

# Affirmative action in employment

**Author:** Crosby, Faye J; Konrad, Alison M **Source:** Diversity Factor 10, no. 2 (Winter 2002): p. 5-9 **ISSN:** 1067-7194 **Number:** 110389761 **Copyright:** Copyright Elsie Y. Cross Associates, Inc. Winter 2002

---

Faye Crosby is Professor of Psychology at the University of California, Santa Cruz.

Alison Konrad is Professor of Human Resource Administration at Temple University 5 Fox School of Business and Management.

Affirmative action - body debated and divisive - affects many people. All federal government workers, including military personnel, are directly affected by the laws of affirmative action. So are thousands of companies, employing between 20 and 25 percent of the nation's labor force. Affirmative action policies also affect the nearly 16 million students attending U.S. institutions of higher education.

Affirmative action policies command attention because they tap into basic debates about fairness. As a nation, we say we are committed to fairness, but our history of achieving fairness for all individuals, regardless of race, ethnicity or gender, has been far from perfect. Any policy that reminds us of the disparity between our values and our behaviors is bound to spark debate. This is confirmed by the fact that on any given day the media distributes numerous articles covering affirmative action. On the internet, Amazon.com lists 385 books on or related to affirmative action and the Google Search Engine alone identifies three-quarters of a million mentions of affirmative action on various web sites.

Looking back over the past few decades, it seems that the opponents and proponents of affirmative action have been talking past each other. Clearly, affirmative action means different things to different people. Opinion polls reveal that many citizens are uninformed about its basic principles let alone the technical mechanics of affirmative action. A random sample of Chicago citizens, for example, showed that 40 percent of those sampled thought affirmative action was a quota system, while 48 percent defined affirmative action as a monitoring system. The former group disliked affirmative action and the latter endorsed the policy. These differences in endorsement persisted even after the researchers statistically controlled for political allegiances, gender, race and age.<sup>1</sup>

Given the sheer number of Americans who are affected by affirmative action, it is interesting to note the absence of explanations about the policy in high school and college textbooks and in the media. Several years ago, when former President Clinton was publicly reviewing and revising affirmative action, scholars conducted a count of articles on the topic in USA Today, The Washington Post and The New York Times. They found 176 articles on affirmative action published during the months of June, July and August, 1995. Of these, less than a dozen offered anything that could be coded as a definition. <sup>2</sup>

## Affirmative Action Defined

Affirmative action operates in two realms - employment and education. In both realms the underlying principle is the same: affirmative action exists when an organization deploys resources to make sure that people in designated categories receive fair treatment. In their efforts to enhance workplace well being, the non-partisan American Psychological Association undertook a study of affirmative action. Their definition, similar to the official definitions appearing on government publications, captures the meaning of the policy: "affirmative action occurs when an organization expends energy to make sure there is no discrimination in employment or education and, instead, equal opportunity exists."<sup>3</sup>

In employment, the general definition of affirmative action takes specific form, based on Executive Order 11246, signed into law by Lyndon Johnson in 1965. This order, as amended by subsequent presidents, requires all federal contractors above a certain size to be affirmative action employers. All organizations who conduct more than \$50,000 worth of business with the federal government and who employ more than 50 people are required to develop and deploy an affirmative action plan.

Legally an affirmative action plan contains two components: self-scrutiny and action. The self-scrutiny component requires the contractor to monitor the number of people in protected classes who are employed in various job classifications and match these numbers against the numbers of qualified people in the protected classes who are employable in those jobs. Note the word "qualified."

According to Executive Order 11246, protected classes of workers are determined along two axes. The first of these is gender, and women constitute a protected class. The second axis is ethnicity, and four groups of Americans are protected along the grounds of ethnicity: African Americans, Hispanic Americans, Asian Americans and Native Americans.

How can an employer know the number of qualified women and ethnic minorities? Different employers use slightly different methods, but the general procedures are the same for all employers. The federal government, through the Office of Federal Contract Compliance Programs (OFCCP), provides aid to organizations the first time they create an affirmative action plan. As the American Association for Affirmative Action advises its member organizations, there are computer programs that can be obtained to help complete the task. Specialized consulting firms also provide assistance to companies. Just as an organization would employ an accountancy firm to help with its books, and a general law firm to conduct its legal business, the organization might hire a specialized firm to help it define job classifications and determine the numbers of qualified people in them. Alternately, an employer can itself analyze census data to determine the numbers of qualified people.

Once the monitoring is done, an organization can see if it employs too few women or too few people classified as ethnic minorities. This process is one of matching incumbency to availability. When incumbency falls too far short of availability, the organization is expected to devise reasonable remedies concerning hiring and promoting. Here, then, is the second component of an affirmative action plan - the action component. Goals and timetables are needed. Quotas are forbidden.

What happens if an organization fails to meet its own goals according to its own timetables? As long as it can demonstrate a good faith effort, very little. If it is not making such an effort, the organization may be required to make settlements for those affected. In 1999, the OFCCP conducted nearly 4,000 compliance reviews and the majority of employers were found to be in compliance with the law. For those who were not, conciliation agreements were reached. According to official statistics, the OFCCP recovers about \$30 million a year for the victims of sex and race discrimination through settlements with companies that have erred.

### The Need for Affirmative Action

Affirmative action appears to cost more than equal opportunity. It arouses more criticism than equal opportunity (which, as an idea, arouses virtually no criticism). And some researchers claim that affirmative action programs can undermine those whom they seek most directly to benefit by allowing others to question their merit.

So, why have affirmative action at all? Why not rely entirely on equal opportunity? What is gained by having a policy that requires organizations to devote energy to assuring fairness? What is the benefit of a proactive policy when the existing reactive policies cost less and arouse less opposition?

Surprisingly, one of the strongest reasons for affirmative action comes from the laboratories of social psychologists. In 1982 psychologists first wrote about a phenomenon they labeled "the denial of personal discrimination," which is the tendency of individuals to believe that they personally are exempt from the discrimination they know affects others in their group. Subsequent research shows that those in disadvantaged groups may minimize discrimination without denying it.<sup>4</sup> Yet the implication remains the same: policies that require the aggrieved to come forward on their own behalf are ill-suited to the psychology of North Americans and Western Europeans.

When people come to realize that they have been disadvantaged, after years of minimizing the likelihood of being personally touched by discrimination, they are often extremely angry. A white woman or a person of color who has spent years denying that she or he was at any disadvantage due to gender, race or ethnicity can become fairly enraged<sup>10</sup>, no. 2 (Winter 2002): p. 5-9 when she or he experiences an epiphany.

Explosive anger is very costly to organizations. For one thing, organizations operate most effectively when events are routine and predictable. When an angry employee brings a lawsuit, the organization stands to lose money.<sup>5</sup> A single trial for discrimination is thought to cost most organizations somewhere between \$100,000

and a million dollars. According to the eminent economist Barbara Bergmann, each year the Equal Employment Opportunity Commission receives 63,000 complaints, of which 500 are brought to trial. Obviously, in many cases it would make much more sense - from both the victim's perspective and the organization's perspective - to avert problems than to wait until the problems become so severe that legal actions erupt. Both are essential in preventing and addressing discrimination.

Left to their own devices, companies will usually fail to detect systemic biases unless they engage in some sort of systemic monitoring that is the hallmark of affirmative action. Even very intelligent and fair-minded people tend to have difficulty detecting unfairness in a system unless they have access to a large base of comparative information. This was the lesson of a series of studies by social and organizational psychologists.

In these studies, the experimenters presented intelligent non-sexist, non-racist decision makers (including MBA students) with materials into which they had inserted actionable sex discriminatory information. Half of the time the experimenters presented the information to the decision makers in an unsystematic way that mimicked the way people encounter information in an organization. The other half of the time the subjects encountered the very same information, but in a formally arranged chart allowing for systematic comparisons. Subjects could easily detect the unfairness in the latter situation, where the data were in aggregate form, but they could not detect the unfairness when they saw the material in unsystematic form. Liberal attitudes, furthermore, made no difference in the subjects' ability to detect subtle unfairness.<sup>6</sup>

The lesson is clear. Any organization that wishes to nip unfairness in the bud before it escalates into a costly mess should systematically collect comparative data. Such a collection and self-monitoring system is, in fact, what affirmative action is all about.

### The Resistance to Affirmative Action

Anti-affirmative action commentary often focuses on affirmative action quotas and preferences, and perhaps as a result of this, many people believe that affirmative action consists only of quotas and preferences.<sup>7</sup> As any HR professional knows, quotas and preferences comprise a relatively small portion of affirmative action programs and are undertaken exclusively by government and other public entities. Public sector employers may use quotas or preferences when a sufficiently compelling government interest has been established, i.e., remedying discrimination by the government entity itself. Even in these cases, preferences are acceptable only if no reasonable demographically neutral alternative exists. And the preferences are flexible, focused, limited in duration, and not overly burdensome to non-beneficiaries.<sup>8</sup> Federal government regulations explicitly prohibit private employers from utilizing quotas or preferences.<sup>9</sup>

Because people have negative attitudes toward quotas or preference systems,<sup>10</sup> portraying affirmative action programs as quota or preference systems is likely to reduce support. Likewise, whenever affirmative action can be seen as reverse discrimination, people react negatively.<sup>11</sup> However, research does show that American business people do not dislike the majority of practices that actually constitute affirmative action.<sup>12</sup> In one industry study, line managers evaluating 26 specific human resource practices showed neutral to positive attitudes toward all of the practices, except for quotas and examining race and sex differences in performance ratings.<sup>13</sup>

### Overcoming the Resistance

Decades of systemic research about reactions to affirmative action tells us that employers can take two concrete actions to overcome resistance. First, they should clearly articulate the ways that merit is taken into consideration when making hiring and promotion decisions. Since many people fear that affirmative action results in reverse discrimination, it is important for diversity executives to emphasize that merit remains the basis of all hiring and promotion decisions under affirmative action. When organizations publicize that their affirmative action beneficiaries are highly qualified, they are likely to be accepted and unlikely to be stigmatized as incompetent.<sup>14</sup> Also, by making it clear that merit is central to the hiring or promotion process organizations may reduce the extent to which affirmative action beneficiaries question their own competence.<sup>15</sup>

Second, employers should widely publicize the achievements, abilities and skills of newly-hired or promoted employees, especially those who are likely to be seen as affirmative action candidates. By educating people about the actual nature of affirmative action programs through prominent employee profiles and other means employers could shift the perception that they use quota systems. As a result, resistance to affirmative action may be reduced.

If the neutral to more positive attitudes toward affirmative action could be reinforced, especially in light of what would remain if affirmative action disappeared, the potential for shifting perceptions about this program might increase. According to research, the activities about which people have neutral to positive attitudes include:

- \* accessing recruitment sources likely to generate high numbers of women and minority candidates;
- \* tracking the percentages of women and minorities in jobs likely to lead to management positions;
- \* ensuring that women and minorities are included in training programs;
- \* ensuring that women and minorities are considered for management vacancies; and
- \* encouraging women and minorities to participate fully in all company sponsored recreational and social activities.<sup>16</sup>

Managerial resistance is likely to be greatest when affirmative action programs threaten to impinge upon the authority to evaluate and reward employees. Evaluating employees is difficult and energy-draining, and can involve unpleasant confrontations and interpersonal conflict. To achieve the goal of eliminating bias in the evaluation process, organizations should offer managerial training programs that teach managers how to conduct performance evaluations fairly for all employees. Given the difficult nature of this task for managers, help in the form of training and support from human resources is likely to be welcomed and effective.

#### In Summary

Although affirmative action is controversial, it need not reduce perceptions of organizational fairness or damage employee morale. In fact, one study showed that employees who believe their organization supports affirmative action most strongly were also those who consider their organization to be fair and to provide the best career opportunities.<sup>17</sup> These positive reactions were observed among both the direct beneficiaries and non-beneficiaries of affirmative action and others.

The most difficult affirmative action issues concern quotas, preferences and reverse discrimination. Most people support affirmative action programs that try to broaden recruitment sources in order to diversify applicant pools. People also generally support affirmative action practices that ensure that beneficiary groups are included in company-sponsored training programs that allow them to obtain qualifications necessary for career advancement. Sharing information that the organization's affirmative action program involves these activities rather than quotas or preferences could help engender support. Finally, sharing information about the qualifications of all affirmative action candidates shows that merit is central to the selection process, thereby enhancing perceptions of fairness.

Affirmative action affects many people and organizations, and the data suggest that it has been successful in improving educational and employment opportunities for women and people of color.<sup>18</sup> Despite continuing controversies regarding its fairness and possible unintended negative consequences, affirmative action is the only government program requiring organizations to be proactive in eradicating bias and discrimination. Given the facts - that historically disadvantaged groups continue to be woefully under-represented in power positions across the institutions of government, education and business - the need for affirmative action persists.

#### Endnotes

1. H. Golden, S. Hinkle and F.J. Crosby, "Reactions to affirmative action: Substance and semantics," *Journal of Applied Social Psychology*, Vol. 31 (2001), pp. 73-88.

2. F.J. Crosby and D.I. Cordova, "Words worth of wisdom: Toward an understanding of affirmative action," *Journal of Social Issues*, Vol. 52, No. 4 (1996), pp. 33-49.

3. American Psychological Association, *Affirmative Action: Who Benefits?* (Washington, DC: American Psychological Association, 1996), p. 5.
4. D.M. Taylor, S.C. Wright and L.E. Porter, "Dimensions of perceived discrimination: The personal/group discrimination discrepancy." In M.P. Zanna and J. M. Olson, eds., *The Psychology of Prejudice: The Ontario Symposium*, Vol. 7 (Hillsdale, NJ: Erlbaum, 1994), pp. 233-255.
5. B. Bergmann, *In Defense of Affirmative Action* (New York: Basic Books, 1996).
6. S. Clayton and E.J. Crosby, *Justice, Gender, and Affirmative Action* (Ann Arbor: University of Michigan Press, 1992).
7. D.A. Kravitz and J. Platania, "Attitudes and beliefs about AA: Effects of target and of respondent sex and ethnicity," *Journal of Applied Psychology*, Vol. 78 (1993), pp. 928-938.
8. J.C. Day, "Retelling the story of affirmative action: Reflections on a decade of federal jurisprudence in the public workplace," *California Law Review*, Vol. 89 January, 2001), p. 59.
9. See Revised Order 4, published under 41 CFR 60-2. 10. D.A. Kravitz and J. Platania (1993).
11. M.P. Bell, D.A. Harrison and M.E. McLaughlin, "Forming, changing, and acting on attitude toward affirmative action programs in employment: A theory-driven approach," *Journal of Applied Psychology*, Vol. 85 (2000), pp. 784-798; D.R. Kinder and L.M. Sanders, "Mimicking political debate with survey questions: The case of White opinion on affirmative action for Blacks," *Social Cognition*, Vol. 8 (1990), pp. 73-103.
12. A.M. Konrad and E Linnehan, "Formalized HRM structures: Coordinating equal employment opportunity or concealing organizational practices?" *Academy of Management Journal*, Vol. 38 (1995a), pp. 787-820.
13. A.M. Konrad and F Linnehan, "Race and sex differences in line managers' reactions to equal employment opportunity and affirmative action interventions," *Group and Organization Management*, Vol. 20 (1995b), pp. 409-439.
14. M.E. Heilman, C.J. Block and P. Stathatos, "The affirmative action stigma of incompetence: Effects of performance information ambiguity," *Academy of Management Journal*, Vol. 40 (1997), pp. 603-625.
15. M.E. Heilman, W.S. Battle, C.E. Keller and R.A. Lee, "Type of affirmative action policy: A determinant of reactions to sexbased preferential selection?" *Journal of Applied Psychology*, Vol. 83 (1998), pp. 190-205.
16. A.M. Konrad and E Linnehan (1995b).
17. C.P. Parker, B.B. Baltes and N.D. Christiansen, "Support for affirmative action, justice perceptions, and work attitudes: A study of gender and racial-ethnic group differences," *Journal of Applied Psychology*, Vol. 82 (1997), pp. 376-389.
18. W.G. Bowen and D. Bok, *The Shape of the River: Long-term Consequences of Considering Race in College and University Admission* (Princeton, NJ: Princeton University Press, 1998); A.M. Konrad and F Linnehan (1995a); H. Holzer and D. Neumark, "What does Affirmative Action do?" *Industrial and Labor Relations Review*, Vol. 53 (2000), pp. 240-271; TR. Sass and J.L. Troyer, "Affirmative action, political representation, unions, and female police employment," *Journal of Labor Research*, Vol. 20 (1999), pp. 571-587.