

Affirmative action

[Literature](#)



This policy includes equal preference of women and minorities at workplaces, schools, and businesses where they have taken activity. In some sense, there is an existing tension when it comes to preferential selection, which means there is an involvement of race, gender, and ethnicity.

Because the discussion on this subject has become increasingly intense, two discourses sprung from it. One took the legal action while the other was voiced out in public debate. In the case of legal action, discourses happened in courts, legislations, and executive departments. Based on public arguments, it is often anchored to the practice of preferential treatment.

This includes literature, both on the pros and cons of affirmative action. Consequently, the two discourses have not coincided with each other, as public arguments did not rely on legal foundations (Affirmative Action, 2005, para 2).

Following these discourses are the two popular controversies on affirmative action. One took place in 1972, where it heated a debate lasting until the 1990's. However, people were still not convinced of the discourses that led up to 2003 at the Supreme Court, which brought up certain kinds of affirmative action. Significantly, these debates were focused on gender and racial preferences.

The reason behind this is the affirmative action much prevalent in the factory, firehouse, and corporate suite rather than the university campus. The second form of debate looked more into race and ethnicity. This issue started at the turn of the 21st century, emphasizing situations on college admissions. In this case, most women did not worry, as the preferential

selection happened more among Blacks and Hispanics (Affirmative Action, 2005, para 3).

Sex Discrimination and Affirmative Action

A particular incident similar to what affirmative action suggests is the case of Johnson versus Transportation agency in Santa Clara County, California, et al. Primarily, this agency has set goals according to the affirmative action, emphasizing more on promoting employees. In addition, this policy advocated employee promotion based on sex and saw that women were often underrepresented in the “ traditional” job categories.

The goal of the plan is to achieve an annual improvement on hiring, training, and promotion of minority women throughout the agency, most importantly in the job categories where they were underrepresented.

Its vision was to give a proportioned number of employees concerning minorities and women in the agency. Nonetheless, the agency thought that some of its goals may be impossible to achieve and that the company should enforce more on the short-term goals then change them annually for better classification.

Hence, when a vacancy arose in the agency for a promotional activity, 9 of the 12 applicants passed the qualification and interview.

After these examinations, seven of the 9 applicants passed, two tied at the second position, both male and the third rank was a female. Scores of the second ranks was 75 and the third rank, 73.

As the director of the agency, he decided to choose which one of the two male applicants vied for promotion, but instead selected the third ranked
<https://assignbuster.com/affirmative-action/>

applicant, who is a female. Seeing this situation, one of the two tied male applicants filed at the Equal Employment Opportunity Commission, accusing that he had been deprived of promotion in violation upon the basis of sex.

The United States District Court for the Northern District of California had first decided of the agency unlawfully relying on the sexual preference rather than the qualification. However, this decision has been reversed at United States Court of Appeals for the Ninth Circuit saying that the agency's stance was lawful (Supreme Court of the United States, 1987, para 1).

References

Affirmative Action. (2005). Retrieved on February 13, 2008 from <http://plato.stanford.edu/entries/affirmative-action/>.

Supreme Court of the United States. (1998). Excerpt: Johnson v. Santa Clara County, California, Et al. Retrieved on February 13, 2008 from http://bss.sfsu.edu/naff/PA760/Johnson_v_Santa_Clara_excerpt.htm.