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AFFIRMATIVE ACTION AS A REMEDY FOR JOB DISCRIMINATION

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Abstract

A careful examination of global history reveals that numerous forms of discrimination have persisted from antiquity through to the modern era. As a direct consequence, countless castes, ethnic groups, minorities, and women have been systematically denied their rightful opportunities and entitlements. This deeply ingrained pattern of inequity extends into the professional sphere, where discriminatory practices remain prevalent. In the contemporary business landscape, job discrimination stands out as a core ethical challenge. In order to address this burning issue scholars have introduced different remedies. Such as back pay, equal opportunities, hiring, front pay, promotion, reasonable accommodation etc.

Among the various remedies proposed, affirmative action has emerged as a significant and influential measure. This

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article delves into the nature of job discrimination, traces the historical genesis of affirmative action, and clarifies the legal framework governing such policies. It further examines the principal arguments both supporting and contesting affirmative action, shedding light on its far-reaching social implications. In this paper, attempt has been made to show that this comprehensive analysis demonstrates how affirmative action helps cultivate a more equitable workplace environment and addresses the injustices that have shaped our shared past.

Keywords: Discrimination, Job discrimination, Affirmative action, Affirmative action as compensation, Affirmative action as a means of achieving specific goals, Reverse discrimination, and Implementation of affirmative action.

Methods

This paper has been written which is based on qualitative analysis. Accordingly, I have also used speculative, analytic method and statistical analysis.

Introduction

Throughout human history, discrimination—especially in employment and the workplace—has left an indelible mark on societies worldwide. It frequently manifests as unfair or unequal treatment directed at employees or job applicants on the basis of specific characteristics or attributes. These discriminatory practices can influence every stage of professional life, from hiring and promotions to job assignments, training opportunities, and even termination decisions. Such inequalities, moreover, may generate hostile work environments, fostering harassment and bullying.

Although many countries have enacted laws and regulations to curb workplace discrimination and safeguard workers' rights, others still lack these essential protections. In response, organizations increasingly strive to foster diversity and inclusion, endeavoring to cultivate fair and equitable professional landscapes.

Unfortunately, discriminatory conduct continues to afflict various castes, ethnic groups, minorities, and women in business. These inequities are by no means confined to simplistic polarities such as black and white, male and female. For instance, in 1970s America, women formed the majority of telephone and telegraph operators, with ten percent representing ethnic minorities. Yet, female workers, as well as black, Hispanic, and other minority employees, were predominantly relegated to low-wage, unskilled positions. In many cases, the very institutions employing these groups engaged in discriminatory behaviors.

As modern societies grapple with the concepts of equality, diversity, and inequality, debates have intensified around issues such as minority rights, gender-based discrimination, and bias against white or male majorities. Although discrimination's history is long and entrenched, recent shifts have yielded some encouraging progress. Within this context, exploring ethics in business—encompassing equality, racism, rights, and discrimination—remains a vital scholarly pursuit.

One salient form of discrimination, job discrimination, commands particular attention. In this article, we delve into the nature of job discrimination, examine potential remedies, and highlight why affirmative action stands out among the available strategies. Through this exploration, we aim to clarify the challenges and chart a more equitable path forward.

Job discrimination

The term discrimination generally means differentiation. In its original form, discrimination means separating one thing from another. In this sense, discrimination is morally neutral and not necessarily wrong. According to Gentisa Furxhi (2016), a researcher at the University of Albania, in “Job Discrimination and Ethics in the Workplace,” the term was used in English literature in the 17th century (Furxi, 2016, p.138).

In this context, Richard DeGeorge, a distinguished professor of philosophy at the University of Kansas and co-director of the International Center for Ethics in Business, said in his book *Business Ethics* (2011), “The term discrimination is usually used in a pejorative sense with respect to employment, but there is also a morally neutral sense of the term” (DeGeorge, 2011, p. 356). Although the term discrimination is usually used in the sense of reprehensible, unfair, or harmful behavior, it can also be used in a morally neutral sense. But today, the meaning of the word discrimination is almost different.

Two distinguished scholars, Andrew Crane (Director of the Center for Business and Professor at the Bath School of Management) and Dirk Matten (Professor at the Schulich School of Business), also discussed job discrimination in their book *Business Ethics: Managing Corporate Citizenship and Sustainability in the Age of Globalization*, 2011. In their book, they say, “Discrimination in the business context occurs when employees receive preferential (or less preferential) treatment on grounds that are not directly related to their qualifications and performance in the job” (Crane and Matten, 2011, p. 294). Their statement proves that discrimination occurs. This can include, but is not limited to, discrimination based on race

(treating someone unfavorably because of their race or race-related characteristics), gender (discrimination based on a person's sex or gender, including issues related to pregnancy, gender identity, and sexual orientation), age (unfair treatment of individuals based on their age, such as those 18 to 21 and over 40), disability (discrimination against individuals with physical or mental disabilities), religion (treating someone unfavorably because of their religious beliefs or practices), and national origin (discrimination based on birthplace, ancestry, culture, or language).

From the above discussion, we can say that when a person is deprived of opportunities and benefits due to factors like race or ethnicity, it is considered discrimination. Therefore, discrimination often occurs in the job sector. Job discrimination is recognized as one of the most discussed topics in business ethics. It can appear in an employer's recruitment methods, wage rates, and benefits systems. The entire world today seeks a remedy for this. One of the remedies to prevent discrimination in employment is affirmative action, which is discussed below.

Affirmative action and its history

Actions against discrimination discussed so far are aimed at preventing future discrimination. But we have already seen that women and minority communities were left behind in various ways due to discrimination in the past. As a result, their presence in the workplace mainly remained in low-ranking jobs. Previous actions taken to address discrimination lacked the necessary measures to be effective. Hence, they are termed as negative. About affirmative action, it is said, "The term affirmative action refers to a policy or a program that tries to respond to instances

of past discrimination by implementing proactive measures to ensure equal opportunity today” (Hartman and Desjardins, 2011, p. 284). In other words, affirmative action consists of policies or strategies adopted to redress the disadvantages faced by backward groups due to past discrimination.

Law professor Martha S. West (1996) of the University of California mentioned in her article “The Historical Roots of Affirmative Action” that the it (*Affirmative action*) was first used on March 6, 1961, when President John F. Kennedy signed Executive Order No. 10925; the main theme of this order was to make it illegal for employers to hire, fire, or make compensation decisions based on race, caste, religion, sex, or ethnic characteristics (West, 1996, p. 612). However, from the second half of the 1960s, the concept of discrimination changed. As a result, in 1965, former President Lyndon B. Johnson issued Executive Order 11246, aimed at reducing workplace discrimination. Following this order, various institutions adopted *Affirmative Action* (West, 1996, p. 613).

Under the Affirmative Action scheme, an attempt is made to balance the membership of majority and minority groups in any institution. The Equal Opportunity Act of 1972 (Shaw, 2002, p. 317) empowered the Equal Opportunity Commission to combat discrimination and reduce it through affirmative action programs. However, many critics disagree with the current concept of discrimination. They believe discrimination is not social, institutional, or continuous, but rather an individual action. They argue that women or members of minority groups may face discrimination in isolated cases, and if there is no concrete evidence of discrimination against a specific individual in a specific case, then discrimination cannot be said to exist.

The problem is that it is often difficult to find concrete evidence that a specific person has been discriminated against in employment. In the workplace, everyone is busy competing with one another. Success depends on several factors, such as having higher qualifications, better performance, or even the employer's attitude. So, when a minority individual falls behind, it may not be due to discrimination but due to a lack of competence compared to others. It does not seem reasonable to conclude that discrimination exists based only on the failure of one individual. But if we look at various statistics, it becomes clear that in a particular competitive system, the success rate of certain groups is significantly lower than others. In that case, it can be said there is inequality in the system.

The objective of affirmative action is to bring a proportional balance with the majority group's members in various positions by giving priority in recruitment and promotion to women and minorities who are currently disadvantaged. Today, there is often a legal obligation to initiate and maintain affirmative action in government, semi-government, and autonomous institutions in various countries. The main task of affirmative action is to examine important positions in an organization from a utilitarian perspective. This means observing whether the presence of women and minority group members in important positions is relatively low and determining how many women and minorities could reasonably be appointed to those positions. Then the organization can train and develop talented women and minorities to fill these roles. If it is not possible to fill the prescribed number of positions with existing employees, then women and minorities who can complete necessary training can be recruited. The prescribed number of positions can be

changed as needed. Also, no quota is reserved, and the number of positions is considered interchangeable.

Through affirmative action, officers and employees are appointed to important positions in various organizations, and various initiatives are taken to improve the skills of women and minority officers. While there is a clear legal obligation for government and semi-government institutions, the legal obligations for private institutions are not always clear. Even among Supreme Court justices, there are many differences of opinion on affirmative action.

For example, the US Supreme Court (US, 1979) ruling, it was held that affirmative action by companies to eliminate racial inequality is legal if this disparity is due to past discriminatory attitudes. However, in a 1984 ruling, if a company's seniority system is non-discriminatory, then the company cannot undermine the seniority rights of white employees while giving benefits to women and minorities. The court also noted that women and minority employees can receive competitive seniority if they can prove they were disadvantaged due to discrimination. This order did not declare affirmative action illegal, but it could limit its effect. Under this order, in layoffs, lower-ranking employees are dismissed first, which often affects women and minorities most. After this order, several other Supreme Court orders also reduced the impact of affirmative action.

But the Supreme Court's (US, 1991) order was weakened by Congress's recognition of the Civil Rights Act. However, even after this law, aversion to affirmative action is reflected in many Supreme Court cases. Despite this, the Supreme Court has made many decisions in favor of affirmative action, especially after

2000. Consequently, it can be said with certainty that honourable judges, like the general public, could not reach a consensus on the question of affirmative action.

Relevant examples of affirmative action

Discrimination is a global issue. The way we use the term discrimination varies in different contexts. A relevant example is the *Barbara Grutter v. Lee Bollinger* case (*Grutter v. Bollinger*, 2003). A white woman named Barbara Grutter failed to gain admission to the University of Michigan Law Department despite having good academic results. She filed a lawsuit against the university's president, Lee Bollinger. Barbara Grutter alleged that the university authorities were giving priority to minority students under affirmative action, and that she was not admitted despite having results similar to those minority students.

On the US District Court (US, 2001, March 27) for the Eastern District of Michigan ruled that the university violated Barbara Grutter's equal opportunity rights by giving preference to minority students. The university appealed to the High Court, and during these proceedings, the case drew attention from many large companies. On the High Court (US, 2002, May 14) overturned the District Court's judgment (by a majority decision) and sided with the university authorities. According to this ruling, the affirmative action program taken by the university was fair and constitutional, because it helped bring diversity among students. Different types of students, including minorities, got the opportunity to learn about each other's culture, traditions, experience, and talent, which is good for their careers. Later, Barbara Grutter appealed to the Supreme Court against the High Court judgment. The Supreme Court

also give a decision or upheld the High Court's ruling that the University of Michigan Law Department's affirmative action was constitutional, as it created opportunities for diversity and interaction among students. In that judgment, the Court said:

Major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints... Moreover, because universities, and in particular, law schools, represent the training ground for a large number of the Nation's leaders, the path to leadership must be visibly open to talented and qualified individuals of every race and ethnicity (Velasquez, 2010, p. 304).

In light of this judgment, it can be said that large American businesses proved that, to survive in the global market, it is necessary to have diverse knowledge about people, cultures, and traditions of different nations. Since a large portion of national leadership comes from university law departments, opportunities for national leadership must be open to all races and ethnicities. University authorities cannot reserve a separate quota for a particular caste or ethnic group. However, the authority may adopt separate admission test systems to admit law students from different castes or ethnic groups.

As *amicus curiae* in the *Grutter v. Bollinger* case, more than 60 leading companies supported the University of Michigan's affirmative action. These companies include 3M, Intel, Microsoft, Nike, and Coca-Cola. Their views can be summarized as follows (Velasquez, 2010, pp. 304-05):

1. Employees who are creative in solving diverse problems are more likely to succeed in the business world;

2. They can diversify their offerings to attract consumers of different castes, races, and ethnicities;
3. They have experience working with colleagues of different races, castes, and groups; and
4. They generally do not feel encouraged to act against the interests of their employees.

The ruling in *Grutter v. Bollinger* was based on a majority opinion of the Supreme Court. Out of nine judges, five supported affirmative action, while four dissented. One of the dissenting judges, Clarence Thomas (who is black), expressed doubts about affirmative action, saying, “These programs stamp minorities with a badge of inferiority and may cause them to develop dependencies or to adopt an attitude that they are ‘entitled’ to preferences” (Velasquez, 2010, p. 305). According to him, such programs could make ethnic minorities seem inferior and more dependent on others rather than self-reliant.

The Supreme Court ruling in *Grutter v. Bollinger* did not end the debate on discrimination. Other universities, including the University of Michigan Law Department, also took initiatives to build affirmative action protections and funds.

In the 1980s, US President Ronald Reagan took several measures opposing affirmative action and his administration’s policy was that discrimination cannot be said to exist unless there is concrete evidence that a specific person has been discriminated against in a specific case (Velasquez, 2010, p. 309). However, the Reagan administration was not very successful in carrying out these policies. Later, in the 1990s, US President George W. Bush pledged to eliminate inequality by changing Reagan-era policies and President Bush took several legislative steps to implement

affirmative action (Velasquez, 2010, p. 309). As a result, the Supreme Court (US, 2003) legalized affirmative action to promote diversity, which received wide praise. But no policy is free from debate, and affirmative action is no exception. Various arguments are made both for and against these programs.

Arguments for and against affirmative action

As seen in various court cases, judges have also been divided on the issue of affirmative action. As a result, there are arguments both for and against affirmative action. These arguments are discussed below (Velasquez, 2010, p. 331):

Arguments for affirmative action

Supporters of affirmative action fall into two broad groups. One group believes affirmative action is acceptable as a way to compensate for the harm women and minorities suffered in the past. This is known as the compensation argument. Another group believes preference systems are acceptable as a means of achieving social goals, which is called the instrumentalist argument. The first group can be seen as looking backward, and the second group can be seen as looking forward. Their arguments are as follows:

Affirmative action as compensation

According to the compensatory theory of justice, if someone intentionally and wrongfully causes harm, that person should compensate the victim. Historically, white men have harmed women and minorities through discrimination. Thus, those who favor the compensation argument say affirmative action forces white men to pay reparations. In the past, women and minorities

were deprived of jobs and opportunities. Therefore, giving them employment preference under affirmative action is seen as a way to compensate for past harm.

However, some people argue that using affirmative action as compensation is flawed. They point out that, according to compensatory theory, only the person who caused the harm should pay compensation, and only the person who was harmed should receive it. For example, if 20 white people harmed 20 black people, then those 20 white people should compensate those 20 black people. It does not mean that all white people should pay, or that all black people should receive reparations. Therefore, compensating all white men or favoring all women and minority populations due to the actions of a few is not justified under compensatory theories of justice. These critics believe affirmative action goes against the idea of justice.

Others have tried to refute this objection. They claim discrimination has harmed every black person (or woman or minority) and that every white person (or man) has benefited from it. The American philosopher Judith Jarvis Thomson states:

But it is absurd to suppose that the young blacks and women now of an age to apply for jobs have not been wronged.... Even young blacks and women have lived through downgrading for being black or female.... And even those who were not themselves downgraded for being black or female have suffered the consequences of the downgrading of other blacks and women: lack of self-confidence and lack of self-respect (Thomson, 1973, p. 381).

According to Thomson, even if some black people or women were not directly affected, they still suffer from the loss of self-confidence and self-respect caused by discrimination against others in their group.

Similarly, Martin Redish, a law professor at the University of Pennsylvania, states in his article “Preferential Law School Admissions and the Equal Protection Clause: An Analysis of the Competing Arguments”:

It might also be argued that, whether or not they have themselves participated in acts of discrimination, they have been the beneficiaries-conscious or unconscious of a fundamentally racist society. They thus may be held independently ‘liable’ to suppressed minorities for a form of unjust enrichment (Redish, 1974, p. 389).

Redish’s statement suggests that even if white men did not actively discriminate, they still benefited from a discriminatory society. Therefore, they can be considered indirectly responsible. In other words, white people may not be directly at fault, but they have gained benefits from unfair treatment of minorities and thus share responsibility.

Affirmative action as a means of achieving specific goals and establishing justification

A variety of arguments and criteria are used to support affirmative action. Many utilitarians (Boatright and Smith, 2017, p. 150) who favour affirmative action argue that the program is justified because it leads to the overall development of the people. According to them, due to past discrimination, there is a close relationship between caste and poverty in society. In a discriminatory society, as minority populations are denied expected employment, their poverty rate increases. Below is a table showing the salary disparity between men and women in various occupations in Bangladesh:

Gender	The time	Remuneration
Male workers in private industrial establishments	every month	21% higher salary than female workers (Kapsos, 2008, p. ix)
Women workers in private industries	every month	21% less salary than male workers (Kapsos, 2008, p. ix)
Delaware security guard	every month	6000 Tk (আলম, ২০১৬, পৃ. ৭)
Sabina is a housekeeper	every month	2500 Tk (আলম, ২০১৬, পৃ. ৭)
Male workers in paddy fields	daily	400-500 Tk (মুনতাকিম, ২০১৮, পৃ. ২২)
Women workers in paddy fields	daily	200-300 Tk (মুনতাকিম, ২০১৮, পৃ. ২২)
Male worker in pan barge	daily	300 Tk (আলম, ২০১৬, পৃ. ৭)
Women workers in pan barge	daily	200 Tk (আলম, ২০১৬, পৃ. ৭)
Male laborer in agriculture	daily	299 Tk (মুনতাকিম, ২০১৮, পৃ. ২২)
Women workers in agriculture	daily	226 Tk (মুনতাকিম, ২০১৮, পৃ. ২২)
Male Workers (Average)	daily	200-400 Tk (মুনতাকিম, ২০১৮, পৃ. ২২)
Female Workers (Average)	daily	100-200 Tk (মুনতাকিম, ২০১৮, পৃ. ২২)

From the above table, it is clear that there is income inequality between men and women in Bangladesh. They do not

receive the expected wages, and even if they find employment, the pay is lower. As a result, these groups become poorer over time due to unmet financial needs. Increased poverty leads to discontent, social problems, and rising crime rates. At the same time, their self-confidence and self-esteem gradually decrease. Therefore, it becomes necessary to ensure special education and the expected employment opportunities to guarantee the well-being and development of this large poor population.

Critics of affirmative action may claim that jobs are allocated based on irrelevant criteria, such as *caste*. Utilitarians respond that caste is not a criterion but that benefits are distributed based on *need*. Critics counter this argument in several ways (Velasquez, 2010, p. 332):

- (1) They believe the benefits of affirmative action might not outweigh the social costs. For example, affirmative action may create frustration among white men;
- (2) There is doubt as to whether caste truly indicates need;

Arguments presented from a utilitarian perspective in favor of affirmative action may seem plausible at first glance. Utilitarians offer two key arguments:

First, the goal of affirmative action is to achieve justice.

Second, it attempts to show that affirmative action is morally acceptable as a means of achieving justice.

Analyzing various statistics, it is seen that hiring decisions are often made based on irrelevant factors like gender or caste, instead of the relevant qualifications for the job. As a result, women and minority group members are excluded from desirable jobs even if they are not less qualified than others.

Such discriminatory job distribution cannot be called fair. Thus, the main aim of affirmative action is to create a fair system of job distribution so that the benefits and burdens of society are distributed fairly among all members.

In trying to achieve this, employers may be consciously or unconsciously biased against women and minorities in various ways. This deprives a large section of the population of their right to equal opportunities, even when they have the necessary qualifications. Affirmative action aims to establish social justice by freeing employers from such biases.

It is also true that women and minority groups have faced discrimination in the past, such as in education and the economy. As a result, many of them have fallen behind in skills compared to white men. Additionally, because there are fewer women and minorities in positions of honor, young members of these groups have less inspiration to strive for such positions. Their reluctance to prepare for these jobs is due to the discrimination in recruitment. For example, young African Americans in the United States may be reluctant to enter the legal profession. Therefore, the third goal of affirmative action is to address the competitive disadvantages of women and minorities and provide them with the necessary opportunities to join the workforce (Velasquez, 2010, p. 333).

The basic purpose of affirmative action is to create a more just social structure by ensuring equal living opportunities for every member of society, without discrimination based on gender or caste. To achieve this, under affirmative action, *preference* is given to equally qualified women and minority members in employment. Specialized training programs are

also introduced to upgrade the skills of talented but relatively underqualified women and minorities. It is hoped that these steps will help establish a just society. Therefore, affirmative action is considered morally justifiable. But many question whether the system of *priority* is morally justifiable at all.

Advocates of affirmative action offer three main responses to this question

Firstly: Critics say that *privileging* women and non-whites is discrimination against white men. But supporters of affirmative action argue that there is a fundamental difference between *privilege* and *discrimination*. Discrimination occurs when a decision is made against a group by viewing its members as inferior. Affirmative action, however, is based on giving priority to women and minorities in a society where white men are already well ahead socially. Priority is given to women and minorities to achieve justice, not because they are considered inferior. Therefore, it is not right to equate *preference* with the unethical acts of racist or sexist discrimination (Velasquez, 2010, p. 334).

Secondly: Critics claim affirmative action violates white men's right to equal opportunity by using irrelevant factors (race or gender) in employment decisions. Advocates respond that in today's society, race and gender are not irrelevant in the workplace. In distributing scarce resources (like jobs), society has the right to give priority to those who will help achieve its real goals—creating a more just society. While providing jobs based on job-related merit is a utilitarian goal (to ensure maximum productivity), when there is a conflict between productivity and creating a more just society, it is more rational to prioritize justice. If society's members cannot live fairly

and equally, dissatisfaction and instability arise, making it impossible to establish a just society. In such unrest, even the other achievements of society fail (Velasquez, 2010, pp. 334-35).

Thirdly: Critics claim that women and minority groups are actually harmed by affirmative action because it implies, they are inferior. They say that because these groups receive special treatment, it reduces their self-confidence and self-respect, hindering their career development. They believe that the emotional burden on women and minorities outweighs any gains from affirmative action (Velasquez, 2010, p. 335).

Supporters of affirmative action refute these charges in several ways:

1. They admit that some women and minorities may face inconvenience due to affirmative action, but the value of the opportunities they gain is much higher than any temporary feelings of inferiority. As one black individual employed through affirmative action said, "I had to deal with the grief it brought, but it was well worth it" (Velasquez, 2010, p. 335).
2. Affirmative action is not based on any theory of *inferiority*. Statistics show that employers, knowingly or unknowingly, often exclude women and minorities. Affirmative action aims to free them from these discriminatory effects.
3. While some may feel inferior initially, they have long suffered from feelings of inferiority due to persistent discrimination. Affirmative action tries to compensate for this loss and make them mentally stronger.

4. The claim that affirmative action leads to inferiority is baseless. White men have enjoyed privileges for centuries without feeling inferior. So it is illogical to assume that women and minorities, who have been deprived for hundreds of years, will suddenly feel inferior when they start regaining their rightful opportunities through affirmative action. In fact, these positive steps help them regain confidence, encourage participation, and show their merit and talent.

Arguments against affirmative action

Those who are unwilling to adopt affirmative action present various arguments against it. Their main argument is that affirmative action itself becomes a form of discrimination when trying to correct past discrimination. According to them, white men are now being deprived of their rights while women and minorities receive benefits. For this reason, many call it *reverse discrimination* against white men. Some of the arguments are as follows:

1. It is historically true that society has never been perfectly fair. Different groups have faced discrimination in different ways, and many of those affected have passed away. If we now give special benefits to their descendants to compensate for past harms, that means depriving another group. From this perspective, if jobs are given based on merit alone, the deprivation of various groups in society would be minimal. As a result, affirmative action may not be an effective way to reduce employment discrimination.

2. Affirmative action creates two classes in society: a privileged class and a disadvantaged class. This means certain classes receive extra benefits while others are deprived. Such a situation shows that discrimination still exists.
3. Affirmative action can reduce the motivation to develop individual skills. Instead of improving their abilities, people might rely on the special opportunities offered, which can prevent personal growth and maturity.
4. People may view those who benefit from affirmative action negatively. They might think these individuals or groups reached their positions through special advantages rather than talent. This perception can undermine the self-esteem of those who are favored.

It is impossible to reach a single, unanimous conclusion about affirmative action. As we consider more arguments and counterarguments, the debate grows. However, by analyzing both sides, it can at least be said that even if affirmative action is not morally required, it can still be seen as a way to achieve a just goal and thus be considered morally acceptable.

Implementation of affirmative action

We have already seen that many critics have raised various arguments against affirmative action. Affirmative action will fail to achieve its goals if it is not properly implemented. According to critics, making employment decisions without comparing caste or gender with other job-related qualifications can create problems in society. (a) Hiring workers only on the basis of gender or caste may result in employing many unqualified people.

As a result, productivity could decrease; (b) Many professions have an important impact on people's lives. For example, the safety of patients or passengers depends on doctors or pilots. Therefore, merit should be given priority over caste or gender in these professions to avoid risking lives; (c) If affirmative action continues for a long time, white men may start seeing themselves as victims of discrimination. As a result, we may become a highly caste- and gender-conscious nation (Velasquez, 2010, p. 336).

Given these issues, experts suggest that affirmative action should only be applied in organizations where women and minorities are underrepresented. They also recommend the following guidelines for proper implementation (Velasquez, 2010, pp. 336-37):

- (1) Every candidate must have the prescribed minimum qualifications or be able to reach a good position in the competition within a reasonable time for recruitment. Neither minority nor majority candidates should violate this rule;
- (2) If a minority or female candidate's qualification is close to, equal to, or higher than that of a majority candidate, the minority or female candidate should be given preference;
- (3) If both minority and majority candidates have the prescribed minimum qualifications, but the majority candidate is comparatively more qualified, the following factors should be considered:
 - (a) If the occupation directly affects people's lives and safety (e.g., doctor or pilot) or has a significant impact on the organization's

overall performance and development (e.g., managing director), preference should be given to the more qualified candidate; (b) If the occupation does not directly affect public safety or the organization's overall efficiency or development (like most jobs), the minority candidate should be given preference and

(4) The *priority* policy should be adopted only if it is statistically proven that women or minority employees are relatively underrepresented in various positions of the organization.

Earlier, we mentioned that women and minority employees face various challenges in the workplace. The success of affirmative action also depends largely on making the work environment favorable to them. First, consider women. Many working women are mothers. Socially, mothers are often responsible for most child-rearing duties, and a busy work life makes this difficult. This not only affects the women but also the next generation.

Some have said companies should offer two types of options for female workers: one for those who want to raise children while building a career, and another for those who do not want children or who prefer other childcare arrangements (such as childcare centers). The company would not allow Class I female employees to work overtime and would be sympathetic regarding their transfer or other decisions. On the other hand, other female employees would have equal opportunities as male employees in career formation.

However, this dual opportunity is not beyond criticism. Critics say this approach is unfair because women face discrimination again. Men are not forced to choose between

children or careers, but women are. Moreover, women might be indirectly pressured to choose the second option with the lure of career advancement.

Considering these problems, many experts have suggested that as long as childcare responsibilities are not equally shared by men and women, companies can take other measures to favor women, such as (Velasquez, 2010, p. 337):

(a) Increasing family leave for women. For example, the American multinational IT company IBM provides 8 weeks of paid maternity leave and an supplementary year of unpaid leave with the option to work part-time. In Bangladesh, female officers and employees in both public and private institutions get 6 months of paid maternity leave for up to two children;

(b) Offering flexible working hours. For example, instead of five 8-hour days per week, allow four 10-hour days;

(c) Allowing leave if a child is sick. In Bangladesh, casual leave is provided for this purpose;

(d) Special arrangements for employees with children, such as part-time work for a few years followed by a return to full-time work;

(e) Establishing childcare centres at the workplace.

In conclusion, developing and implementing affirmative action to reduce workplace discrimination is not only a basic moral duty but can also give organizations a strategic advantage. The evidence presented in this article shows that creating an inclusive environment increases employee satisfaction, productivity, and overall performance. By actively promoting diversity in all parts of the employment sector—through targeted

hiring strategies, comprehensive training programs, and strong policies against bias and discrimination—companies can create a culture of respect and equality.

Moreover, the benefits of such initiatives extend beyond individual institutions. They help create a more equitable society by challenging systemic inequalities. As businesses embrace these direct and positive actions, they set an example for others, leading to broader social change.

It is important for leaders to recognize that reducing inequality is an ongoing process that requires commitment and accountability. Regularly evaluating workplace practices, having open conversations about diversity, and setting clear metrics for success are key steps in this journey.

When companies prioritize inclusion and take active steps against discrimination, they not only enhance their reputation but also unlock the full potential of their workforce. A diverse team brings varied perspectives, innovative ideas, creativity, and problem-solving abilities. Thus, positive action can be a catalyst for increasing and achievement in today's highly competitive business environment. Through diversity and inclusion, we pave the way for a brighter future where everyone has an equal opportunity to thrive, regardless of their background.

Ultimately, the goals of affirmative action go beyond mere representation; they aim to foster a culture of understanding and collaboration among diverse groups. The need for such initiatives remains strong as society continues to evolve. Policymakers should continually evaluate and refine affirmative action strategies to ensure they meet current social needs, while staying true to the principles of justice and equality.

In short, affirmative action is not just a tool to achieve specific demographic or regional goals; it is an important step towards establishing a more just society where everyone can succeed based on their abilities rather than their past. As we move forward, it is essential to engage in broader discussions about the impact of these policies and work together towards a future that values diversity as strength rather than a challenge.

At last, affirmative action serves as an important mechanism for addressing historical injustices and systemic inequities that have marginalized certain groups in society. By implementing policies aimed at promoting variety and addition, affirmative action hunts to level the playing field in educational institutions and the workplace, creating an environment where individuals from all backgrounds can thrive. Its justification lies not only in correcting past mistakes but also in improving the social fabric by encouraging a more representative and equitable society, thereby establishing justice in the workplace.

The effectiveness of affirmative action is often debated. Critics argue that it can lead to reverse discrimination or undermine merit. However, supporters say these policies are essential for breaking down barriers and creating opportunities for previously excluded groups. Success can be measured in various ways, such as increased enrolment of minority students in higher education and improvements in workforce diversity.

Conclusion

In conclusion, the enduring presence of employment discrimination across societies, cultures, and eras underscores the need for thoughtful, principled interventions. Affirmative

action has emerged as a key instrument in confronting these persistent inequities, seeking not only to redress historical wrongs but also to lay the groundwork for a more inclusive and dynamic future. By examining the origins of affirmative action, the legal frameworks that shape it, and the many arguments both for and against it, we gain a clearer understanding of its complexities and significance.

Affirmative action endeavors to correct the subtle and overt biases that have long restricted women, minorities, and other historically marginalized groups from realizing their full potential. Its implementation, however, is not without challenges, and success hinges on careful calibration—ensuring that merit remains central, that public safety is protected, and that the aim of diversity does not devolve into tokenism. Moreover, the ultimate efficacy of affirmative action depends on creating workplace environments that truly support those who benefit from these policies—environments where motherhood is not punished, where skill development is nurtured, and where cultural differences are embraced rather than merely tolerated.

As societies evolve, so must the strategies we employ to achieve fairness and justice. The debates surrounding affirmative action, from compensation for past harms to the pursuit of broader social objectives, reveal the complexity inherent in forging equitable pathways. Still, when effectively implemented, affirmative action strengthens organizational resilience, enhances problem-solving through diversity of thought, and enriches the collective talent pool. More importantly, it acts as a tangible step toward actualizing the principles of equality, dignity, and opportunity that lie at the heart of ethical business practice.

In the end, affirmative action is not a panacea, nor is it the final word in overcoming discrimination. It is, however, a potent catalyst that can help societies chart a more principled and inclusive course. As we refine these policies, re-evaluate their impact, and remain receptive to constructive criticism, we move closer to a vision of a workplace—indeed, a world—where every individual’s potential can be realized, free from the weight of historical prejudice and systemic injustice.

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