



# Minnesota NOW

## CANDIDATE BRIEFING

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### **AFFIRMATIVE ACTION: WOMEN'S DOOR TO OPPORTUNITY**

#### **WHAT IS AFFIRMATIVE ACTION, AND WHY IS IT STILL NEEDED?**

Affirmative action programs (AAPs) are plans to take active steps to seek to remedy past and ongoing discrimination against women, minorities and others by increasing the recruitment, promotion, retention and on-the-job training opportunities in employment, and by removing barriers to admission to educational institutions and government contracting. They are an attempt to *encourage* federal, state, and local governments, private businesses and educational institutions to take *affirmative action* to ensure proportional representation (or to correct underutilization) of women and minorities in the workforce.

Affirmative action programs are wide-ranging and vary at local, state, federal, and private sector levels, and generally fall under three categories:

\*Voluntary AAPs initiated by private sector employers, non-profit organizations, educational institutions, etc. These legal voluntary programs are remedial in purpose, limited in duration, restricted in its reverse discrimination, flexible, and pose minimal harm to innocent parties.

\* "Set-aside programs". If a company has a federal contract greater than \$100,000 and 100 employees, it is required to have an AAP using statistical analysis to determine the utilization and availability of minorities and women, and then set goals and timetables, using *good faith* efforts, to correct deficiencies. These are not mandatory programs- they're incentive programs.

There are also cases where federal court may require an AAP if a discrimination suit is brought against an organization or government when the EEOC has found evidence of past discrimination.

#### **WHY IS AFFIRMATIVE ACTION BEING ATTACKED?**

The debate we hear about today is about the social conflict inherent in affirmative action which is between two worthwhile goals: the goal to aid disadvantaged groups and the goal for equal treatment for all regardless of race or sex. There are problems with AAPs (specifically fraud) - but instead of eliminating them we should be improving them. What's missing in the affirmative action debate is that the American pie has gotten smaller. The workplace has changed dramatically in the past 15 years, and instead of focusing on the lack of living wage jobs and the rise of corporate greed, women and minorities are scapegoated as part of the backlash.

#### **HAVE AFFIRMATIVE ACTION PROGRAMS BEEN SUCCESSFUL?**

Affirmative action programs have been good for business - building a diverse workforce that appeals to customers and consumers, and to the global marketplace. And women have benefited: now 29% of lower and middle managers in private industry are women, triple the amount in 1966; 24% of lawyers are women, 19% are doctors and 8% are engineers. A 1995 study concluded that an estimated 6 million women shouldn't have the jobs they have today if not for AAPs.

#### **WHY DO WE STILL NEED AFFIRMATIVE ACTION?**

It's important to note that the Supreme Court and Federal Government and President Clinton have stated that systematic discrimination still exists, and that AAPs should be retained. Women have not broken the glass ceiling; white males constitute 43% of the Fortune 2000 workforce and yet men hold 95% of senior management positions. Women are still predominantly in low-wage, low-status, sex-segregated jobs, and 2/3 of minimum wage workers are women. Women have made gains, and yet we are still segregated in low-wage, low-status positions, locked out from high-paying non-traditional jobs and are not on equal economic grounds with men. Women still only make 75 cents to the dollar men make.

## Affirmative Action works Get the facts and dispel the myths

### *Affirmative Action talking points:*

***AAPs are unfair quota systems.*** For the most part, AAPs are voluntary or incentive programs that set goals and timetables to diversify the workplace. And for government contractors only 2-10% of the billions of dollars in contracts are set-aside for women owned businesses. The only time a business is required to have an affirmative action program is when they have discrimination in the workplace - which is illegal.

***AAPs discriminate against innocent white males.*** The law is clear that if a person is not qualified for a position in the first place, then affirmative action considerations do not apply. The Court and the Justice Department affirm that there is blatant discrimination against women and minorities. White males have been and still are favorably biased positions, as are the wealthy, those with inside connections and even veterans. Affirmative action introduces fair competition and works to widen the applicant pool. And of the 91,183 discrimination complaints filed with the EEOC in 1994, only 1.5% alleged that white men had been discriminated against because of their race. The Labor Department found that of the 3,000 Federal District and Appellate Court decisions involving discrimination from 1990 to 1994, fewer than 100 involved reverse discrimination, and of those there were only six that had merit.

***Women and minorities who are not qualified get jobs they don't deserve.*** AAPs don't encourage employers to hire applicants who aren't qualified, and frankly what responsible employer would? If applicants meet basic qualifications, it is permissible (but not required), to use race or gender as a factor for an underrepresented job category. Discrimination against white males - or anyone - is illegal.

***Affirmative action has gone too far and /or is no longer necessary.*** Over 90% of federal contract dollars go to firms run by white males. While minorities own almost 9% and women own 34% of all businesses, together they receive only 8.8% of the over \$200 billion in federal contract awards. And Congressional documentation shows that women still face obstacles to business formation, development and lending. Remind folks that 30 years of modest set-aside programs, hiring goals and timetables have not corrected the discrimination of the past 200 years - and discrimination still exists. (After the 1989 Croson decision invalidating the minority contracting program in Richmond, Virginia, the share of state contracting dollars to minority owned firms fell from 38.5% to 2.2%)

If affirmative action programs work, why eliminate them? Without AAPs, what can be done to remedy discrimination? And since we don't live in a color-blind, gender-blind society, what will happen to women and minorities when the doors of opportunity are closed?

Prepared by the Minnesota Chapter of the National Organization for Women.

Sources: NOW, NOW LDEF, Feminist Majority, Leadership Council on Civil Rights, Schuler's Personal and Human Resource Management; Lipsitz' American Democracy, Barron's Law Dictionary, League of Women Voters, AAUW, MN Commission on the Economic Status of Women.

For more information on NOW's positions on legislative issues, call or write Minnesota NOW.