

Affirmative action in the workplace

Literature



Affirmative action, one of the most significant public policies of the 20th century, can be seen as an attempt to establish a more "inclusive moral convention," (McShea, 1990) which aims at achieving fairness and equality for all members of society. In such a society everyone has the ability to compete for its goods and benefits. (Fiscus, 1992)

Attempting to create a society, workplaces, and educational institutions in which individuals or groups are not stigmatised or excluded from opportunities on the basis of race/ethnicity or gender can be seen as the ethical foundation of affirmative action.(Rosenfeld, 1991)

The moral basis for affirmative action is found in the tradition of American public administration, anti-discrimination laws, and the principles of organisational justice.(Sheppard, 2002) To personnel managers, affirmative action has ethical significance from a variety of viewpoints, particularly as it relates to the "merit controversy" and organisational justice issues.

As we approach the 21st century, the rhetoric surrounding AA continues to become more obscure and from time-to-time it even intensifies. The 1990-91 civil rights legislation (Rosenfeld, 1991) and current initiatives to end AA introduced in several states, and approved by voters in California, (Tharp, 1998) are examples of events that fuelled arguments on both sides.

A wave of anti-affirmative action initiatives, court rulings, and wide spread public antipathy (Sniderman, 1996) have also sparked renewed interest in raising questions about the "merit" issue and the constitutionality of AA.

These developments have created a need to re-examine AA in the context of its current state of evolution, its past performance, and its original principles.

This paper argues that affirmative action (AA) is as much a moral issue as it is an anti-discriminatory measure. The focus of this paper is to examine the ethical aspects of AA rather than to discuss the anti-discrimination principles of AA concerning employment issues.

Today, the increased national sensitivity to the rights of minorities does not rely on the moral imperatives that should underlie such a debate, but, rather, the fear of litigation or so-called " political correctness." Viewing AA from a purely legal perspective reduces it to an adversarial proposition with winners and losers.

Furthermore, the doctrine of legal protection does not always discourage discriminatory behaviours. In spite of the available legal remedies, discrimination is often under-reported due to reasons such as fear of retaliation, complexities of the legal system, difficulty in supplying the necessary proof, and the psychological and financial costs involved.

(Bumiller, 1988) Focusing attention on the ethical principles of affirmative action at workplace divert attention from contentious legal issues and reinforce its fundamental purpose. In addition, an ethical perspective can also help counter the backlash and resentment toward AA policies within organisations. (Taylor, 2000)

Affirmative Action Defined

Affirmative action has been defined and interpreted in many different ways. In contrast to the passive non-discrimination of equal employment opportunity (EEO), AA means that employers must act positively, affirmatively, and aggressively to remove all barriers, however informal or

subtle, that prevent minorities and women from having equal access to all levels of the nation's educational, industrial, and governmental institutions.

Contrary to the popular rhetoric, AA does not equal quotas, although an AA plan may include quotas if courts find purposeful systemic discrimination. (Benokraitis, 1978)

Affirmative action can also be understood in terms of two rationales commonly given in support of the policy. Jacobs (1998) describes them as the integration and diversity rationales.

The first rationale views AA programs as a means of including members of racial, ethnic, or gender groups who have historically been excluded, intentionally or otherwise, from privileged positions or opportunities in American society.

According to this argument, AA is a policy instrument designed to bring about greater integration of different segments of society.

The second rationale justifies AA as a means of achieving diversity in the racial, ethnic, and gender makeup of social, economic, and political institutions that historically have been marked by rigid homogeneity.

The goal here is to transform the institutions themselves to reflect the diversity of American society. Both justifications can be explained from ethical perspectives, and taken together, they enable us to fully understand the significance of AA in the workplace.

Ethics of Affirmative Action

Even though AA has been in existence since 1964 in a legal sense, neither the scholars, courts, public officials, nor lay persons have arrived at a <https://assignbuster.com/affirmative-action-in-the-workplace/>

consensus about its fundamental purpose, its legitimacy as a public policy, or a reason for its continuation.

In the 1990s, due to a widely assumed decline in discrimination, (Sniderman, 1997) political discourse on civil rights has lost its moral urgency and has simply taken on the rationalized tone of legal decision makers. As a result, policies and practices designed to promote equal opportunity and fair treatment in the workplace are not receiving the kind of attention needed for continued progress toward eliminating workplace discrimination. (Ricucci, 1997)

Theoretically, AA policies were designed to help the system help the victim. In practice, however, the victims still find that they have to fight a system that does not want to help.

The current AA debate involves many ongoing, as well as new, arguments. The opponents argue: (1) AA is no longer needed as we have largely solved the problem of employment discrimination, (2) AA is unfair to white males because they are losing opportunities to women and minorities strictly based on their race and gender, and (3) it promotes inefficiencies in the workplace because minorities and women are hired and promoted to jobs for which they are not qualified.

The proponents, on the other hand, argue: (1) discrimination is very much a current, as well as prevalent, issue (2) it is difficult to define merit and it is often used as a pretext to exclude minorities from jobs and higher education, and (3) current discrimination is a result of past historical and social

practices and require colour and gender conscious remedies to provide access to societal goods, i. e., jobs and education.

AA is also attacked and defended on the grounds of utility: for lowering the level of competence in the society, or raising the level of competence in the long run as more of the society's individual potential is tapped; for polarizing society along racial or gender lines, or promoting long-term harmony and tolerance through initially forced familiarity; and through provision of role models that will help preferential treatment unnecessary in the future.

Affirmative Action at Workplace and Organisational Justice

If discrimination is prevalent and persistent in work organisations, and if discrimination is unjust and unfair, then ethical management of organisations demands that it be addressed and eliminated.

Ethnic/racial or gender-based prejudice and discrimination is a mechanism for treating people unfairly, the same as other forms of injustices practiced throughout history.

Behaviour engendered by prejudice wastes human potential, frustrates legitimate hopes, and perpetuates misunderstanding and hatred. (Young, 1990) A large body of literature points out that discrimination persists in organisations of all kinds.

Testimonials of injury caused by prejudice and discrimination are provided by numerous accounts of individual experiences with encountering and challenging workplace discrimination. (Bumiller, 1998)

Sidanius (1993) argues that discrimination is often the simple, daily, and sometimes quite inconspicuous acts of one individual against another. When

such acts of individual discrimination are aggregated over time, they result in maintaining clear differences in social status between groups.

Studies point out several pervasive forms of discrimination in contemporary organisations, often referred to as "subtle discrimination." (Soni, 1997) Job segregation, resistance in dealing with new gender and race roles, exclusion from informal and social networks, and the lack of a support system due to absence of sponsors and mentors for women and minorities are commonly cited examples of subtle forms of discrimination.

Other examples include poor inter-cultural relationships marked by silence, avoidance, and aggressive behaviours, and noticeable power differences based on race and gender identity. (Soni, 1997)

Affirmative action has primarily focused on outcomes, that is, the number of women and minorities hired and promoted. Generally, AA programs have existed as stand alone programs having very little impact on organisational processes and structures. (Hewitt, 1993)

Studies repeatedly point out that minorities and women continue to be underutilized in professional and managerial positions for reasons other than their human capital factors or proportion of availability in the labour pool. (Cox, 1998)

The underutilization of women and minorities typically results due to the perceptions of the hiring parties that a minority or female applicant may not have the "right chemistry" or may not be able to "fit in the organisation." (Cox, 1998) The discrimination does not stop at the hiring stage, it continues in various forms after the person has been hired.

There are often different standards of behaviour--one for white males, another for women and minorities. Rules of the game are many times ambiguous, unwritten, or even completely inconsistent with the written policy. For example, minority workers are placed under microscopic scrutiny, their accomplishments are ignored, and their mistakes magnified. (Copeland, 1988)

Reasons for Moral Opposition to Affirmative Action

The compensatory justice justification has been seized by its critics to support a general opposition to group responsibility and group entitlement, i. e., punishing or rewarding an individual simply because he or she belongs to a particular group.

Affirmative action is mostly criticized for being unfair to white males who are displaced by the program, even though they have not themselves caused particular harm to minorities or women. If these white males have not personally participated in the particular discrimination in question, then they are considered innocent.

Thus, the imposition of an AA quota disadvantages them simply because they are white or male. This is the often-used "innocent persons" or "reverse discrimination" argument. The innocent person argument is more than an important constitutional argument. It is a widely held, racially polarizing social argument.

The near universal belief in it is without doubt the single most powerful source of popular resentment of AA. (Soni, 1997)

Reverse discrimination is assumed to occur when women and minorities are hired over presumably "better qualified" white males. Opponents of AA claim that the burdens of reverse discrimination when visited on innocent whites are "an independent moral wrong not justifiable for reasons of policy or convenience." (Goldman, 1979: 155)

They suggest that reverse discrimination is a natural response to those who, under pressure, hire minorities until quotas are met rather than facing reprimands or losing funds.

Conclusions

The above discussion shows that arguments on both sides of AA are equally impassioned and both advocates and opponents argue their positions on moral grounds. The larger question is where do we go from here?

Different views exist about the continuation of AA: (1) AA works and therefore should be continued; (Buford, 1998) (2) AA does not work, i. e., the people who really need help are not getting it, furthermore, it is socially divisive; (Clegg, 1997) (3) AA was a useful policy in the 1960s but it is no longer needed as discrimination is not a problem any more; (Wilson, 1997) and (4) "mend it but not end it," suggests the nation's current president.

When evaluating the effectiveness of AA in the context of employment, important strategic questions need to be asked. These include: (1) What type of leadership initiatives and institutionalised incentive systems are needed to implement a meaningful AA program?

(2) How can organisations address the effects of backlashes developed against their public stance of AA, and counter the possible wrath suffered by

those who are perceived to have been hired under AA goals? (3) To what extent are careers formed through external market mobility versus the dynamic of the internal labour market?

Is it possible to achieve a fuller understanding of how factors such as job content, supervisory behaviour, personnel policies, and co-worker attitudes are likely to affect career development in the workplace? (4) Finally, and perhaps most importantly, how can the ethical justification for AA policy be incorporated into the organisational strategy (Taylor, 2000)

Critical policy questions remain to be answered about the continuation of AA policy in employment and education. First, settling the argument about how a discrimination-free society can be achieved while engaging in racial discrimination through public and corporate policy, (Lipset, 1992) is not an easy task when an equally strong moral claim is made by the supporters.

Proponents claim that the departure from the colour-blind and gender-neutral ideal that AA represents is necessary to offset the harmful effects of ongoing race and gender bias used by employers. Another important policy question relates to difficulty in developing a consensus about whether AA should be continued in the future, and if so, in what form?

Opponents argue that AA has achieved its original goals by providing opportunities for education and economic advancement for groups previously excluded.

Critics believe discrimination no longer needs to be viewed as a serious problem in this nation, and that what occurred in the past does not have any impact on the present.

(Wilson, 1997) Supporters, on the other hand, believe that the vestiges of past discrimination are continuing barriers to opportunities for present generations, that discrimination is still an active problem, and that substantial progress will not be made without affirmative government action. So, conclusively we can state that today affirmative action is still needed in the workplace.

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