in press).

Racism can be expressed through stereotypes (racist beliefs), prejudice (racist emotions/affect) or discrimination (racist behaviours and practices). Internalised racism can involve any of these three expressions of racism. However, while interpersonal and institutional racism are (in some cases) based on stereotypes and prejudice, its expression is only obvious through discrimination. As such, this paper will focus primarily on highlighting ethnoracial discrimination.

As noted by Bhavnani et al. (2005), ethnoracial discrimination is a social phenomenon reproduced through social and institutional practices and discourse and as such is multidimensional, context specific and changing. Ethnoracial discrimination is created and situated within current ideologies and structures. The ways in which it is reproduced is related to the nature of political and economic change in society and as such racist exclusion and exploitation has been differently expressed in different times and places.

At the simplest level, this explicitly assumes that ethnoracial discrimination can be understood to be determined by both individual and structural factors mediated by context including;

- *Individual psychological factors and experiences* including; educational level, personal psychology, age, family values, experiences and personal and political beliefs and employment status.
- *Community level/institutional* factors such as the social environment (isolation and integration within broader society, degree of global interaction), the local historical context (attitudes of the majority ethnoracial members), leadership/political climate within the local community/institution, historical and contemporary contact/proportional representation of different ethnoracial group members, employment levels and types, and average incomes.
- *State, National and Global environment* including legislative frameworks, the media and the political landscape.

The implication of this approach is that any preventative, remedial or supportive program or policy to deal with ethnoracial discrimination and disadvantage and their consequences will necessarily require both behavioural and social/institutional responses across these three domains, together with explicit consideration of context. What is explored in the rest of this paper is the nature of institutional discrimination as a critical component of broader discrimination strategies.

Institutional Ethno-Racial Discrimination

In the UK the Macpherson Report (1999) defined institutional racism as:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people. (p.28)

This definition can be further elaborated to include not only external service provision but also those internal practices that negatively impact on hiring and/or the working conditions and environment of ethnic peoples. It should be noted that this paper will assume that institutional prejudice does not always have to be 'unwitting' and can, in fact be intentional or conscious, whether premised on racist ideology, nationalistic sentiment or belief in the cultural hegemony of Anglo-Saxon custom.

Bhavnani et al., (2005) further argue that a focus on changing processes and policy alone, in the context of new public management approaches with their emphasis on symbolic, bureaucratic outcomes (e.g number of individuals from ethnic minorities employed), fail to address the underlying causes of racism within institutions, which need to be concurrently addressed to truly mitigate against behaviours and practices that discriminate.

The following section examines a key institution – the police – and a key institutional practice – human resources management, in particular, staff recruitment - as potential sites for institutional discrimination, examining some of the key issues identified within the sectors in Australia and in Victoria and comparing these issues with those presented by these sectors internationally, to make an argument for the importance of adopting an institutional approach in any broader anti-discrimination strategy.

Police

According to a recent study of over 4000 respondents in Victoria, Forrest and Dunn (2007), found that those from Non English Speaking Backgrounds were more than three times more likely to experience intolerance and discrimination in Policing than those born in Australia. Further, in a highly integrated local area in Victoria with a high proportion of newly arrived immigrants from the Horn of Africa, the local Community Legal Centre has lodged more than 18 complaints about brutality, harassment, racism and racial profiling with the Office of Police Integrity on behalf of young refugees over a period of 18 months. The Legal Centre claimed that these instances of excessive force, brutality and racism were perceived as not just one off events, but rather as symptomatic of police culture and management failure (Hopkins 2007). They noted that despite lodging these complaints the legal service is still receiving serious reports of police brutality in Victoria.

In addition to these findings, in a report on dialogues between Muslim communities and law enforcement agencies, the Human Rights and Equal Opportunity Commission (2007) noted that a number of participants in consultations throughout Victoria and NSW thought that they would be treated differently by the police because of their race and religion.

Contemporary claims of profiling of certain ethnic communities and more broadly racial discrimination by the Police is evidenced across a number of Anglo Western countries (Wortley 2003, Bowling et. al. 2002, Engel et al. 2002). A recent survey of 1,522 of Black, Chinese and White respondents in Toronto, Canada (Wortley 2007), found that a significant majority believed that the police treat Black people worse than white people. In the UK, recent publications highlight that not only are there perceptions amongst black youth that police officers are motivated to a greater or lesser extent by racism (Wilson et al. 2006) but also that officers from the Black Police Association themselves believe that racism and discrimination within the police force still exists though much of it is covert rather than overt (Holdaway and O'Neill 2007).

Responses

Despite the above issues, Victoria has been at the forefront in Australia in addressing racism in the police force and encouraging better relations between the police and minority communities. Victoria was the first State to introduce a Multicultural Advisory Unit as part of its Operations Unit using bilingual sworn and unsworn staff to advise police on multicultural issues, provide cross-cultural training for police members and informing Victorians from culturally and linguistically diverse backgrounds on the role of police. Amongst other strategies and projects, it has also established the Police and Community Multicultural Advisory Committee as well as Regional Multicultural Liaison Units that liaise with various community and religious leaders within rural and regional areas to

establish mutual trust and open up communication between the police and the culturally and linguistically diverse communities in their region.

In addition to its Multicultural program, the Office of Police Integrity was established in November 2004 to ensure that police corruption and serious misconduct is detected, investigated and prevented. The office of Police Integrity provides a formal complaints process that is available to members of the public. To facilitate access to those from CALD backgrounds OPI provides full access to translation services and an ability to submit a complaint in any language.

Further research is also currently being undertaken examining issues around CALD communities undertaking policing as a career. This research is in addition to a 2006 census of all Victorian police staff which is part of the Victoria Police Diversity Strategy which includes attraction and retention initiatives to produce sustained growth in the diversity of its workforce.

Similar approaches to cultural diversity have been undertaken in NSW (Chan 1997), the UK (Bhavnani et al. 2005) and Canada (Wortley 2007). In the UK there has been an emphasis on training, ethnic monitoring and recruitment (Bhavnani) and the establishment of minority police associations (Holdaway and O'Neil 2007). In Canada a suite of programs similar to those in Victoria and NSW including anti racism training, minority hiring and promotion initiatives and community outreach officers, programs and committees have been established and in place for over 11 years (Wortley 2007).

Efficacy of these Approaches

While these approaches highlight a strategic focus on encouraging positive relations between the Police and CALD communities, perceptions of ethnoracial discrimination in the Victorian and other contexts remains. In Canada perceptions of ethnoracial bias persist despite the significant initiatives that have been in place for over a decade (Wortley 2007). Similarly, despite the Inquiry into the Death of Stephen Lawrence in the UK where Institutional racism within the police was identified and consequent ethnic monitoring and training systemically implemented there has been 'no evidence that [these] interventions benefitted the community, since they [have] experienced no difference to the Stop and Search procedures...[which] continues to disproportionately affect racialised groups (Bhavnani 2005: 106). Similarly in NSW Chan (1997) found that despite clear strategic leadership and the implementation of community outreach programs in NSW, little cultural change occurred within the police force resulting directly from these top down approach.

Explanations

Despite successes with respect to increased community engagement, affirmative action policies and cross cultural training for police the ongoing perception that police racism and conflict between ethnic communities still exists, particularly in areas of high concentration of ethnic communities, suggesting that there is a degree of issues consequent to 'on the ground/task environment'. The nature of the police force and more particularly, the work of general duty police is of a specific nature which distinguishes it from other institutional structures. Most particularly, there is a significant focus on petty crime and the maintenance of order with white collar crime predominantly being relegated to specialist units that act largely removed from local branches. The risk and danger attributed to policing petty crime and maintaining order, is argued to induce role related anxiety which, according to cultural theories (Schein 1985) provokes anxiety avoidance behaviours, resulting in negative and defensive responses to the challenges presented by their work (Chan, 1996). In this context, simple systems of cognition are adopted to process multiple stimuli which can be largely unquestioned further resulting in overt suspicion (whether valid or not) and type casting.

This finding is confirmed by research undertaken by Chan (1997) and by Wortley and Homel (1995) who found that training did not reduce (nor increase) prejudice however, the experience in the field, did. Further, they found that this increase in prejudice also increased in relation to the size of the aboriginal population beyond a certain threshold level. These findings appear to support the notion that police prejudice has a significant experiential component, implying that the immediacy of the work and the local realities of the police environment are likely to have a significant impact potentially counteracting formal training and top down anti-racism policies.

The task environment alone however, cannot fully explain police behaviours which are believed to be complex and impacted by a number of variables. Chan (1997) found in an examination of attitudes of the NSW Police to indigenous and ethnic communities in 1991 that attitudes are a complex product of the field and habitus (cultural norms) of the officers. Her study of police attitudes and practices was undertaken when the Police Force in NSW was undergoing significant change as a result of the reforms introduced by the new Police Commissioner who had a strong focus on community policing and engagement. The study provides an interesting example of the efficacy of top down approaches focussed on changing culture and attitudes to minority communities in a large institution.

The findings of Chan (1997) highlight cultural resistance to change from top down approaches. Significant change in the culture of the organisation was only evidenced after two major scandals reported in the media had elicited a strong media and public backlash. Chan proposed that changing culture requires concurrent structural/field changes, such as the use of administrative tribunals,

civil and criminal law sanctions, democratic control of policing and audit based monitoring of police conduct. While top down approaches can provide leadership and reframe philosophical positions, at the operational level external accountability reinforces notions of community expectations around behaviours.

The solutions therefore require ongoing work around facilitating relevant programs that address the immediacy of the work. Broad recruitment and training programs, strategic plans and community consultation on their own may not be effective. Approaches such as; career trajectories for ethnic minority staff to ensure embeddedness and voice within the organisation and mainstreaming of diversity in the force, ensuring strong ties between community liaison officers and operational police (or indeed recruiting operational police to undertake both roles), reinforcement of what discrimination is, that it does occur and that there is zero tolerance, providing positive role models particularly in areas of high ethnic concentration, ensuring that representatives of communities are, in fact representatives of the marginalised and that community consultation is provided in a safe space are some basic approaches that could be considered.

More broadly, the implications of the Chan study and findings both in Victoria and elsewhere is that despite significant work, the immediacy of police work itself and the on the ground nature of police contact with the public needs to be a significant component in addressing discrimination and changing perceptions of discrimination within the institution. This particular characteristic of police work explains why generic anti-racism/anti-ethnoracial discrimination programs driven by top down approaches, while a necessary condition for change are not in and of themselves sufficient. Adopting an institutional approach that focuses on the nature of service delivery is the challenge for institutional specific strategies that must be undertaken as part of a broader suite of programs at various levels within the societal domain. The following section will now examine a specific institutional practice within the employment sector to further reinforce the need for specific institutional approaches.

Human Resources Management: Recruitment Practices

Employment is one of the most central components of an independent, healthy life. As part of the settlement experience of migrants, it has broad ranging impacts on individual and family life, providing not just an income for housing, food and other basic needs but also opportunities to interact with other Australians, opportunities to practice and improve English skills, and to build social connection and mutual feelings of trust and belonging (Richardson et al 2002). While some studies show employment improves for recent migrants the longer they have settled in to Australia (Richardson et al 2002), this is not always the case (Ho & Alcorso 2004).

Certain cultural groups are locked out from economic participation in society. Across Australia, researchers have found that Aboriginal and Torres Strait

Islanders, and North African, Middle Eastern and Vietnamese migrants all face more difficult employment trajectories, despite their qualification and skills capacity (Junankar & Mahuteau 2004; Kler 2006; Ho & Alcorso 2004). In Western Australia, Colic- Peisker and Tilbury (2007) found “that there is a segmented labour market where racially and culturally visible migrants, especially those from refugee backgrounds, are allocated the lowest jobs regardless of their human capital (formal qualifications, skills and experience)”.

Emerging research from an Indigenous scholar looking at the social determinants of health in Victorian rural Aboriginal populations found that education was not a determinant of health per se, as regardless of the education level, local Aboriginal people were unable to find suitable employment (personal communication, 2007).

This is confirmed by research collated by the Commonwealth Parliamentary Library (Kryger, 2005), that found a 20.3 per cent unemployment rate for Indigenous Australians aged 18 – 64 years, compared with a corresponding rate for the population as a whole at 5.9 per cent, and a much higher degree of underemployment (measured as part-time workers looking for full-time employment) than for non-Indigenous Australians. This research also found that persons from North Africa, Middle East and from Vietnam “have rates of unemployment much higher than other overseas-born persons”. At June 2005, unemployment rates were 12.1% for people from North Africa and the Middle East and 11% for people from Vietnam. This compared to a rate of 5.3% for all overseas-born, and 6.2% for those born in all non-English speaking countries.

The employment experiences for migrants mirror trends in the UK. Between 1991 and 2001 diverse ethnic minorities experienced diverse labour market experiences, with some groups such as Pakistan- and Bangladesh-born migrants having the worst employment outcomes. Despite favourable economic conditions, there was little evidence of occupational progress among some ethnic minorities during that decade, with some Black minorities with higher educational qualifications finding it “increasingly difficult to obtain professional or managerial jobs” (Clark & Drinkwater 2007).

Responses

There are a number of barriers that could potentially be addressed to reduce the unequal employment outcomes for some migrant groups and for Indigenous Australians. These include improved monitoring, qualifications recognition, employment assistance, use of intermediate labour markets, and more traditional anti-racism approaches such as education in the workplace – particularly for those in managerial positions who may have hiring responsibilities.

Australian policy-makers rely on research evidence to identify differential employment (and resulting socio-economic) trajectories for cultural groups in

Australia. Government-auspiced research such as the Longitudinal Study of Immigrants in Australia (Richardson et al 2002), for example, found overall good outcomes for migrants settling in Australia, despite clear evidence of underemployment for specific cohorts. Unfortunately, such studies rely solely on human capital dimensions of employment and migration settlement, and do not factor in occupational mobility, underemployment or equal opportunity in the workforce. Additionally, such studies have not sought to compare employment outcomes for immigrant and local workers.

The limitations of aggregate data are compounded by limited data monitoring diversity in the workplace. There are some requirements for listed companies to manage a diversity register, and the Australian public Services Commission monitors diversity profiles at each level of authority within the Commonwealth Public services. Such monitoring however, has not found its way into mainstream business practice.

Uneven recognition of qualifications creates real constraints to adequate employment in Australia –particularly for refugees settling in Australia (Colic-Peisker & Tilbury 2007). This requires more dynamic policy responses, such as implementing the recommendations of the 2006 Commonwealth Inquiry into skills recognition, upgrading and licensing.

With respect to employment assistance services Colic-Peisker and Tilbury's research (2007) highlighted a number of shortcomings in the Australia context, noting previous research (Colic-Peisker & Waxman 2005), as well as findings of the Australian Productivity Commission (2005) that found migrants and refugees "did not find the Job Network services useful". They recommend more targeted assistance for skilled and professional migrants from non-English speaking countries.

In addition to broader employment strategies, anti-racism approaches in the workplace are also critical in directly combating the impacts of discrimination in hiring decisions. As noted by Colic-Peisker and Tilbury (2007):

"Recruitment procedures are usually not transparent, leaving applicants unclear as to why they have not been given the job ... and enabling employers to apply personal prejudices and informal discriminatory practices. Education of employers about what constitutes discrimination, the value of a diverse workforce, the broader societal benefits of providing employment opportunities minorities, and encouraging a broader application of the Australian motto of 'a fair go', would go a long way to improving outcomes for 'visibly different' migrants and refugees."

In Victoria, a review of the equal opportunity legislation has commenced, and this review may provide some opportunity to take action on these systemic solutions.

Efficacy of these Approaches

Evaluation of social policy is poorly undertaken in Australia and internationally (Petticrew 2007). In many instances, social policy amounts to a “living experiment” that is never measured in terms of its capacity to deliver on the assumptions it is built on. The evidence at present is built on researchers who have analysed existing data, or conducted smaller studies with local populations, in order to prove that institutional racism is impacting on the employment opportunities of refugees and – in particular – migrants from non-English speaking countries. Thus, good monitoring datasets and the development of indicators provides the foundations for future evaluations on the efficacy of interventions trialled to address institutional racism. In the interim however, as noted above, data suggests that the skill base of migrants cannot significantly explain the employment or underemployment of many Australian migrants.

Explanations

A number of reasons have been suggested for why these particular cultural groups face additional barriers in community life, and it is important to analyse these in order to determine if institutional racism is at play, or whether these outcomes are attributable to personal or other factors beyond the institutional setting. For recently arrived migrants, research has shown that initial disparities lessen over time so that after settling in to Australian life, people’s options for economic and social participation in the community increase (Richardson et al 2002). Language, previous education histories or even the impact of war trauma have all be theorised to reduce an individual’s potential across the life course. However, evidence shows that such factors cannot fully account for the poorer employment outcomes of particular cultural groups, and instead, the data demonstrates that institutional racism – however invisible – is at play (Colic-Peisker 2007; Kryger 2005).

The settlement experience and its adjusting tendencies which lead to improvements in outcomes for migrants is often cited as an influence that corrects itself over time. As people get used to local health, education and employment systems, as people settle in to local communities, and as English-language proficiency improves, participation outcomes improve and health outcomes level up to the rest of the community. This has been found in several longitudinal studies tracking migrants in multiple waves of migration across changing migration policies in Australia (Richardson et al 2002). However, closer analysis of this data and the resulting trends in unemployment rates indicate that settlement does not balance outcomes evenly for all migrants (Ho & Alcorso 2004). The Human Rights and Equal Opportunity Commission found that for Muslim Australians, “even after more than 10 years or residence in Australia, the average unemployment rate was still almost double that of the Australian average” (DIMA 2005). The settlement experience also does not explain the

continued barriers facing urban Aboriginal and Torres Strait Islander Victorians who also have excessive unemployment levels.

Skill capacity also does not fully explain these differences. There is no doubt that strong English skills will increase access to cultural activities, employment, or other participation opportunities. However, not all people from non-English speaking countries have as much difficulty in everyday life. For example, while unemployment for all non-English speaking born migrants was 6.2%, it was almost double that for Middle East and North African migrants, suggesting something other than English proficiency is affecting employment options (Kryger 2005). Australian research – both national and from individual states – also demonstrate that skills and qualifications held by North African, Middle East and Asian migrants are not improving employment options for these cultural groups (Colic-Peiker & Tilbury 2007). International studies on IQ levels and previous education refute arguments that people from some cultural backgrounds are unable to develop skills as well as others (Arai & Vilhelmsson 2001). Similarly, uneven employment and participation outcomes amongst refugees entering Australia on humanitarian visas show that common experiences of war trauma do not evenly impact on employment outcomes or levels of community participation (Ho & Alcorso 2004).

By continuing to lock out particular cultural groups, current Australian political and social systems are reinforced as the status quo. Those within positions of decision-making are not encouraged to reflect on why some cultural groups are not represented, and this may act to further deny access to these groups. Research conducted in WA found that most employers do not reflect on the diversity of their workforce nor consider whether it reflects the wider population dynamics of the area (Colic-Peisker & Tilbury 2007). This is despite the fact that the majority of complaints to the Human Rights and Equal Opportunity Commission under the Racial Discrimination Act have consistently related to employment.

Interpersonal and institutional racism are, at times, difficult to separate, and to do so deny the mutually reinforcing nature of race-based discrimination. Interpersonal racism may influence one worker's assessment of employee applicants, however, the lack of systems within the organisation that measure levels of cultural diversity in the workplace, or opaque assessment processes in which qualifications or other skills are taken into account, entrench the interpersonal racism into institutional arrangements, often in a way that denies the existence of racism, or at the very least, make it more difficult to expose.

The uneven experiences of different cultural groups demonstrate that personal skills, experience and capabilities cannot fully explain the lack of success in securing appropriate employment for specific ethnic minorities. This suggests that discrimination remains within employment practices and that policy and projects that merely address the skill base of migrants will not be sufficient to

ensure truly equal opportunity for migrants in securing employment. Unless specific institution wide anti-discrimination practices are adopted including the collection and monitoring of ethnic representational data, transparent recruitment practices and appropriate skills recognition, employment outcomes differentials will continue to exist for particular ethnic communities.

Conclusion

Policies and practices designed to address differential outcomes for specific ethnic communities continue to fail to address inequalities and perceived discrimination within areas and practices such as policing and employment/recruitment. Broad based anti-discrimination legislation and diversity strategies simply cannot appropriately address the systemic inequities that are present in particular institutional settings. As such a critical reflection on the nature of the institution, its practices and the nature and determinants of discrimination within these settings will be the only way that the inequalities caused by discrimination can begin to be appropriately addressed.

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