

Chapter 7

Discrimination and Affirmative Action

CHAPTER SUMMARY

The ethical issues surrounding discrimination and affirmative action are problematic. Rights figure prominently in these issues—both the rights of people who have been victimized by discrimination and the rights of people who now bear the burden of correcting past wrongs. Although affirmative action is often discussed in terms of being a remedy for past discrimination, it does have a contemporary purpose of addressing current discriminatory practices. One need only look at the persistent underrepresentation of certain groups in today's workforce population to see that discrimination is still prevalent in society. Disparities exist and are evident in the high unemployment rates among veterans and the disabled, for example. Serious pay disparities also exist with respect to race and gender. Justice requires that people who have been wronged be compensated in some way and that all people be treated equally, but the concepts of just compensation and of equal opportunity or equal treatment are subject to differing interpretations. There are many approaches to remedying past and present discrimination. Not everyone agrees on which approach best addresses discrimination in a most fair and equitable manner. Arguments based on utility provide strong support for antidiscrimination and affirmative-action policies; however, the benefits of any given policy must be weighed against the potential harms that may result. The ideal of a nondiscriminatory society is clear, but the pathway to it is strewn with formidable obstacles.

CHAPTER OBJECTIVES

- 7.1: Explain the meaning of discrimination in employment, the legal distinction between disparate treatment and disparate impact, and the various forms of discrimination
- 7.2: Define how sexual harassment and the distinct forms of sexual harassment constitute acts of discrimination
- 7.3: Apply and contrast arguments against discrimination that are based on utilitarianism, Kantian ethics, and principles of justice
- 7.4: Recommend steps and measures a company can take to help ensure that its hiring and promotion processes are nondiscriminatory
- 7.5: Analyze the various issues, arguments, and problems associated with affirmative action plans and court decisions

SUGGESTED DISCUSSION PROMPTS

1. Define *discrimination*. What forms of discrimination are unethical?
2. Is sexual harassment a form of discrimination, or should it be identified as something else?
3. What causes cases of sexual harassment? Can it be prevented?
4. What do you think provides the best reason for thinking that discrimination is wrong?
5. Is affirmative action a sufficient measure for correcting discrimination? Is it

necessary?

ASSESSMENT FOR IN-CLASS USE

Multiple Choice Questions

Choose the BEST possible answer for each of the following.

1. Discrimination is widely considered unethical largely because it is ____.
 - A. unjust
 - B. illegal
 - C. harmful
 - D. merited

Correct Answer: A

7.1: Explain the meaning of discrimination in employment, the legal distinction between disparate treatment and disparate impact, and the various forms of discrimination

Topic/Concept: What Is Discrimination?

Difficulty Level: Moderate

Skill Level: Analyze

2. It is not generally illegal to discriminate on the basis of ____.
 - A. sex
 - B. age
 - C. ability
 - D. nationality

Correct Answer: C

7.1: Explain the meaning of discrimination in employment, the legal distinction between disparate treatment and disparate impact, and the various forms of discrimination

Topic/Concept: What Is Discrimination?

Difficulty Level: Easy

Skill Level: Understanding

3. Employers can be found guilty of discrimination ____.
 - A. only if they intend to discriminate
 - B. any time an employee feels discriminated against
 - C. if the effects were just as though discrimination had occurred
 - D. even if they have not transgressed a particular law

Correct Answer: C

7.1: Explain the meaning of discrimination in employment, the legal distinction between disparate treatment and disparate impact, and the various forms of discrimination

Topic/Concept: What Is Discrimination?

Difficulty Level: Easy

Skill Level: Understanding

4. An employer can successfully defend a religious discrimination claim by ____.
- A. showing that an accommodation request is unreasonable and would cause inconvenience to the employer
 - B. showing that an accommodation request is unreasonable and would cause undue hardship to the employer
 - C. showing that an accommodation request is unreasonable
 - D. showing that an accommodation request would cause an undue hardship to the employer

Correct Answer: B

7.1: Explain the meaning of discrimination in employment, the legal distinction between disparate treatment and disparate impact, and the various forms of discrimination

Topic/Concept: What Is Discrimination?

Difficulty Level: Easy

Skill Level: Understanding

5. Sexual harassment can be a form of discrimination ____.
- A. when it involves prejudice
 - B. only when it is a condition for employment
 - C. any time sex is not a qualification
 - D. when it involves a hostile work environment

Correct Answer: D

7.4: Recommend steps and measures a company can take to help ensure that its hiring and promotion processes are nondiscriminatory

Topic/Concept: Preventing Discrimination

Difficulty Level: Easy

Skill Level: Understanding

6. A utilitarian in opposition to discrimination would say that discrimination is wrong because_____.
- A. it makes productivity suffer
 - B. it violates the right to privacy
 - C. it violates human dignity
 - D. it is unfair

Correct Answer: A

7.3: Apply and contrast arguments against discrimination that are based on utilitarianism, Kantian ethics, and principles of justice

Topic/Concept: Objections to Discrimination

Difficulty Level: Moderate

Skill Level: Analyze

7. A nonconsequentialist might argue against discrimination on the basis of_____.
- A. the disadvantage it gives to minorities

- B. the harm that it does to society
- C. its damage to the economy
- D. its being unjust

Correct Answer: D

7.3: Apply and contrast arguments against discrimination that are based on utilitarianism, Kantian ethics, and principles of justice

Topic/Concept: Objections to Discrimination

Difficulty Level: Moderate

Skill Level: Analyze

8. When a superior uses the power of the position to grant or deny employment benefits unless a subordinate employee agrees to sexual favors, this is considered _____.
- A. hostile working environment harassment
 - B. reasonable person harassment
 - C. quid pro quo harassment
 - D. economic loss harassment

Correct Answer: C

7.2: Define how sexual harassment and the distinct forms of sexual harassment constitute acts of discrimination

Topic/Concept: Sexual Harassment

Difficulty Level: Easy

Skill Level: Understanding

9. One who supports affirmative action on the basis of compensation would argue on the basis of _____.
- A. fairness
 - B. justice
 - C. benefits
 - D. consequences

Correct Answer: B

7.5: Analyze the various issues, arguments, and problems associated with affirmative action plans and court decisions

Topic/Concept: Affirmative Action

Difficulty Level: Moderate

Skill Level: Analyze

10. On what basis might one argue that affirmative action hurts those it is designed to help?
- A. It ensures minorities, women, veterans, and the disabled are hired on a basis other than their qualifications.

- B. People can always find ways to get around affirmative action policies.
- C. Affirmative action programs could give minorities, women, veterans, and the disabled too many positions.
- D. It is unjust to those who are qualified but not minorities or those who belong to other protected groups such as women, veterans, and the disabled.

Correct Answer: A

7.5: Analyze the various issues, arguments, and problems associated with affirmative action plans and court decisions

Topic/Concept: Affirmative Action

Difficulty Level: Moderate

Skill Level: Analyze

Essay Questions

1. Why is sexual harassment often considered a form of discrimination?

7.2: Define how sexual harassment and the distinct forms of sexual harassment constitute acts of discrimination

Topic/Concept: Sexual Harassment

Difficulty Level: Easy

Skill Level: Understanding

2. How do people draw the line between job specifications that require discrimination on the one hand, and unfair discrimination on the other?

7.4: Recommend steps and measures a company can take to help ensure that its hiring and promotion processes are nondiscriminatory

Topic/Concept: Preventing Discrimination

Difficulty Level: Moderate

Skill Level: Analyze

3. Describe a case of affirmative action and the type of discrimination that it would be intended to overcome.

7.5: Analyze the various issues, arguments, and problems associated with affirmative action plans and court decisions

Topic/Concept: Affirmative Action

Difficulty Level: Easy

Skill Level: Understanding