Deflecting responsibility in employer talk about race discrimination

ABSTRACT. This article explores a number of discursive devices used by employers when talking about employment market issues for migrants in Australia. Data come from a research project which sought to understand barriers to employment for ‘visibly different’ refugees and new migrants. Analysis reveals that employers use a number of rhetorical strategies, embedded within broader racist discourses, to deflect attention from their own possible culpability in discriminating against those from migrant and refugee backgrounds. The forms these ‘exoneration utterances’ take are examined in detail. Employers attribute inequitable employment outcomes to the market, their customers or clients, the community and to the applicants themselves, absolving themselves, and the companies they represent, of responsibility.

KEY WORDS: critical discourse analysis, employment, migrants, racism, refugees, responsibility

Background

Australia is known as a multicultural nation. It takes between 80,000 and 120,000 new migrants a year, most of whom enter through a labour market needs-based ‘skills’ category (DIMIA, 2005a). Another 12–13,000 enter under the humanitarian category as refugees (DIMIA, 2005c), and these groups are significantly disadvantaged in terms of various settlement measures. In the 1970s and 1980s humanitarian entrants came predominantly from Vietnam, but more recent groups are from ex-Yugoslavia, Middle Eastern and African nations. Employment outcomes for refugees are consistently worse than for all other entry categories, with refugees having both higher rates and longer duration of unemployment than immigrants from other streams. For example, 18 months after arrival 43 per cent are still unemployed, compared with 7 per cent for those who entered Australia under other visa categories (DIMIA, 2005b;
There are a number of candidate explanations for these negative outcomes (adapted from Fugazza, 2003):

1. Methodological shortcomings – statistics reflect human capital differences in productivity, in quality of education, trauma effects and so on, which are legitimate causes of lower employment levels.

2. Historical effects – discriminatory practices and human capital differences from the past, identified by Rydgren (2004) as ‘spillover effects’, have produced current levels of unemployment.

3. Social capital factors (also known as network effects, see Rydgren, 2004) – refugees have fewer social network connections which are known to assist in positive employment outcomes (McSpadden, 1987; Putnam, 1973; Shih, 2002). Segregation in the workplace, in pre-labour market contexts such as education, in other contexts such as housing, and in the community, may reduce social capital.

4. Institutional or systemic discrimination – this includes recruitment practices which discriminate against minorities, including English language requirements, qualifications’ assessment procedures, and ‘soft skills’ requirements (Essed, 1991; Rydgren, 2004; Shih, 2002). Shih (2002), for example, found that employers looked for ‘soft skills’ when employing for low-skilled jobs. These include having the right attitude, getting along well with co-workers, and having good communication with customers. Policies that promote equal rights may reduce overt forms of discrimination but may lead to other covert or subtle forms of discriminatory practice.

5. Individual prejudices of those making hiring and pay decisions – this situation is known in economic terms as resulting from employers endowed with a taste for discrimination (Becker, 1957). For example, Essed (1991), in her study of the experiences of educated black women in the employment market in California and the Netherlands, provides examples of instances where employers had ignored appointments, used inappropriate greetings, used deception, introduced additional impossible conditions, made unrealistic demands, focused on irrelevant information and ignored relevant information. Essed found that personnel managers ignore the fixed rules of job interview procedures in order to produce racially discriminatory outcomes. Personal discrimination may also take the form of ‘group reputation’ discrimination, also known as statistical discrimination, where employment decisions are based on stereotypical beliefs about the characteristics of the group to which the individual belongs, including beliefs about productivity or team fit (Rydgren, 2004: 707). In a series of interviews with 185 employers in Chicago and surrounding regions, Kirschenman and Neckerman (1991) found that race was taken as a proxy for expected productivity, and that black workers were seen as having a bad work ethic, as creating tensions in the workplace, being lazy and unreliable, and having a bad attitude. Appearance, communication and interpersonal skills, trainability and personality acted as code for ‘white skin or white styles of interaction’, they argued (1991: 221), and in order to secure a job, black job seekers had to demonstrate that such stereotypes did not apply to them. Shih (2002) also found evidence of statistical discrimination in the US.

This article explores the latter two possible explanations for inequitable employment outcomes for refugees in the Australian employment market context. Australia sees itself as a country which has moved beyond its racist
origins, evidenced in the substantial modifications made to the White Australia Policy in the late 1960s, and anti-discrimination legislation passed over the last few decades (Jupp, 2002). Legislation in the 1970s was designed to guard against racial discrimination in immigration policies, employment and other local practices. For example, the Australian Racial Discrimination Act (Commonwealth) 1975 entitles Australian residents to equality for access to facilities, housing, and provision of goods and services, as well as access to employment. It states that it is unlawful for employers or persons acting on their behalf to refuse work, and equal employment terms, to anyone who is qualified, or to dismiss them or treat them less favourably, by reason of their race, colour, national or ethnic origin.

However, while anti-discrimination legislation may attempt to curtail the most obvious cases of racial prejudice, discrimination occurs in increasingly subtle ways (Augostinos et al., 1999; Billig, 1987; van Dijk, 1987, 1992; Wetherell and Potter, 1992). Modern forms of racism tend to be cultural and symbolic rather than biological or essentialist, where a politics of difference is used to claim legitimacy for dominant cultural practices using a hierarchy of values and behaviours, which present the nation as, ideally, a unified cultural community built on neo-liberal principles of individualism and productivity (Barker, 1981; Billig, 1995; Hage, 1998; Miles, 1989; Omi and Winant, 1994). Articulations of racism may include themes of tolerance, understanding, acceptance, and a humanitarian worldview, to deliver justifications of discrimination, while simultaneously denying racism through rhetorical devices including mitigation and justification, reversal, excuses and victim-blaming (van Dijk, 1987, 1992; Wetherell and Potter, 1992). Such articulations recruit liberal (and neo-liberal/economic rationalist) discourses to support conservative ends (Augustinos et al., 1999; Billig, 1991, 1995; Nairn and McCleanor, 1990, 1991; Potter and Wetherell, 1987; van Dijk, 1987, 1992). The following discursive repertoires have been identified by the above authors: racism is a thing of the past, and therefore concerns about racism are the result of hypersensitivity; the principle of egalitarianism means that people should be treated equally (allowing criticism of ‘excess equality’, and the privileging of minorities); cultural diversity is a positive thing, if kept in private (apart from rare, and delimited, special public occasions); economic productivity and practicality are the principles on which all activity should be undertaken; effort is rewarded indiscriminately; injustices should be corrected (provided this does not negatively affect others); there are absolute rights and wrongs, legitimate and illegitimate ways of doing things, and good ‘others’ and bad ‘others’; choice, rather than compulsion, should determine actions; some cultures are superior to others; and a single national identity should override cultural differences. These themes serve as the foundation upon which personal and institutional discrimination in the employment market are justified, and will be returned to in the conclusion.
Methodology

This research sought to ascertain the degree to which, if any, poor employment outcomes for ‘visibly different’ migrants from refugee backgrounds can be attributed to racism and discrimination. It targeted refugee communities who are ‘visibly different’ to varying degrees (through accent, name, physical features, religion and culture) from the mainstream population.

This article focuses on discursive features of the interviews with potential employers. The team conducted 40 semi-structured, in-depth ‘active’ interviews with those responsible for employment from small (up to 49 employees), medium (50–199) and large (200 and over) businesses. Of the 40 participating organizations, 21 were in private ownership and comprised a mix of family-owned and operated companies or partnerships. Of the remaining 19 organizations, 11 were public companies, most with operations across Australia, four were government departments or government affiliates, and four were not-for-profit organizations. Companies included mining, construction and engineering companies, recruitment agencies, catering and food processing companies, cleaning, home and aged services, retail companies, schools and government departments. While some of the respondents were the business owners themselves, many were representatives of employers such as human resource (HR) managers or officers, who tended to be young to middle aged women. The sample of employers comprised a broad cross-section of industries, organizations, and managerial profiles, all of which had an office or operation in Perth, Western Australia. We have deleted identificatory information, including, where appropriate, changing or generalizing the type of business undertaken. Interviews took between 20 and 90 minutes and were taped and transcribed.

Issues explored included: experiences in employing ‘visibly different’ skilled, educated refugees and migrants; expectations before employing ‘visibly different’ refugees and migrants; perceptions of barriers to migrant and refugee employment generally, and for those who are ‘visibly different’ specifically; any strategies and proactive equity policies the company implements which facilitate employment of the ‘visibly different’; and the role of employment agencies. The interviews generated over 400 pages of transcript. Data was analysed for thematic content and discursive and conversational devices (Billig, 1991; Edwards, 1997; Silverman, 1994; Wetherell and Potter, 1992), using a critical discursive approach, focusing on the role of discourse in the construction, consolidation and reproduction of power (Fairclough, 1992, 1995; van Dijk, 1987, 1993).

Since the human resources staff interviewed also apparently had a ‘public relations’ function, respondents were generally well versed in careful exposition, particularly in avoiding providing negative information. Respondents generally engaged in cautious impression management and ‘recipient design’ (Edwards and Potter, 1992), providing the sort of information they perceived we wanted, while saying little that would challenge their own positive self-image, nor that of
It is accepted that in an interview situation, questions are not simply an unmediated means by which to elicit information from respondents (Potter, 1996; Potter and Wetherell, 1987; Van den Berg et al., 2003). The interview is ‘an interactional occasion in which respondents’ expressed views are partially shaped by the respondents’ perceptions of: the reasons for the interview, the sympathies of the interviewer, previous interview talk, anticipated upcoming topics etc.’ (Pomerantz and Zemel, 2003: 219). Thus, interview talk is both resource and topic for analysis (Rapley and Antaki, 1998; Sarangi, 2003; Zimmerman and Pollner, 1971). Interview data is limited – ‘interviews are only second best’ (Ensink, 2003: 176) compared to naturally occurring unsolicited data about race (Wetherell and Potter, 1992). Furthermore, interviews with HR professionals, in their capacity as recruiters for their employers, are limited compared to interviews undertaken in an unofficial, informal capacity, or better still, recordings of their everyday conversations about recruitment, or ideally, observations of interviewing and other processes by which their staff are selected. Working within a frame whereby an ‘overhearing audience’ is present (Ensink, 2003; Heritage and Greatbatch, 1991), the respondents were unlikely to provide unguarded, unscripted responses.

Our justification for using this sort of approach is the pragmatics of the situation whereby we needed to collect a large body of data in a non-covert manner. The material is useful as it provides the opportunity to analyse the delicately negotiated manner in which talk about discrimination is managed. We became particularly interested in the rhetorical techniques used, based in both content and form, to deflect discussion about discrimination which might reflect negatively on the speaker or the company they represented. Yet respondents also provided what some might call frank assessments (of their workplace, previous workplaces, people from culturally different backgrounds and so on, cf. Kirschenman and Neckerman, 1991), thus demonstrating the dualistic nature of interview talk as ‘both naturalistic and simulated’ (Sarangi, 2003: 66).

The interview topic and questions are likely to produce a particular range of responses, including denials of racism (Sarangi, 1996). Certain perspectives, assumptions and frameworks are implied within the questions asked, which may be taken up and used within interviewees’ responses, or which may sometimes be challenged (Pomerantz and Zemel, 2003). This is particularly tricky where the questions are about racial issues – implicit positions are invariably evident in the questions, despite the interviewers working to avoid such an alignment. In fact, the very topic of the research itself carries an implicit value position, evident to respondents, and to which they are likely to orient. Current employment outcomes for recent ‘visible’ migrants and refugees were taken as problematic, and respondents therefore were required to orient to this position, by agreeing or disagreeing, challenging or qualifying, or, as will be demonstrated, by providing
accounts using justifications or excuses (Scott and Lyman, 1968; van Dijk, 1992) which posit responsibility in some other site. These denials of responsibility fit broadly within what Scott and Lyman (1968: 48) termed ‘appeals to defeasibility’, whereby potentially negatively evaluated actions are justified through arguments denying conscious causation by the account giver.

At the outset it must be noted that many respondents did not agree that new migrants and refugees faced challenges in the job market other than those imposed by a lack of language proficiency. Employers generally denied that discrimination was a problem which needed to be dealt with. This leads to another methodological dilemma – if employers deny racial discrimination occurs, then how should their accounts be treated? We approached them skeptically and critically, based on three forms of evidence. First, evidence from published research indicates that discrimination occurs (Castles et al., 1992; Collins, 1991; D’Amico and Maxwell, 1995; Essed, 1988; Fugazza, 2003; Ho and Alcorso, 2004; HREOC, 2004; Kirschenman and Neckerman, 1991; Shih, 2002). Second, potential employees from refugee communities and those who provide employment services to them report that discrimination occurs: 50 per cent of refugees in our sample reported that they had experienced discrimination in the labour market (Colic-Peisker and Tilbury, forthcoming). Finally, some employers interviewed were quite frank in discussing discrimination, as were recruitment agents, who, being one step removed from the employment process, could be more ‘honest’, as the example below indicates.

Resp: . . . umm . . . and some people just have prejudices!
Int: How do you see that being expressed?
Resp: As a recruitment company – that’s why they utilize recruitment companies the majority of the time because we are able to . . . get around that maybe easier than they are themselves personally.

Recruiters proved to be valuable sources of information about how discrimination works in practice.

Strategies used by employers

A number of strategies were used by employers when discussing racial, ethnic and religious issues in an employment situation. These strategies occurred within a shared understanding of the employment market based on two premises: that racial discrimination is a thing of the past (van Dijk, 1992; Wetherell and Potter, 1992); and that the recruitment process is a market driven activity and the market is, by definition, blind to ethnicity (Becker, 1957). Both premises reinforce the notion that discrimination does not exist. Accounting for what might appear to be racial discrimination then took some discursive work, generally in the form of deflecting responsibility for that discrimination onto other sites. Six deflection strategies are discussed in detail below.
● avoiding the topic by talking about other forms of discrimination and equity issues;
● transferring discrimination to clients (customers, or for recruitment agents, employers);
● transferring discrimination to the market;
● transferring discrimination to job (ir)relevant issues;
● transferring discrimination to other staff; and
● transferring the problem to the potential employee.

AVOIDING THE TOPIC BY TALKING ABOUT OTHER FORMS OF DISCRIMINATION AND EQUITY ISSUES

Employers avoided the topic of racial discrimination by responding to questions about employment issues for migrants and their company’s equity policies for such groups by deflecting the question, answering in terms of other minority groups such as those with disabilities, women, and indigenous people, and their special targeted recruitment and training programmes for such groups. These included family friendly policies, and targeted programmes for those with disabilities and indigenous people. An example comes from a human resources officer for a publicly funded legal agency, who drew our attention to the various framed awards displayed on the office walls, which recognized the agency’s employment record for people with disabilities, noting that these indicated their record on equity issues. She talked about special entry programmes for indigenous and disabled people, and targeted work-placement options for these groups.

And, look, I guess in situations like that where you may have different cultures in the organization that are noticeably different in the ways that they operate and just in different customary values, then cultural awareness is essential for all staff that work with that person and so, for example, when we employed a disability work placement – we employed somebody with cerebral palsy to work in our duty lawyer service – we sent her immediate work colleagues for training on how to work with somebody affected.

The speaker equates the difference in culture of migrants with the difference in ability of someone with cerebral palsy, recognizing both as people with special needs, ‘different cultures’, ways of operating, and ‘different values’, and with whom colleagues would need training to learn how to interact.

A personnel recruitment agent made similar observations:

From a disability perspective, in my experience I’ve actually recruited for [a publicly owned telecommunications company] before and they have a certain percentage of disability-affected or disadvantaged people that they would like to recruit. That can be people from non-English-speaking backgrounds or indigenous, so there is certain criteria.

[ ] If we see somebody who has the skills who will fit perfectly into the organisation, they are not glamorous, for example, they can still do the job [ ] boils down to
communication and training, I suppose, in organizations that you don’t have to look fantastic in order to be able to do a data-entry role. You don’t actually you can be deaf and still be able to do a data-entry role because you don’t necessarily need to listen.

Once again, disability, cultural difference, and even lack of ‘good looks’ are collapsed as ‘disadvantage’, which, in certain less important jobs, can be overlooked and accommodated. Here, being a migrant is equated with disability, ugliness and deafness.

This approach has the triple function of presenting the company as a socially responsible employer, deflecting attention away from new migrants and refugees as a category, and simultaneously minimizing the difficulties faced by such groups through focusing on other groups which could be seen as more deserving of targeted assistance programmes. Another feature of responses was that ethnicity was equated with a disability. For example when talking about activities the company engaged in, employers often collapsed activities and programmes for migrants with those available to people with disabilities. By lumping together the various categories of people who fall outside of the ‘norm’ (women, indigenous, disabled, migrants, refugees) these marginalized groups become homogenized as generalized ‘equal opportunity’ targets (Anthias and Yuval-Davis, 1995). And because they are not differentiated, employers remain oblivious to each specific group’s exclusion and special needs.

TRANSFERRING DISCRIMINATION TO CLIENTS/CUSTOMERS
A common strategy was to argue that while the employer personally, and their company more generally, was not prejudiced, sometimes one was forced to discriminate due to the demands of one’s clients. This functions to transfer their agency, and possible culpability, to others on whose behalf they are acting. For example, one private9 school which has a largely Asian international student base, told us that they do not employ Africans, because the ‘Chinese do not like Africans’.

Resp: The second example is the one to do with Africans applying for jobs here. Applying for jobs generally in an international college which is dominated by Asian students and the feeling that they – these students do not feel comfortable with Africans’ language and . . . . That’s a terrible thing to say yeah but it has come through that the Chinese, particularly mainland Chinese (unclear)

Int: Okay I am aware of attitudes of migrants to others . . .

Resp: (laughs) I suppose in the back of my mind I am wary of it because, it is the potentiality of it that causes one to think – you know. Am I setting myself up for a problem, students who refuse to relate to. [trails off]

While the speaker recognizes that this is ‘a terrible thing to say’, orienting to the problematic status of what he is saying as ‘potentially prejudiced’, and trailing off at the end of the sentence due to the topic’s sensitivity, displaying the rule that
some things are better left unsaid (Kirschenman and Neckerman, 1991), he is able to retreat from ownership of the attitude (and consequent action) by positioning himself as merely a conduit through which the concerns of clients (both students and parents at the school) must be addressed. He frames this within language which contains many hedges and qualifications, indicating his awareness of the sensitivity of such statements (van Dijk, 1987; Wetherell and Potter, 1992) and providing the conclusion as something which has been arrived at unwanted and somewhat unconsciously (Edwards, 1997), something which is ‘in the back of his mind’. It is based on a ‘sense’ that employing African teachers would be unacceptable to Asian parents and students, rather than any outright statements, apparently – it is ‘a feeling’ that has ‘come through’. Such a claim is difficult to counter, as it is based on his privileged position as a deputy principal (and recruitment coordinator) at the school, with some years experience. It is also interesting that the descriptive noun used is ‘feeling’ rather than thinking or observing, making the presumption less definite and more difficult to confirm or challenge (Edwards, 1997).

A number of aged care service providers made similar comments. This is an area into which new refugee communities are moving, as there is high demand, and it is a job which can be done after a short training course. Employers were accepting of aged clients who wished to exclude carers who were black or Asian, saying that: ‘There are some [clients] that just won’t let them in, and it could be for any reason. These people are older’. The age of the client is thus seen as a mitigating factor (van Dijk, 1992) entitling them to discriminate, and the service company is simply an agent, acting on behalf of their clients, when they deny employment to someone the client finds objectionable. On the other hand, another aged care provider suggested that since their client base was diverse, they had no problems with employing workers from migrant backgrounds:

We don’t have any problems about . . . yep . . . . Because, as I said before, our clients are from diverse backgrounds and . . . yeah . . . . We don’t have any problems there at all.

The implication here is that diversity in the workforce would be a problem if their client base was not diverse. This particular employer described how, in this diverse environment of both clients and workers, she had ‘matched’ an African worker with an Aboriginal man – apparently the criterion for client-carer compatibility in this case was skin colour.

Thus for businesses supplying a service to clients, it is acceptable to discriminate on behalf of the client. Recruitment agents made this point quite explicitly. They were generally employed to find appropriate staff based on looks, presentation style, ‘team fit’, and communication, and explained that their clients suggest that particular tests, such as extra English proficiency tests, police clearances for those from Middle Eastern countries etc., be applied to applicants in order to weed out those seen as unacceptable.

A final example comes from a personnel agency which supplies tradespeople.
Int: So, it’s about who your clientele is, for you?

Resp: Yes. If it has an adverse effect on my customers, the answer’s ‘No’, because that’s my first responsibility. My first responsibility is not to be ethnically appropriate and politically correct, my first responsibility is to make sure that we’ve got 30 people working and we’ve got enough business in and that tomorrow they’ve all got a job.

The personnel agent argues that he cannot make ‘politically correct’ or ‘ethnically appropriate’ choices, implying that employing migrants would involve some form of affirmative action, because his ultimate responsibility is to his customers, to provide what they want (even if it produces discrimination). But here he adds a dimension to the focus on client preferences as the reason for possible discrimination. He argues that this catering to customers’ demands is what will ‘grow’ the business, thus ensuring security for his existing staff. The clients become the proxy for business success, and the motivation is not greed but concern for existing employees. The result is an ultimately conservative approach to recruitment. This account uses a neutralization technique identified by Scott and Lyman (1968: 51), an ‘appeal to loyalties’ which enables potentially negatively evaluated actions to be presented as permissible, in fact necessary, because they serve the interests of others to whom the employer has ultimate allegiance and responsibility.

TRANSFERRING DISCRIMINATION TO THE MARKET

A related device was to blame discrimination on the market generally. Rhetorically this works as a self-sufficient explanation needing no further justification (Billig, 1991) – the market is the ultimate arbiter of appropriate employment practices. Private companies particularly emphasized that if employees could not be ‘productive instantly’, as one engineering company representative put it, they were not competitive in the current environment and would not be employed. This contrasts with the Australian government’s line that the economy’s strong economic performance in the last few years means that it is an employee’s market, with demand for workers outstripping supply. Instead, employers argued that new migrants are competing with scores of applicants who have both the essential and preferred characteristics according to selection criteria, leaving migrants at a disadvantage. Interestingly, private companies often compared their situation with that of employers from publicly owned agencies and organizations, which had the ‘luxury’ of being able to enact equal opportunity and affirmative action policies to ensure more equitable outcomes for new migrants. While some supported the notion of ‘cultural assimilation’ programmes so that new migrants could ‘fit into the work environment’, some said only large publicly owned companies could afford to provide such help because they were not so susceptible to market forces.

While the difficulties of the immigrant job seeker’s position could be understood by employers, they used arguments based on pragmatics (Rydgren, 2004; Wetherell and Potter, 1992) to suggest that the market is what ultimately
makes the decision. A recruiter for the mining and engineering industry argued that the market will not allow ‘giving people a chance’ as the ultimate face-less and interest-less goal is profit. The implication is that one obviously precludes the other.

There’s only one thing they’re [companies he recruits for] really interested in. [ ] Indians are [saying] all the time: ‘If you give me this one chance I will do my utmost for you.’ But nobody in the industry wants to give anybody a chance. What they want to do is find oil and gas and make money . . .

An employer from one of the private schools argued that education was too important to compromise with potentially problematic staff.

One thing with teaching that I try to emphasize [is] don’t forget that the kid only gets one chance, the parent only gets one chance – you know what I mean? We don’t want to stuff up. So if you employ someone, and it’s a bad decision, that’s a fair whack.

He also argued that given the cost of recruitment advertising and putting someone on, one could not afford to ‘give someone a go’. In the same context the speaker compared private schools positively with public schools, arguing that in public schools one is hampered by legislation from dismissing bad students and bad teachers, but that at private schools one can take action, in fact, given the market imperative, one must. This assertion contains the subtle implication that employing new migrants will be a problem, and that private schools, as profit-making organizations, cannot afford to risk such an outcome.

This assumption of problems from new migrant employees which will be ‘detrimental to business’ is built into the following account, which, once again, elides Culturally and Linguistically Diverse (CALD) employees with disabled employees.

I believe that [the company] is truly a company that tries to give everyone opportunity. We do a lot of rehabilitation work for people as well. we allow them to come in there. we give them the opportunity to get back into the work force, and they can gain certain skills in retailing and so forth. They can physically get reconditioned into getting back into work full time if they like. And we make allowances for that within our company, but it’s very hard for us too. I suppose [we] provide what our shareholders demand on a continual basis, if we were to make huge compromises by saying that we were going to have a huge programme and we were going to bring people on board that unfortunately aren’t able to hit the ground running and we’re going to have to put a lot of effort into it, in the meantime, it’s detrimental to the business, so we’ve got to start making some hard business decisions.

The speaker moves from a discussion of the positive programmes available, which in the context of the interview was constructed as a defence of the company’s record in employing minorities, to an assertion that ultimately the business must focus on meeting shareholders’ needs. Once again it is asserted that the company cannot accommodate people unable to ‘hit the ground running’, and cannot be expected to ‘put a lot of effort into it’, standard clichés.
which rely on ‘common knowledge’ for their weight (Edwards and Potter, 1992). There is a classic reversal hearable in the notion that ‘it’s very hard for us too’ (Tilbury, 1998; van Dijk, 1992; Wetherell and Potter, 1992), turning the account into a complaint (van Dijk, 1987: 62) and making the company the victim, the one in need of consideration. Shih (2002: 111) notes similarly that employers ‘cast themselves as the “true” victims in discrimination suits against them’. The claims about continuous ‘shareholder demands’, and the idea that providing special concessions or affirmative action to those from CALD backgrounds would constitute ‘huge compromises’ and ‘a huge programme’ are examples of overstatement. These ‘extreme case formulations’ (Pomerantz, 1986) are constructed to emphasize the difficulties presented from the point of view of the employer, which make any alternative impossible. Thus the demands of the market, the shareholders and the customers become the warrant for ‘hard business decisions’ which see the company unwilling to consider new migrants and refugees as potential employees.

TRANSFERRING DISCRIMINATION TO JOB RELEVANT (AND IRRELEVANT) ISSUES

The notion of the market being the ultimate arbiter of employment decisions is also implicit in the device by which discrimination was transferred to more or less job-relevant issues. These included such broad phrases as ‘organizational fit’, ‘local experience’, ‘communication’, and ‘cultural knowledge’. Generally these requirements were framed in very general terms, making it difficult for the researchers to get a particular sense of what employers meant specifically. Thus the need for ‘local knowledge’ which could mean specific, technical, Australia-specific knowledge within a specialized field, or could simply mean general cultural competency, was regularly used to justify not employing new arrivals. As one of the private school employers explained:

It’s not the Australian experience part, it’s the fact that them having Australian experience means they bring certain other things with them, and it’s the other things, it’s not [trails off]

There was little clarity about what those ‘certain other things’ are. Generally they seemed to include cultural and personality characteristics, often built around assumptions of ‘Australianness’ and being able to fit in with other staff, together with what employers termed ‘common sense’. An example of the type of person preferred is given by an employer of tradespeople.

Good people are people that other people like to work with, who optimize, I mean, maximize, shareholder funds, shareholder profit . . . . He’s [a Filipino candidate] an excellent flotation guy, but he’s also much more than that. He’s very articulate and he sounds as though . . . . His accent’s really good.

The example of the Filipino worker serves as a contrast case, demonstrating that there are some ‘good’ others – those who fit in, do not cause trouble, and are productive (Augustinos et al., 1999; Nairn and McCreanor, 1991; Wetherell and
Potter, 1992). Again the market imperative is clear, but non-relevant characteristics such as accent (and it is reasonable to assume that the pause and reframing disguises an intention to say that this particular migrant is acceptable because he sounds as though he is ‘Australian’) and acceptability to other employees, are used to imply that migrants will not gain employment if they cannot be ‘invisible’ (in terms of cultural difference).

Some employers recognized that the emphasis placed on particular criteria during the recruitment process may exclude certain categories of potential employees. For example, the need for local work experience, local knowledge (in the form of local qualifications), high levels of written expression, and other legitimate job requirements, were identified by employers as excluding new migrants from the job market. Thus they recognized the recruitment process itself as to blame for discriminatory outcomes.

However, it was the general ‘cultural competencies’ theme which enabled employers to justify discriminatory outcomes. In an American study, Moss and Tilly (1996) identified the requirement of employers for ‘soft skills’ among employees as a means by which black Americans are excluded from the labour market (see also Kirschenman and Neckerman, 1991; Shih, 2002). These soft skills are non-job relevant, ‘cultural’ and ‘personality’ type attitudes and behaviours which are essentially a ‘front’ for discrimination.10 Jenkins (1986) distinguished between criteria of ‘suitability’ (job relevant characteristics) and criteria of ‘acceptability’ (task-irrelevant or non-specific characteristics which can be used to exclude people from the workplace if they are thought to somehow threaten working relations). Criteria of acceptability include social and attitudinal characteristics such as ‘having the right attitude’ or the ‘ability to interact with customers’ (see also Gumperz, 1982) – similar issues were identified in the current study, as examples below indicate. One of our most outspoken recruitment agents11 identified ‘emotional intelligence’ and ‘ability to persuade in a culturally appropriate manner’ as key skills employers are looking for, and argued that migrants should ‘invest’ in ‘cultural capital’ such as Western ‘names’, ‘humour’, and ‘interaction style’, in order to fit in. He suggested the ‘dividend’, namely a job, would be worth the ‘investment’.

Perhaps a more sinister finding is that apparently the recruitment process itself is subject to change, in order to produce particular outcomes for the employers. Several recruitment agents argued that because of the current climate of suspicion after September 11, the actual procedures for recruitment had changed, to eliminate those from Middle Eastern backgrounds (as mentioned above). Thus we have a subset of the ‘transfer of discrimination to job relevant characteristics’ which is a transfer of discrimination to procedures which eliminate new migrants from particular backgrounds.

I think there’s a . . . since 9/11, there’s a certain wariness on certain names, ethnic backgrounds, but they’re not actually voiced. I am now, to you, but they’re not actually voiced to us. What we found was there was an increase in the types of clearances the person was required [by the client firms] to have.
The caution and implication, rather than definitive statement, are significant features of this extract. The climate of suspicion that job seekers from Middle Eastern backgrounds have noted (Colic-Peisker and Tilbury, forthcoming; HREOC, 2004) is acknowledged here, but in a very guarded manner. The backgrounds of those targeted for exclusion are not named but implied through the use of the word 'certain', enabling the speaker to avoid specifically naming the groups, while simultaneously reinforcing the common-sense knowledge of who one might be 'wary' of, since 9/11. While the concern is not actually articulated to the recruiter by the employers, the types of clearances they require indicate that these are not preferred candidates.

As well as transferring discrimination to clients and various aspects of the market system, employers sometimes explained that their requirements in employees were based on community-based standards, which were framed as being slightly different from the legal standard of equality and non-discrimination. These standards are implicit in cultural understandings of 'the right way to do business' and are connected to the notion that difference is acceptable so long as it is not difference of culture, rules of interaction, etiquette and so on.

It might be a bit different in other businesses, but retail, you’ve got to go in there and you’ve got to serve the community. So really the community has set the standard as to how things are to happen . . . how we greet people, how we acknowledge, making eye contact, even just mannerisms we use.

Through the use of the term ‘we’, community comes to act as a trope for ‘common values’ and ‘common sense’ (Billig, 1987, 1991), reinforcing the distinction between ‘us’ (those who know the social and cultural rules) and ‘them’ (those who breach them), and producing that difference as essential and non-modifiable.

TRANSFERDING DISCRIMINATION TO OTHER STAFF

Discrimination was sometimes transferred to other staff working within the business. The premise appears to be that a homogeneous workforce will ensure good relations among workers (Kirschenman and Neckerman, 1991), and that migrants would generally be incompatible with other staff. For example, an employer of tradespeople argued that employing those from culturally different backgrounds would create animosity among other staff. The anticipation of such problems might result in discriminatory outcomes, but responsibility for that discrimination lies, if anywhere, with the staff, not the employer.

[Employing Muslims who need prayer time] would create some difficulty. That would create a lot of animosity and in the end it would cause me to think twice about employing them.

However, some employers did not necessarily see other employees' reactions as something they had to cater to. A minerals processing company HR manager suggested that the 'lower levels of the business' may lack understanding of those
who are culturally different, but did not consider this a reason not to employ such people:

I guess lower levels of the business [ ] perhaps one of the barriers that I do see, and it is opinion, perhaps is a little bit of xenophobia, [the challenge for employers] is changing their perspective of ‘well, this is the background I expect someone to have’.

[ ] Probably the biggest barrier I see is the lack of understanding perhaps of what different backgrounds can offer to the business.

These employers were willing to work towards encouraging their workers to accept those who are ‘visibly different’. It is interesting to note that the argument in support of diversity is framed, once again, in terms of the market, as something that would be economically beneficial.

TRANSFERRING THE PROBLEM TO THE POTENTIAL EMPLOYEE
The examples provided so far have been notable for their generality and reliance on implication. There were a number of instances, however, where employers had experience employing people from culturally different backgrounds, and stories of these experiences were recruited to illustrate the sorts of problems caused by cultural difference. van Dijk has noted the function of negative stories in producing justification for apparent discrimination, arguing ‘negative stories make negative conclusions credible and defensible, so that the general norm of ethnic tolerance is, apparently, not violated’ (1987: 62). And of course the point of providing such stories, apart from to signify a set of facts which produce the account as a reality rather than interpretation (Potter, 1996), is that the listener should extrapolate from them, to generalize about the principle of the thing in question (in this case employment of ‘visibly different’ employees) rather than assume the conclusion is only relevant to this particular instance. Within such story-telling, the strategy of scape-goating works well, Scott and Lyman have argued (1968: 50), because potentially questionable behaviour or attitudes may be justified by presenting them as responses to the behaviour or attitudes of others – in this case, that of the migrant employee. In the following example from an engineering recruitment consultant, the employer’s representative suggests that an employee brought a negative reaction upon himself through his actions and attitudes.

Resp: There’s only one incident caused a problem for us a few years ago. We had somebody with a Muslim background from Bangladesh, a young electrical engineer . . . We invested a lot of time and training into him and he just continuously required a lot of time off for the prayer sessions and slaying of the cow and all sorts of cultural, religious sort of beliefs, which was fine. We bent over backwards to support him in all of that, but there were times when we were really busy and if we asked him to stay back or what-not he just blankly refused and that . . . [tape ends]

[tape starts]

Int: When you say that impacted on staff morale . . .
Resp: Yeah. Staff working in the office, we were all putting in and even though we had personal things that we could’ve been doing as well, we all chipped in and helped out to get the project complete whereas the other individual would put his interests over others and it was just all the time and it was problematic.

Int: When you mention praying times, that’s during the working day, is that right?
Resp: Yeah.

Int: Was there anything else?
Resp: Well, he’d just require days off. They’d celebrate Christmas and all sorts of things on different days and what-not and we all get annual leave and things like that, that’s fine, it wasn’t an issue, it just seemed that it all seemed to be favouring him and there was nothing coming back from him in return, basically. He was getting more than what he was giving, that was the problem.

. . . I think as a company we show quite a lot of flexibility to our people.

The story implies that cultural compatibility (read similarity) in the work team is vital to ensure that staff do not feel disadvantaged. The account has a typical narrative character (Labov and Waletzsky, 1967) – providing setting and orientation first (the problematic instance being the Bangladeshi Muslim engineer), followed by a complication (illustrating how, despite the flexibility of the company, the situation was abused by the migrant). By providing an account of a single incident, the speaker presents herself as not generally prejudiced, but simply recounting one problematic occasion – a case softened by the fact that it happened ‘years ago’. The orientation includes an assertion of the time and training invested in the employee, again using a market model of investments and returns. Interestingly, the resolution is left to inference, although the negative evaluation is explicit throughout the account. Note the recurrence of ‘that’s fine’ and ‘it’s not an issue’, apparent concessions within a clearly critical description of unacceptable (because different) activities. This serves as a form of positive face presentation (Goffman, 1990), enabling the speaker to appear accepting of difference, in a climate where such acceptance is normatively prescribed (Billig, 1991; van Dijk, 1987; Wetherell and Potter, 1992). It also provides an appropriate contrast to the apparent inflexibility of the employee in question, and references the Australian norm of ensuring a ‘fair go’ for all (Augustinos et al., 1999). The use of generalities such as ‘all sorts of things’ and ‘what-not’ is a form of scripting (Edwards, 2003) which recruits the device of vagueness (Augustinos et al., 1999; Edwards and Potter, 1992), enabling the hearer to fill in the gaps, so to speak, from cultural knowledge, with the ‘kinds of things’ that would not be acceptable to an employer, as well as an implication that these ‘extra’ religious celebrations are trivial and not really ‘legitimate’. This is reinforced by the belittling framing of ‘prayer sessions and slaying of the cow’. A fundamental cultural difference is apparent in the speaker’s critique of the religious activities as ‘personal’, which is implicit in her argument that all staff have ‘personal’ things to do, which they forego for the sake of the company. For
a committed Muslim these activities are not simply ‘personal’. And for the rest of the staff, interruptions to productivity in the workplace attendant upon Christmas, Easter and birthday celebrations, ‘footy tipping’, farewell and promotion parties, and other mainstream cultural activities, which could be understood as ‘personal’, are not seen as problematic. The function of such stories is to reinforce the sense that the employer and other staff, despite attempts to be inclusive and supportive of difference, are exploited as a result. The story functions as a cautionary tale, indicating that problems with employing migrants are insurmountable – they simply cause trouble.12

The provision of such accounts may be partly the result of the interview situation, which encourages the double strategy identified by van Dijk (1987) of positive self-presentation while simultaneously producing negative other-presentation. While not admitting to discrimination in their employment activities, an employer can bolster their argument by pointing to factors intrinsic to the possible complainant which make them problematic. This ensures that one’s representation of oneself is not challenged (‘I’m not racist, they're just not right for the job’). This is a form of argumentation known as prolepsis, where a possible critique is anticipated and countered directly. Another example of this approach comes from a recruitment agent who works to fill job vacancies in regional farming areas.

I had one African young bloke. he was a touch sad . . . black fella . . . yeah he left a bad taste too . . . . He had white, Dutch parents and he was as black as the inside of a dog. Big strong young bloke and got him a job and he got on the grog or the drugs or something and beat a couple of people up. I spoke to him about people calling him ‘blackfella’ or ‘hey blackie come over here’. I said that’s what they do and you’ve gotta be ready for it, get used to it and if you can’t handle that then don’t even think about going [to work in the rural area where the job was based]. They don’t do it to be nasty . . . I said if they’ve had a few whiskeys, they will be looking for a fight . . . but you have to try and avoid that . . . don’t get involved in the whisky or the bourbon . . . or the rum . . . I said don’t get involved . . . but anyway he finished up . . . some girl involved. So anyway, my experiences haven’t been that good with that blackfella, but that doesn’t perturb me.

The illustrative example begins with an evaluation (Edwards, 1997) – the employee was ‘a touch sad’, by which we are to understand both that his case is sad (regrettable), and perhaps that his attitude was one of sadness (see below). The opening indicates how to read the account – it ‘left a bad in taste’ in his mouth, from which the listener should conclude that this provides a reasonable explanation for any apparently discriminatory future actions such as avoiding employing other migrants. Blackness is again constructed as a disability for, despite having white parents, this young man was, unfortunately, ‘black as the inside of a dog’, an insulting analogy in anyone’s culture. This man is presented as being oversensitive (see also Augustinos et al, 1999; Nairn and McCreanor, 1990; Wetherell and Potter, 1992) to the sorts of nicknames that black employees should apparently expect from other staff (Essed, 1991). The recruiter
presents himself as considerate and caring, having counselled the young man not to get offended, not to drink or take drugs, and not to get involved with girls, despite these activities being a natural part of life for the other Australian workers. From this story it is clear that the negative outcome results from the employee being too sensitive to criticism and not cautious enough in his own behaviours. Responsibility for the negative outcome is placed clearly at his feet, and the story is provided to bolster the generalization that these are ‘the sorts of problems’ (Edwards, 1997; Rydgren, 2004; Shih, 2002) that occur when one employs migrants, serving to reinforce stereotypes.

A more subtle example of ‘blaming the victim’ comes from a critique of applicants’ attitudes. This is related to the ‘cultural fit’ excuse, but implies a flaw in the applicant’s attitude. In the extract below the employer suggests that a lack of confidence, which is related to their lack of application, insecurity, and a generally ‘depressed’ sort of attitude attributed to ‘ethnics’, is what disadvantages migrants.

And this is what can kill ethnics like nothing on earth – if they walk around looking as if they’d lost $10 and found a cent. . . . A lot of what they say is racial prejudice is actually their inability to bring the better qualities of their character through. They go there with a, you know, ‘glass half empty’ style about them and that quickly communicates. People don’t like to associate, or have someone working around them, who is beaten before they start. They don’t like that. They like ‘friendly’, ‘fun’, ‘quick to act’ and ‘give things a shot’ and all that kind of stuff.

One might expect a ‘beaten’ or defeated attitude, if one has received hundreds of rejection letters (Asekeh and Tilbury, 2004; HREOC, 2004; Tan-Quigley, 2004), but this is seen as inappropriate by employers, and migrants are constructed as being hypersensitive about ‘what they say is racial prejudice’ (Nairn and McCreanor, 1990), when in fact the problem is their own. Implicit in the notion that ‘they walk around looking as if they’d lost $10 and found a cent’ is that migrants should be grateful to be in Australia, and to be offered any sort of job, regardless of qualification, and this gratitude should be overtly expressed and evident in an interview context. Migrants should not appear disheartened or unhappy. It is ironic, then, that employers also criticized migrants for being overconfident, arrogant and pushy in their approach.

Advice to migrant applicants from the recruitment agent who declined to be recorded was: ‘Don’t push. Maybe this is a cultural difference, perhaps it is culture that causes this, or earlier rejections, which makes some too pushy. Recruiters like confidence but not pushiness’. It might be argued that new migrants may not realistically be expected to understand the subtleties of the difference between confidence and pushiness. This recruiter argued that migrants need to ‘learn to speak in order to be heard’ – an example of putting the responsibility on the migrant to first unpick what this might mean, and then to change themselves in order to fit in, to become ‘invisible’.

In one of the few examples of a respondent providing specific detail about disadvantaging characteristics, the same recruitment agent suggested that
people from certain Middle Eastern countries like to have moustaches, but need
to consider how these are perceived by employers. He suggested that experience
had shown that those with moustaches have ‘identity problems’, that the
moustache can be a shield which identifies one as Middle Eastern, and therefore
‘obstinately proud, versus passionately proud’. He also suggested that ‘name’,
‘image’, and ‘dress sense’ can either help or hinder people, and that it was
important not to ‘shove your pride down others’ throats’. This overemphasizes
and problematizes difference, making it the primary characterization of these
potential employees, and once again reinforcing the stereotype of the
unassimilated, and unassimilable, migrant. Clearly one justification for
discrimination is the potential employee’s attitudes and behaviours, but precisely
the nature of the problem with the specific attitudes and behaviours is variable
(and may be contradictory).

Another form of transferring discrimination to the potential employee was to
blame them for being too picky in the jobs for which they apply. The following
came from a government funded job search agency.

. . . The problem is a jobseeker who is choosing what to do. There’s a lot of jobseekers
don’t want unskilled jobs, so they are discriminating as well [ ]

Instead of fighting it [discrimination from employers] we [ ] I personally tell the
clients, ‘Don’t fight it, work around it.’ Work around it, prevent it if you can, don’t go
that way, go a different way. For example, if they’re discriminated [against] in an
area, just be more qualified than anyone else. Just do the job better than anyone else,
show the result in productivity.

Thus potential employees can be held to account for not being willing to take jobs
below their qualification levels, a choice they have made which produces
inequitable outcomes, for which they ultimately must take responsibility (c.f.
Augostinos et al., 1999, for similar rhetorical strategies used by white
Australians talking about Aborigines). They also are expected to work harder,
and be more productive than others, in order to overcome the discrimination
they face.

**Discussion and conclusion**

We have identified a number of strategies utilized by employers and their
representatives in talking about issues of discrimination in the job market. Their
general approach is to embed their arguments within the theme of pragmatics
(Augostinos et al., 1999; Wetherell and Potter, 1992) – what can and can’t be
done within a competitive market system – and the impossibility of providing
‘special treatment’ within such a context. While they cast about for possible sites
at which to lay responsibility for the less than equitable employment outcomes
new migrants face, their accounts revolve around the neo-liberal market system,
transferring discrimination to clients, to more or less relevant job requirements
including ‘soft skills’, to other staff, and to the applicant. Employers present
themselves as simply 'bit' players within an impersonal market system, the inherent amorality of which relieves them of moral responsibility for apparent discrimination.

These forms of transference are framed within the same themes (or discursive repertoires) used to articulate racism generally, which were noted earlier in the article (Augostinos et al., 1999; Billig, 1991, 1995; Nairn and McCreanor, 1990, 1991; Potter and Wetherell, 1987; van Dijk, 1987; Wetherell and Potter, 1992).

Transferring discrimination to clients was based around discourses of choice, on the assumption that clients should not be compelled to deal with employees of different ethnic backgrounds. Thus while employers generally accepted that injustices such as inequitable employment outcomes should be corrected (Wetherell and Potter, 1992), their lack of action to correct inequities was justified by noting that their clients may be negatively affected by such actions.

Transferring responsibility for inequitable employment outcomes to the migrant's ability to fulfil more or less job-related requirements was enabled through a discourse of cultural superiority – alternative skills, ways of interacting, and being in the world, were represented as inferior, leaving employees from non-mainstream backgrounds at a disadvantage, and obligated to learn 'our' ways of doing things. This exoneration utterance oriented to the ideal of a single national identity that should override cultural differences (Augostinos et al., 1999; Billig, 1995; Hage, 1998). Within a neo-liberal framework, employers argued they should be allowed to choose employees freely, and should not be compelled, through affirmative action policies, to accept diversity. This approach reinforces broader themes of a circumscribed value attached to cultural diversity – it is a positive thing only if it does not manifest itself in the public space of work.

The third theme of egalitarianism was also fundamental to this argument – migrants would (and should) be treated equally in competition with other job seekers, but would be found wanting in comparison (Kirschenman and Neckerman, 1991; Shih, 2002).

Transferring discrimination to the market was embedded in neo-liberal discourses of choice, economic productivity, and practicality (Augostinos et al., 1999; Wetherell and Potter, 1992). The market was used to argue that effort is rewarded indiscriminately and, on principle, people should be treated equally.

Transferring discrimination to other staff entailed, as an implicit assumption, the notion that some cultures are superior to others, and those of the majority culture are justified in preferring to work with others who share that culture. It oriented to discourses of a single national identity as ideally overriding cultural differences (Hage, 1998).

Transferring the problem to the applicant referenced most of the standard racist discourses. The mainstream culture is taken as superior to those of migrants, and should become the shared identity and culture (Hage, 1998). Absolute rights and wrongs, and legitimate and illegitimate ways of doing things are implicit in the accounts of migrant candidates 'not fitting in', and examples of instances of 'good others' (who keep their cultural difference private, and are
not ‘visibly different’) and bad ‘others’ (who do not) were recounted to support
this view (Nairn and McCreanor, 1991). Those who felt that discrimination was
occurring as a result of racism were seen as simply hypersensitive and over
reacting (Nairn and McCreanor, 1990; Augustinos et al., 1999). Individualizing
the problem in this manner constructs ‘minority disadvantage as resulting from
personal, individual shortcomings such that structural intervention by
governments to redress . . . disadvantage is unwarranted’ (Augustinos et al.,
1999: 352). Thus the devices used to deflect responsibility for inequitable
employment outcomes built upon discourses which have been identified by
others as supporting racism and discrimination more generally.

By identifying various other sites at which to lay responsibility for the
negative outcomes, to use Coates and Wade’s (2004) felicitous phrase ‘telling it
like it isn’t’, employers present themselves as positive and sympathetic to the
plight of ‘visibly different’ migrant and refugee workers, without having to take
action to change a discriminatory system and practices. Their deflecting expla-
nations for discrimination are externalizing attributions, which strategically
transfer agency and responsibility.

Since accounts are manifestations of an underlying negotiation of identities,
whereby account-givers attempt to maximize their gains (in terms of positive self-
presentation) and minimize losses in any interaction (Scott and Lyman, 1968:
59), employers managed their own impression as relatively sympathetic, though
impotent in the face of market forces, while simultaneously reinforcing negative
stereotypes about the ‘visibly different’. The accounts provide evidence of the ways
in which racism at structural and ideological levels is reproduced at individual and
interpersonal levels using commonsense knowledge of market imperatives which
are rhetorically self-sufficient arguments (Essed, 1991; Wetherell and Potter,
1992). The ‘visible difference’ of new migrants, in terms of both race and culture,
including differences of attitudes, values, communication styles, accents, looks,
religious practices, and so on, is oriented to by employers in their explanations for
the inequitable outcomes such migrants face. Cultural racism appears to be
embedded in the market (Fugazza, 2003; Rydgren, 2004), as the themes identified
are premised on a mismatch between different cultural groups, the superiority of
the mainstream, and the need for the ‘visibly different’ to become ‘invisible’, in
order to succeed in the job market. As such, these discourses of racial difference,
while grounded in the institutional practices of employers, have real effects on the
employment opportunities and life chances of minority group members.

NOTES
1. Section 15, see http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202/)
2. Australian anti-discrimination legislation refers to the International Labour Office’s
   Discrimination (Employment and Occupation) Convention, 1958, which states that
   member states will promote ‘equality of opportunity and treatment in respect of
   employment and occupation, with a view to eliminating any discrimination in
respect thereof’, ensuring that ‘any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation’ is met with legal sanctions (http://www.austlii.edu.au/au/legis/cth/consol_act/hraeoca1986512/sch1.html).

3. The research was supported by an Australia Research Council Discovery Grant. Chief Investigators are Val Colic-Peisker, Farida Tilbury and Nonja Peters.

4. We found in the course of the research that employers did not differentiate between migrants, new migrants, and refugees. Therefore we used the term ‘new migrant’ to identify the target groups we were interested in (ex-Yugoslavs, Middle Easterners and black Africans) who are predominantly entrants under the refugee category. Certainly employers seemed to have little understanding of differences between migrant entry categories, focusing, in their responses to our questions, on workers born overseas. Likewise we found most employers had very little experience with the particular groups in which we were interested. Thus their examples came from experiences with people from the Indian subcontinent, of a Chinese background, and various European, white South African, English and Irish migrants. As a consequence, for this article we analyse talk about employing migrants generally, and do not make specific reference to the populations we set out to study.

5. The other part of the research focused on refugee experiences within the employment market. A paper reporting the findings of this part of the research is forthcoming (Colic-Peisker and Tilbury, forthcoming).

6. For ease of expression we refer to respondents as ‘employers’ throughout this article, despite the fact that some are representatives of employers with responsibility for recruitment.

7. Two participants declined the recording of their interviews. Handwritten notes were taken instead. Transcription conventions are as follows:
   
   . . . untimed pause in talk
   [ ] section of transcript deleted
   [with text] words inserted by researcher to clarify meaning
   Resp – respondent
   Int – interviewer

Underlining does not indicate emphasis in talk, but draws readers’ attention to particular phrases.

8. Of course, the degree of impression management varied by individual, and we found significant differences by age and gender in the language style and approach to the interviews. Older male business owners, and males generally, were far more likely to be outspoken and negative about employing the ‘visibly different’ than the younger women, who were more cautious and tended to have a more positive view of the situation.

9. The term private school refers to those schools which are privately funded by parents’ fees, whereas public schools rely on government funding. Private schools are seen as more exclusive and elite.

10. Shih (2002: 115) has gone so far as to suggest that such criteria actually function to maintain a docile workforce: ‘Employers’ desire to find workers who will obey their authority is reflected in their definitions of “having a work ethic” and “having an attitude”.

11. This participant refused to have the interview recorded, thus the direct quotes used are from handwritten notes taken at the time of the interview, and cannot reflect the discursive and sequential detail of this speaker’s talk.
12. Shih (2002) provides similar examples, focused around the notion that African Americans ‘have an attitude’, which translated to being unwilling to work in low skill, low status jobs and refusing to obey authority. Rydgren (2004) also gives a number of examples of stories used by employers to justify not employing minorities based on previous experiences, resulting in ‘statistical discrimination’.

REFERENCES

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