Affirmative Action: The Pros and Cons Examined Through Student Work, and a Discussion of Contemporary Issues

This article examines an enduring topic in discussions around diversity management, that of affirmative action. The paper first provides a general overview of affirmative action, and thereafter introduces student work that examined the topic in the form of presentations of arguments both for and against affirmative action policies, and their discussion of various themes that emerged in these presentations. This is followed by a brief review overview that places the discussions in the context of previous research. Finally the conclusion raises concerns that little has changed over half a century of affirmative action policies, and asks whether more radical approaches may need to be considered to address workplace discrimination.

**General Introduction**

Affirmative action is a persistent theme in the discussion about diversity; it represents the actions taken to redress the injustices encountered by certain disadvantagedgroups in society; principally the adverse effects of past and present discriminatory practices in recruitment, hiring and training employees. In the context of the workplace, these groups include women and those that are frequently labelled as minority groups: for example, along the lines of race/ethnicity, age, religion, disability, and sometimes sexual orientation.

A starting place to consider affirmative action in the context of contemporary diversity issues can be found in the period after the Second World War. Indeed, affirmative action is frequently said to have origins in the immediate aftermath of the WWll – The GI Bill of Rights gave returning veterans special rights, such as to education and housing. Paradoxically, the prevailing social climate in the United States at the time this may have increased the social disadvantage of non-whites across all areas of society and of women in the workplace; the very people who now are the targeted beneficiaries of affirmative policies. The social movements emerging in the latter part of the 1950s and into the late sixties resulted in legislation introduced to address discrimination encountered by disadvantaged groups and minorities. For example, early legislation in the US addressed racial discrimination (Civil Rights Act; 1964) and gender discrimination (Equal Pay Act; 1963). Over subsequent years, and across the developed world, legislation has also been introduced to prevent discrimination on the grounds of religion, disability, sexual orientation, and most recently age.

But while legislation may seek to address injustices that take the form of discrimination, it does not necessarily result in equality of opportunity. Equality of opportunities is the foundation for affirmative action plans (AAPs) and policies.

The issue of whether discrimination should be addressed by positive action is contentious. Numerous reasons for the introduction of affirmative action plans (AAPs) have been proposed. These include addressing equality of opportunity, compensation for past discrimination, preventing the wastage of minority talent, and the provision of future role models (Sher, 1975; Shaw, 1988). However, discriminated groups, beneficiaries of AAPs, and outsiders report mixed support for affirmative action, and describe both positive and negative personal outcomes.

While affirmative action may be bound up in legislation, frequently action is beyond compliance with the requirements of that legislation. It is not surprising, therefore, that this type of approach attracts considerable legal and ethical debate and challenge relating to whether such action should or should not be a part of employment practice and, if it should be used at all, to what extent it forms part of voluntary codes or targets, and to what extent these should be fixed in a more formal way.

There are a number of terms that describe this form of anti-discrimination policy. In the US the term affirmative action dominates, whereas in Britain positive action is most frequently used. Other terms include, positive discrimination, employment equity, and reverse discrimination. While there might be some debate about their differences, with the exception of reverse discrimination the terms are frequently used interchangeably, an approach used in this article. The difference for reverse discrimination is that it is itself explicitly discriminatory, albeit in favour of certain groups and against the dominant status quo. In other words it is ‘radical’ action (Forbes 1991).

Forbes (1991) has very neatly described approaches to equality of opportunity in terms of policy strategies, in terms of *formal*, *liberal*, and *radical* methods. *Formal* approaches relate to the standardisation and formalisation of workplace process (for example in HR) as a means to remove discrimination. The assumption is that references to identity – for example, ethnicity and gender – are inappropriate and that all individuals, e.g. job candidates, are treated alike, thereby eliminating discrimination. Here there is no reference to affirmative action, rather equality of opportunity is a natural state.

The *liberal* approach deems that mere formal processes do nothing to alleviate discrimination. Action is necessary to overcome current and historical discrimination against disadvantaged groups and it is only through affirmative action plans and other targeted strategies that a ‘level playing field’ can emerge. Although some describe an approach that requires action as interventionist, an attack on the concept of a meritocracy, and counter to a free market, other researches do see that it is only on a level playing field that a free market and meritocracy can thrive (e.g. Kirton & Greene, 2010).

As the name suggests *radical* approaches take a stronger position, and see the liberal approach as inadequately weak. Although the liberal approach offers support to disadvantaged groups or individuals, the outcome is unclear and barriers remain to integration or real advancement. It is only by radical action, in the form of reverse discrimination, can equality of opportunity emerge. The independence of employers is removed by the implementation of quotas and preferential selection. Treatment, for example at recruitment, selection, training, promotion, is deliberately unequal in favour of disadvantaged groups. This approach is both controversial, and with some exceptions relating to disability, in many cases now contrary to law (see below)

***Misconceptions***

As is the case with many emotive issues, misunderstanding and misconceptions about affirmative action abound. The issues and practices are frequently subject to oversimplification; many people lack the precise knowledge of how programmes operate and of the policies and legislation (Crosby & Cordova, 1996). Moreover, there is the erroneous notion that affirmative action promotes the hiring of unqualified individuals and lowers standards.

The term itself brings about connotations that arouse irrational misunderstanding and mistrust about equality and fairness. For example, a common misconception is the assumption that due to affirmative organizations have standard structures and practices that are specifically designed to include policies that are deliberately biased against those who hold the ‘powerful jobs’: i.e. white men (Crosby & Clayton, 2001: 73). Here, people assert that although AAPs are designed to provide equality of opportunity, this produces reverse discrimination and unduly penalizes those who are not responsible for discrimination.

***Legal challenges***

Discussions, arguments, and legal challenges have been on-going for half a century. Clearly the topic remains a contemporary issue and one that is contentious and controversial.

There are some individuals who may have been positive towards AAPs in the past but now believe that there is strong evidence that the workplace has become increasingly diverse and therefore these affirmative plans are no longer required (e.g. Berry & Bonilla-Silver, 2007). In the United States propositions have put forward in several states (whereby, if a requisite number of signatures to a petition are obtained a state-wide vote takes place) that have resulted in the abolition of AAPs (California Proposition 209 – 1996; Washington Initiative 200 – 1998;

Michigan Proposal 2 – 2006; Arizona Proposition 107 – 2010). In 2014 the US Supreme Court upheld Michigan Proposal of 2006 (banning AAPs with regard to race in university selection). Interestingly, this judgement was not made on the basis of the rights or wrongs of AAPs *per se*, but on the basis that the state decision was the outcome of a voter initiative.

In 2000 the European Court of Justice ruled against Swedish law that permitted preference to women applicants for university employment. Given Sweden’s membership of the EU the implications are important across all member states. The UK equality Act clarifies that positive discrimination not permitted in UK, but with some exemptions relating to election shortlists for parliament, and with respect to religion related to negotiations for the peace settlement in Northern Ireland. However, notwithstanding the legal position, legislation does allow recruitment and HR practices, such as job advertisements and training, to target applicants from under-represented groups.

***An enduring contemporary issue***

Before moving to the focus of this article, student work that examined arguments for and against affirmative action, some recent reports and news stories underscore just a few of the current issues that are faced by disadvantaged groups. This highlights that despite a discourse that has remain largely unchanged for half a century, there are calls for strong action to right concerns that are considered to be clearly unjust, unacceptable, and indefensible in the twenty-first century. Two such examples are the *Global Gender Gap Report*, and the lack of women in senior roles.

* ***Global Gender Gap Report***

The World Economic Forum published its 2014 report *The Global Gender Gap Report 2014* in October of 2014. The report ranks nations according to “*economic, political, education- and health-based criteria and provides country rankings that allow for effective comparison across regions and income groups*”.

The highest rank nation is Iceland, which is followed by Finland, Norway, Sweden and Denmark (Germany in 12th position; US in 20th place; and UK ranked 26th). However, notwithstanding Finland’s creditable position in the WEF report, gender pay differences published in Finland (STTK, 2014) in the same month as the WEF report presents figures that show that Finnish women earn 83% of the male counterparts. This does not necessarily mean that women earn less in like for like work, but clearly, women are less able to gain employment in higher paid work. Similar statistics apply to the UK (Fawcett Society 2014), but here the traditional explanations that women are in lower paid jobs, continue to have a ‘motherhood penalty’, and work part-time, are supplemented by the simple statement “Discrimination hasn’t gone away”.

* ***Women in senior roles***

Women’s representation in the workplace has been extensively researched over the past four decades. Although during this period the proportion of women in the workforce has increased, a consistent finding is that women are poorly represented at a senior management level across a broad range of organisations and occupations; they are held back by a “glass ceiling” that prevents them from attaining senior positions (Heilman, 2001). Regardless of competency, women remain in a “stuck group” (Davidson & Cooper, 1992) of under achievers.

One explanation is not that women’s aspirations have become diluted when they reach middle management, but there is a feeling of discrimination expectancy. This causes women to hesitate when it comes to applying for top management positions due to the expectation that existing discrimination will frustrate their promotion. Here a lack of role models and enduring statistics that show the paucity of women at the top sustains expectations that senior positions are virtually unattainable. Frequently, where women do take on the most senior roles, this is in a position that has traditionally fallen within the realm of women, such as HR and communications (Powell, & Butterfield, 2003).

There are, of course, exceptions. Forbes Magazine publishes a list of the of world’s 20 most powerful women in business which include many of those found in Catalyst’s annual reports of women CEOs of Fortune 500 firms (4.6 per cent in 2014). In the UK, there are a similar number – four women are CEOs of FTSE 100 companies (Vinnicombe, Doldor & Turner, 2014).

What is striking about these examples is that the news stories relate to annual reports that focus on the issue at hand. In other words, the World Economic Forum report of the gender pay gap in 2014 (newsworthy worldwide and here in Finland) is not an *ad hoc* report, but rather a yearly report of on the topic of an injustice – unequal pay to women – an issue that requires attention every year. Similarly, reports about women in top management positions, for example the well-regarded analysis and report on women at executive board level produced by Cranfield School of Management in the UK (Vinnicombe, et al., 2014) and the Catalyst report are also an annual account of an enduring issue; the paucity of women appointed to the boards of major global companies. Given that these issues return year after year with little resolution it is hardly surprising that calls for affirmative action are unlikely to disappear in the near future

***Summary***

The arguments for and against this form of action attract well-reasoned contributions and emotive responses from both sides (and, of course, rather less articulated discussions). It is even the case that arguments put forward by both proponents and opponents appear to be so reasonable and rational that rejecting one stance in favour of other the can result in accusations that one is ignorant and ill-informed. The argument that “it depends on context or individual cases” may help here; but in essence this becomes a ‘vote’ in favour of (some forms of) affirmative action.

It is in this context that students examined the topic generally, and considered the arguments both for and against affirmative action policies. They presented their analysis and a group discussion followed.

**Student Work**

**The students**

The students were participants in a summer school course ‘Diversity Management’ at Metropolia School of Applied Sciences. The course provided credit units towards their Master’s studies; it was also open to visiting students from overseas and to Open University students.

There were twenty-one students enrolled on the course, represented by approximately fourteen Finnish nationals, and non-Finnish residents originating from Europe and Africa, and visiting nationals from other European states, including Russia, Denmark, and Italy. The gender mix was fairly even (12 women, 9 men).

Consistent with the general profile of students undertaking Master’s studies at the school, almost all have fairly lengthy work experience in varied organizations, both national and global. At the outset of the course the students described their work experience and also their experiences of diversity from their own perspective/experience and their general view of their workplace approaches to diversity and its challenges.

**The task**

The students were randomly formed into three groups and tasked with researching and presenting on the topic of affirmative action, and associated approaches to counter discrimination. Only a very brief explanation of affirmative action, positive discrimination, positive action was given at this time to clarify the term; thereafter the students were self-directed to ‘discover’ the topic.

All the groups were required to research the topic. However, one group was required to argue *for* the approach, the second group to argue *against* the approach, and the third group to weigh the arguments and to self-decide a conclusion in favour or against. In addition to using fairly easily found sources, such as consultancy websites, news stories and other reports, the groups were instructed to draw principally on published articles.

During the research period the instructor reminded the students that in order to properly argue a position it is necessary to understand the counter-arguments and that these should be properly presented and countered so that their position could be considered a reasonable conclusion. In essence, this means that all the groups were given an identical research task – to engage with the existing knowledge around the topic – but to conclude by arguing from a given position.

**Presentations and Discussions**

The students had a full day to research and collate their materials, with some added presentation preparation time. Each group gave a 25-minute presentation followed by ten minutes of comments and discussion. After the final presentation an hour was set aside for a fuller discussion. The instructor recorded (in writing) comments and arguments made in immediate post-presentation discussions and the final discussion and these form a major part of this article. The notes were written quickly and contemporaneously and while the comments and arguments are not a precise verbatim record, each is from a recorded field note and captures the issue and the emotive quality that was being expressed.

Each group’s presentations described principle themes that are discussed across the literature and in Internet sources, professional magazines and other media. As is to be expected for a short presentation, the depth of argument around each theme varied from a mere mention to more profound ideas. Similarly engagement with published work varied considerably. However, the post-presentation and final discussions provided opportunity for in depth discussion around each theme. Similarly, a subsequent literature review enhances the student’s engagement with published work provides the theoretical ideas around which the student work is synthesized and grounded in this article.

The student’s presentations are summarized and presented in terms of simple themes in the Table below. These then form the focus for much deeper comments and debate that took place in the discussions that followed. In the summary of the discussion each theme is presented under a subheading, and includes extracts from the students’ discussions. Thereafter, the themes are put in to theoretical context by reference to literature gathered in a review of published work. Finally, some conclusions are presented.

**Student Presentations - Themes**

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| --- | --- | --- |
| **Theme** | **Supportive Qualification** | **Opposing Qualification** |
| General vs Specific Views | Need to right past wrongs  Society is inherently discriminatory and action is required  Women and minorities understand discrimination and support action  Contact with programme enhances support | Diversity and equal opportunity is now present in the workplace - no further need for AAPs  The ‘common man and women’ generally oppose AAPs |
| Role Models | AAPs can increase the availability of role models (and mentors) for under-represented groups  Increases visibility of under-represented groups  Thereby improving the notion that opportunities and available and worth striving for |  |
| Self-esteem | Discriminated groups have lower self-esteem because they are unable to fully engage in society and the workplace  Beneficiaries report improved self-esteem | Minority groups who have benefited from AAPs show improved self-esteem  However contrary findings that beneficiaries do not have enhanced self-esteem |
| Qualifications and Legitimacy |  | Beneficiaries are perceived by outsiders as lacking legitimacy  Real qualifications of beneficiaries are devalued  Qualifications of non-beneficiary members of under-represented groups are also devalued    Beneficiaries negatively self-evaluate if others viewed them as having been preferentially selected |
| Meritocracy | Merit requires that there is first ‘a level playing’ field from which a meritocracy can then be applied. Discrimination undermines merit until all have the opportunity for a ‘fair start’ | AAPs are contrary to the notion that one achieves and prospers through merit |
| Free Market | A free market also requires ‘a level playing field’ – without which the fundamental argument of ‘free’ market is destroyed | Interferes with free market and firm autonomy |
| Equity & Fairness | AAPs are righting what is inherently unfair and unjust | Negative feelings and resentment directed at perceived beneficiaries and at the firm |
| Level of Action | Little has changed over half a century – ‘radical’ action such as binding quota is required | Quotas and other methods result in tokenism – beneficiaries make up the required numbers  Training programmes offer opportunity, AAPs move beyond this level of support |

Student Discussions

As described above, the principal themes described in the three student group presentations were the focus of the class discussion. Students were at large to discuss the issues as they saw them, and providing the discussions were respectful of classmates and were not unacceptable in a civil society, personal views and experiences could be openly expressed. The discussions are presented below in the form of extracts of students’ expressed views and arguments.

**Merit**

The session commenced with a discussion of job selection according to merit.

People should get their job, any job as normal workers or as an executive because they are the qualified people. Anyone has the chance to get qualified. In Finland yes, and in the western world people can get the right qualification and show they are the right person.

They say ‘merit’ and ‘meritocracy’ – Americans do. And we have seen examples that everyone has the chance. What about the McDonald’s Diversity Manager example that XX talked about. That lady did not get the job because she is African American, but because she was the best person

If you get the job **not** because you are the right qualified person, experience or school or whatever qualification, but rather for diversity, then people will not think you can do it well. They are not going to trust you; they don’t want that person to be their boss or colleague, or part of their team – that tells you that this way (affirmative action) is not a good way!

A counter argument expressed the view that the meritocracy argument is far more complex than that put forward by pro-merit discussants.

But we don’t have a real meritocracy, even here in Finland and in the world. You get to places because you know people; is connections about merit.

… we still have sauna meetings here – that excludes people, mainly women. Can you call that merit or is it like an old boy’s club, they call it in English. This club is for people in the networks, and excludes others.

… and there are some women in that club; some have a number of big jobs as executives; sometimes I think they are accepted as ‘allowed to be men when they are a director’

Maybe it is part of the ‘American dream’ but meritocracy is really a dream, and you are dreaming if you think things really work that way; ha ha.

If you give favour to some people more than others then you already throw the merit argument out the window – and in some jobs, I don’t think so much in normal work, but board people, the jobs are shared by friends.

How do outsider get into the circle. Maybe here they have to have the quota – that way more women get in the system and minorities too. But I’m not sure this is needed for Finland. People will not think we need a quota system here – we have many examples of high placed women.

Yes but we know that Finland is not perfect – always there is news that this and that is the case; and every year they say women get less pay. When those arguments go away, people can say ‘we don’t need any action here’.

**Legitimacy and Discounted Qualification**

One of the students introduced the notion of being qualified for the job (rather than imposed by affirmative policies). Here some comments were picked up that led to interesting themes.

That idea (being qualified) is really important – if you get your job and you don’t have the experience or real knowledge, that’s not right. Anyway, what really will people think of that colleague or boss, or even someone they must supervise? If someone comes in that way, then it’s time to leave!

I’ve been on teams when someone was not the right person and it was terrible – I don’t know if it was a ‘normal’ recruitment mistake or some action thing, but it can take lots of time to sort it out.

We talked of team diversity yesterday (class topic), so how do you get team cohesion, trust and that stuff if somebody joins because they make up the (quota) numbers

Maybe that person is right, but if others think they got the job for another reason (affirmative action), probably it won’t go well.

What if you are a so-called minority, or a woman and you are the best person, and even then people think that you got the job because they know that there is some sort of system in the work; that’s not a good situation to work with suspicious people who think you got favouritism. All your work you did in your life to become hired – it’s like it is being called ‘rubbish’. Firms must think about that. And I don’ want people to think I’ve got some help because I’m a women when I got the job in the proper way.

**Going beyond legislative requirements**

The students moved on to a discussion about whether firms need to only comply with legislation or go beyond these requirements

The law takes car of this ... then we have to do it; some don’t like it but then there are lots of laws that many don’t like. We don't need to go further than that ... it then becomes a matter of we must do what the law states.

Compliance? ...Yes that's the word

We saw earlier in the class the four different organization types ... Those that don't do what they have to do need to be looked at... training, warning, penalty, fine or something. But if you do more you discriminate against the people who are not counted as 'special'. If you discriminate to stop discrimination it's a joke

If it's compliance then introduce legislation and then that is it. Make it very hard law – not plans or policy. Because what we have now does not work well. The takes care of it, equality is forced, soon, it will be no longer something that is still talked about

So why are we still talking about this... it means stronger action is needed

Is it right that some get paid less not as individuals but as a whole group like women or immigrants get less than a person doing the same work?

Not only disclosure but penalties- it becomes auditable (like lots of processes to do with accreditation) Already figures are collected but now need to have more meaning Is it last chance to do things without legislation otherwise we have to go to something like the Norway solution

**Stronger Laws and Quotas**

The session concluded with a discussion about imposed quotas such as those in Norway (a country outside the jurisdiction of the European Central Court) where there is a legal requirement to have a minimum of 40 per cent women on the boards of public listed firms.

Do we want the Norwegian solution here in Finland... Well it seems to be effective there are nobody now thinks it a shit country or thinks it's gone bad

But then we have tokens - so called tokenism- do minority people and women want to be seen as the token women who make up the number. The argument is a circle

Perhaps there is a need to do something until things are fair for all. Then things will almost be forgotten... or not important. But for it to ‘go away’ there needs to some laws that give everyone the same start place

In England we call it 'a level playing field'

That's it... but the policy now is like words only. Real laws, then after time the argument goes away ... Nobody really discuses if women can drive buses, work as electrician and be IT engineers anymore. Then these people are seen by the new generation... What is possible for me to be – what we discussed in class about role models

**Theoretical synthesis**

The section below places the themes presented by students and the subsequent group discussion topics in the context of published research on affirmative action policies. Many of the arguments for these policies are set out in the introduction of this paper, therefore the themes below are principally issues that are unsupportive of AAPs. However, supporting positions are also provided where they help to provide balance between arguments. It is unquestionably the case that where AAPs are utilized to address gender or ethnic/race discrimination in the workplace, both beneficiaries and non-beneficiaries report negative reactions.

* ***General Perceptions of Affirmative action policies***

Although, perhaps not surprisingly, women and minority groups are more supportive of affirmative action plans than men (Tougas & Beaton, 1993), negative consequences have also been reported, and a consistent finding is that people (the common man and common women) generally oppose preferential treatment (Singer, 1992).

At the more focused level, studies have found that people who believe that discrimination is systemic problem in society are more likely to support affirmative policies (Bobo & Kluegal, 1993). In terms of women and ethnic minority groups who believe these groups receive unfavourable workplace opportunities, support for AAPs is common. Moreover, justification on the basis that past wrongs need to be addressed is enhanced when evidence is provided that there has been little improvement for under-represented groups over many decades.

Through contact with affirmative action programmes, employers and unions have increasingly accepted the practice and have become involved with a greater level of active implementation (Povall, 1990). Here the notion of role models may be relevant. A lack of role model for women and under-represented groups is suggested as justification for affirmative policies because it would serve to increase the visibility of those who had gained improved positions and thereby indicate opportunity, and provide role models to other.

Understandably, the level of perceived action can influence positive or negative attitudes. For example, Summers (1995) reports that special training programmes were perceived as a favourable method, but attitudes to differential selection and quota based plans were unfavourable (see also Anderson, 2004)..

* ***Self-esteem***

Research evidence suggests that discriminated groups suffer from lower levels of self-esteem. In a meta-analysis Kling et al. (1999) found women’s levels of workplace self-esteem were generally lower than that of their males colleagues. Although differences were small, the main explanation was that of workplace discrimination.

Pak, Dion and Dion (1991) report lower self-esteem in race minorities and the double jeopardy where the individual is also a woman. Himma (2001) considers the issue of reduced self-esteem from the perspective of workplace discrimination and concludes in favour of affirmative action as a response to the harms caused by institutional prejudice. The terminology used here is that a “fair start” is provided to women and minorities to counter an unfair competitive climate. An appraisal of positive action management development programmes for women, reported beneficiaries’ short and longer term improvements in self esteem (Brown, 2000).

However, researchers have also found that beneficiaries of AAPs report negative self esteem, self-evaluation, feeling of being undervalued, stigmatized, and lower motivation (Heilman et al., 1996; Blaine et al., 1995). Overall, these somewhat conflicting studies lead to an unclear conclusion with regard to self-esteem and AAPs

* ***Discounted qualifications; undermined legitimacy***

Researchers have consistently found that perceived (and real) beneficiaries of affirmative policies are considered to be less qualified and hold less legitimacy than counterparts who have not received this support. For example women discount the qualifications of promoted women who were perceived as policy beneficiaries, but enhance qualifications where no affirmative action was perceived. This contrasts with men who generally discounted the qualifications of all women in management positions (Summers, 1991).

In terms of legitimacy, people more likely to follow leaders that they perceive as legitimate (Hollander, 1958) – but as beneficiaries of AAPs on grounds of gender and race have lower perceived legitimacy and ability and receive negative evaluations of leadership performance and perceived competence (Heilman & Alcott, 2001). At the general workplace level – in other words, not exclusively leaders – people negatively self-evaluate in the knowledge that others viewed them as having been preferentially selected.

* ***Meritocracy & free market***

As outlined in the introduction the issues of merit and free market interference are frequently found in affirmative action discussions. Supporters of AAPs consider that these policies are ‘merit-upholding’ (Reyna et al., 2005) and supportive of free markets because they firstly provide a level playing field from which everyone has a fair start. Unless people start from a position of relative equality it is simply not a fair race. However opponents of AAPs see these as ‘merit-violating’ policies, because merit is devalued when policies are applied.

Equally, these policies interfere with the firm’s ability to be autonomous, and therefore undermine a free market. The counter argument in the free market context is that providing opportunity releases people from disadvantage, and the place from which their capabilities would otherwise be unrecognized and untapped, and these opportunities are the essence of a free market economy (Kirton & Greene, 2010).

* **Perceptions of Fairness / Resentment**

Equity theory (e.g. Adams, 1963) posits that work involves a process of exchange, and put simply, within that exchange they expect to be treated fairly. Although some individuals are of a ‘benevolent’ type, most are ‘equity sensitive’; in others words treated equally to their comparison other.

Perceptions around being treated fairly are found in the affirmative action debate and the success or otherwise of affirmative policies may rest on whether they are perceived as fair and equitable. For example, non-beneficiaries (in terms of membership of a non-target group) express negative feelings and resentment (directed towards both beneficiaries and the organization) if they believe that an individual has received what they believe to be an unfair advantage; more so if this results in an outcome where they do not receive what they believe to be their entitled reward (such as promotion) (Heilman et al., 1996; Cropanzano et al., 2005). On the other hand, frequently individuals from disadvantaged groups (women and ethnic minorities) consider recruitment policies to be unfair if they are not hired (Cropanzano et al., 2005).

Resentment and perceptions of unfairness can be found where policies may be thought to exist but where in fact the promoted individual has not benefited in this way. Research reports that men frequently assume that women received preferential treatment, when this was not explicitly reported or even not the case at all, and that irrational resentment can follow (Heilman & Blader, 2000)

The notion of fairness and equity clearly has a role in how affirmative policies are introduced and applied in organizations so that they do not have a wider cost in terms of employee resentment.

**Straw poll of Student**

A rather unscientific poll was included in the work. Before the students researched the topic a show of hands vote produced a small number in favour of positive actions, and rather larger number against this approach (five in favour; nine against; the remainder of students who did not raise their hands!). At that time, there were no comments that the question was too complex to answer.

After the group presentations a further poll showed a no change in the number in favour of affirmative action (five people), a similar number to the prior poll were against (eight people), and a group emerged who wanted to answer yes to both sides of the debate, offering an ‘it depends’ response (six people). In other words, context was the key issue. But a problem here was that for almost everybody the context(s) varied to such a degree that none of the principal themes (see Table XX) could be considered to be the tipping point at which favourable or unfavourable views to affirmative action came into play. A further interesting aspect of this poll is that although the numbers in each group supporting and opposing affirmative action were almost unchanged after the debate, the people in each group were different. Some supporters and opponents had moved to the ‘it depends on the context’ group.

**Conclusions**

For the students, affirmative action is clearly an impassioned issue – students appeared to be interested in the debate and could relate it to personal experience and challenges in their own organizations. It is not surprising that no real consensus between students could be found

The student exercise does not produce ‘findings’ such that have implications for organizations, but by drawing out the themes and engaging in a debate about the internal and external effects for perceived beneficiaries, for co-workers organizations, and the student discussion certainly has relevance to managers of organizations both in the HR role and other functional departments.

Radical approaches are perhaps those that are most criticised – but what if more voluntary approaches (liberal and formal) simply have no effect? To the critics who question the continued necessity of affirmative action plans a return to a quote from a Harvard Business review article of some forty years ago (Chayes, 1974) reveals issues that remain unchanged; “*it is clear that women have consistently been relegated to lower status jobs in the money economy…The occupational status of women is the major symptom of an opportunity structure that is much more limiting for women that for men.”* Surely that the situation is virtually unchanged is no longer acceptable and calls for a radical approach (Forbes 1991) will increase.

As a case example, notwithstanding objections that are not dissimilar to those outlined about, Norway took action that forced (under threat of firm closure) the board of publicly listed firms to have a minimum of 40 per cent women by 2005. Firms are required to report gender composition and pay statistics, and recruitment training and policies in their annual reports. Now, some years after implementation, there appears to be a full acceptance of this strategy; some would argue that a wrong has been put right.

Has there been an impact of affirmative action plans. At the personal level, clearly individuals who have benefited from these policies have found employment and positions in firms that might otherwise been unattainable. In the Finnish context, examining academia, Husu (2001) reported that there was no evidence that AAPs had changed culture and structures, and the position of women was not significantly enhanced, but at least awareness of the issues had heightened over the previous ten years and were vastly more visible.

Sadly, it is challenging to find examples where the low representations of disadvantaged groups have reached a critical level where real impact can be found. However one example can be found in the political domain where affirmative action in the form of positive discrimination (the radical approach) is permitted by the Sex Discrimination – Election Candidates – Act. Following devolution in Scotland in 1999, fifty per cent of Scottish Labour Members of Parliament (which led the Government coalition) were women. At the time, Julie Mellor, Chair of the Equal Opportunities Commission suggested:

Where women have reached critical mass in term of representation, there is clear evidence of a policy impact. Sex Equality Issues have become part of the mainstream debate in Scotland, so that, for example, the potential impact on women of social and economic policies is always taken into consideration. That should be the case in all our political institutions. Mellor, 2001)

Perhaps it is the way that AAPs are framed that brings about support or opposition. For example the notion of ‘diversity programmes’, which in many (but not all) cases are no different to AAPs, is a different discourse. The notion of positive/affirmative action that favours an individual or group is not found in this language, and perceptions of unfair advantage or preferential treatment (Kravitz, 2008) are diluted.

A further option is that organizations build a business case for affirmative action plans. For example, women, and indeed other minority groups, are a growing identifiable consumer group and perceptions that organizations for whom they are customers take action to overcome workplace discrimination can place themselves at a competitive advantage. This can also become a point on which to focus when ‘selling’ AAPs to sceptical employees. Moreover, there is plainly a cost to employers who do not take full advantage of the talent pool both within and outwith their organization. Here the discussion around merit returns. High calibre employees and applicants that are members of disadvantaged groups become underutilized, demotivated and ultimately will leave; a cost in term of replacement and turnover, and lost talent.

Finally, with regard to the business case, Kirton & Green (2010: 205) offer an organizational analysis with four ‘*Types of Equality & Diversity Organization’*

* The Negative Organization (no traditional equal opportunity & diversity policy that may not comply with the law)
* The Minimalist/Partial Organization (declares to be an equal opportunity employer, probably follows management fashion but in practice equal opportunity & diversity have a low profile and narrow business case.
* The Compliant Organization (a narrow business case orientation towards equal opportunity & diversity, but complies with full legal obligations through formal policies – line managers may resent HR ‘interference’)
* The Comprehensive/Proactive Organization (emphasis on the business case for diversity and equality and agenda embraces the social justice case. Aims to develop and implement ‘best practice’ and monitor outcomes; might include positive action. Management champion equality and diversity, which is linked to performance objectives (of individuals and the organization).

We can make a connection here to corporate social responsibility, where the traditional view (e.g. Friedman 1970), has essentially been overtaken by ‘the business case’ and the benefits that accrue from positive social responsibility actions. Is it time to more strongly apply the same rational to affirmative policies aimed to overcome workplace discrimination?

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