

Moral Issues in Business

Chapter 11 - Job Discrimination

Job Discrimination

- Making an adverse decision regarding an employee or a job applicant based on his or her membership in a certain group.
 - The decision harms or disadvantages the employee or job applicant
 - The decision is based on group membership rather than individual merit
 - The decision rests on prejudice or false stereotypes or a belief that the group is somehow inferior and thus deserving of equal treatment.

Moral Arguments Against Job Discrimination On Racial Or Sexual Grounds

- Utilitarian grounds
 - an action is right only if there is no other act that would produce a greater amount of whatever happiness. Since acts that do not discriminate result in less harm than those that do, it follows that discrimination is wrong.
- Kantian grounds
 - If one attempted to universalize a maxim advocating discrimination, the resulting maxim would violate the first reformulation of the categorical imperative Presumably, no one would be willing to be discriminated against on the basis of gender or race.
- Moral rights
 - On the assumption that there are moral rights, then people have these rights not because of their gender or race, but simply in virtue of being human. There seems to be a moral right to be treated fairly, and discrimination on the basis of gender or race is, by its very nature, unfair. Thus, moral rights are violated by discrimination on the basis of gender or race.

Evidence of Discrimination

- Statistical
 - African Americans and Hispanics earn less than whites because of more limited job prospects due to discrimination
 - African Americans and Hispanics are paid less for the same work, regardless of education or competence
 - Women are paid less than men for the same work and tend to be excluded from upper management
- Attitudinal
 - Texaco case – African American woman referred to as “little colored girl” and “uppity”
 - Price Waterhouse case – Woman denied promotion because she was “macho” and should “walk, talk, dress more femininely”.

Affirmative Action

- Weak Affirmative Action
 - Refers to special efforts to ensure equal opportunity for members of groups that had been subject to discrimination
- Strong Affirmative Action
 - Refers to some degree of definite preference for members of protected groups in determining access to positions from which they were formerly excluded. *

Affirmative Action: The Legal Context

- 1954 case of *Brown v. Board of Education*
 - In this case the Supreme Court decided that racially segregated schooling is unconstitutional—in so doing the court rejected the idea of “separate but equal” facilities.
- 1961 Executive Order 10925
 - Signed by President John F. Kennedy. this order said that federal contractors should “take affirmative action to ensure that applicants are employed without regard to their race, creed, color or national origin.”
- 1963 Equal Pay Act.
 - This act was passed by Congress and was aimed at wage discrimination against women, and guaranteed the right to equal pay for equal work.
- 1964 Civil Rights Act
 - This act (amended in 1972 by the Equal Employment Opportunity Act) prohibits all forms of discrimination based on race, color, sex, religion, or national origin. This act applies to all employers, both private and public, with 15 or more employees.
- 1978 *Bakke v. Regents of the University of California*
 - The Supreme Court’s first major ruling on affirmative action: Bakke was refused admission to the University of California-Davis medical school, which had set aside 16 out of 100 entrance places for minorities. Bakke sued, and the Supreme Court, in a 5 to 4 decision, said that the University of California-Davis had used an affirmative action program that was illegal in light of the 1964 Civil Rights Act.

Arguments for Affirmative Action

- Compensatory Justice demands affirmative action programs. Discrimination on the basis of race and sex has existed in the past. We need to do something to “help repair the wrongs of the past.”
- Affirmative Action is necessary to permit fairer competition. Members of certain races and women have been raised in families that have been affected by discrimination. Moreover, they are treated unfairly by many of the institutions that exist in our society. They are, therefore, at a disadvantage, and so cannot compete fairly with white men in the job market.
- Affirmative Action is necessary to break the cycle that keeps minorities and women locked into low-paying, low- prestige jobs. Members of certain races and women have been locked into low-paying, low-prestige jobs. This has bad social consequences so there must be programs to break this pattern.

Arguments against Affirmative Action

- Affirmative Action injures white men and violates their rights.
- Affirmative Action itself violates the principle of equality.
- Nondiscrimination will achieve our social goals; stronger affirmative action is unnecessary.

Comparable Worth

- Women and men should be paid on the same scale, not just for doing the same or equivalent jobs, but for doing different jobs involving equal skill, effort and responsibility.

Comparable Worth – for and against

- Advocates say that justice demands that women receive equal pay for doing work of comparable value. “Jobs should be objectively evaluated in terms of the education, skills, and experience required and in terms of responsibilities, working conditions, and other relevant factors.”
- Opponents “insist that women, desiring flexible schedules and less taxing jobs, have freely chosen lower-paying occupations and thus are not entitled to any redistribution in pay scales.”

Sexual Harassment

- Quid Pro Quo (this for that)
 - Occurs when a supervisor makes an employee's employment opportunities conditional on the employee's entering into a sexual relationship with, or granting sexual favors to, the supervisor.
- Hostile Work Environment
 - Behavior of a sexual nature that is distressing to women and interferes with their ability to perform their jobs, even when the behavior is not an attempt to pressure the woman for sexual favors.

*<http://alpha.fdu.edu/~sollars/mgmt6547%20Class%2010%20-%20Discrimination.htm>