



RACE RELATIONS OFFICE

Towards an
Equitable Society
**AFFIRMATIVE
ACTION**

REPORTS & EDUCATIONAL PAPERS

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Race Relations Office
January, 1987.

Affirmative Action

This pamphlet defines affirmative action and describes some of the programmes associated with it.

Affirmative action programmes are aimed to address the attitudes and dismantle barriers which have led to the present imbalances in the workforce in areas where women and ethnic minority groups have been under represented. While many problems are shared by all groups (e.g. discrimination and prejudice) others are unique to ethnic minorities (e.g. monoculturalism). The philosophy and policies of affirmative action apply to all groups even though the programmes described in this pamphlet relate particularly to ethnicity.

Inquiries from, and discussions with, members of the public, indicate that there are many misconceptions surrounding the subject.

It is hoped that by providing this information some of the myths will be dispelled.

Equal Employment Opportunity Policy

is the term used to describe commitment to a programme of action designed to ensure that discrimination on the grounds of race, sex or other features, unrelated to the real requirement of the job

- is avoided in an organisation's structure;
- is avoided in its methods of selecting and treating employees;
- is avoided in the decisions taken by those responsible for selection and management.

Equal opportunity programmes can also contain measures to meet the needs of employees from particular ethnic groups, (for example, through language training), and to help them develop their potential. These affirmative action measures are, therefore, often an integral part of implementing an equal opportunity policy.

The State Services Commission in New Zealand has already adopted an Equal Employment Opportunities policy.

In May, 1984, following the establishment of the Equal Employment Opportunities Unit (in 1983), a Policy Statement on Equal Employment Opportunities was made and endorsed by various Government Employing Authorities. These employing authorities were thus recognizing that, as they make up the largest employer grouping in the country, they must take a leading role in promoting the government's policy on equal opportunities.

A summary of the policy is as follows:

- a commitment to the principle of equality of opportunities in fulfilling their dual responsibilities as employers and as providers of services.
- to ensure that all personnel activities are conducted in a manner whereby people have equal prospects for job success (this includes an aim to comply with the spirit and intent of the Human Rights Commission Act and Race Relations Act, as well as their explicit provisions).
- an opposition to all forms of discrimination, both direct and indirect.
- a concern with ensuring that the process of public administration is consistent with equal opportunity for all groups, and that the services reflect a multicultural consciousness.

Affirmative Action

is the strategy to make equal opportunities a reality instead of a stated ideal. Even if racial discrimination could be removed overnight, ethnic minority group employees and job applicants would suffer the effects of past discrimination and disadvantage. Maori and Pacific Island men and women are more likely to be unemployed, and in lower graded jobs, than their Pakeha counterparts. This is often due to the effects of past and continuing racial discrimination.

Affirmative action is a means of rectifying the effects of past and persistent discrimination. Even with affirmative action it may take many years to redress the balance. An aim of affirmative action therefore, is to accelerate the process whereby Maori and Pacific Island employees are encouraged to apply for work in which they have been under represented and to help them qualify on merit for appointment and promotion.

Affirmative Action Means

- recognising and developing potential which has not been used because of past discrimination and disadvantage.
- encouraging applications from eligible Maori and Pacific Island men and women so that they can be considered equally with other candidates.
- providing training for Maori and Pacific Island men and women to help prepare them for particular work, again so that they can be considered equally with other candidates.

Affirmative Action Does Not Mean

- selecting a number of employees from ethnic minority groups, irrespective of merit, to give the organisation a good image, while ignoring action to remove racial discrimination in general.
- selecting a job applicant simply because he or she is of a minority ethnic group.
- abandoning the merit principle at the point of selection or promotion.

What should change, is narrow, stereotyped definitions of the characteristics, skills, and attributes required for a job and the specification of unnecessary minimum qualifications. Many assumptions about Maori and Pacific Island and other ethnic minority workers, which in the past have prevented them from being seen as the best candidates, are invalid and should be abandoned. Positive attributes such as knowledge of other cultures and languages and interpersonal skills should be acknowledged and valued.

The Legal Position

Affirmative action programmes identify areas in which equal opportunities exist in theory but do not necessarily exist in practice. Such action taken to correct identified imbalances is permissible in terms of section 28 and 29 of the Human Rights Commission Act 1977 and section 9 of the Race Relations Act 1971.

Affirmative Action Programmes and Quotas

Other Western countries where there are disadvantaged minority groups, have affirmative action programmes and policies. These include Great Britain, Australia and the U.S.A. Quotas are frequently associated with American programmes of affirmative action, but they are, in fact, used only by American courts and then only as a last resort when all other Equal Opportunity action has failed. There are no provisions for employment quota enforcement in Australia, Britain or New Zealand.

The New Zealand Government has clearly stated that the introduction of quotas and numerical requirements for the workforce is not part of affirmative action in this country. Instead organisations are left to set their own targets and establish their own goals.

Bursaries and Scholarships for Maori Students

The majority of bursaries and scholarships come under the jurisdiction of the Maori Education Foundation which is a fund made up substantially of money from Maori sources. The income from small units of land leased by the Maori Trustee is a major income. Unclaimed money is also paid to the Maori Education Fund — this is land money unclaimed by Maoris, some of whom cannot be traced and others who will not take the money as a matter of conscience. Pakeha individuals and families have also made donations, especially at the time when the Maori Education Fund was set up.

Some tribes offer scholarships from special trust funds which they hold. In some cases these are available to all students regardless of ethnicity. e.g. The Te Arawa Maori Trust Board made available a grant of \$50.00 to all 7th form students at Rotorua High School.

As the foregoing indicates, much of what is seen as 'extra' assistance to Maori students come from collective funds from Maori sources.

The Pacific Island Polynesian Education Fund provides scholarships to students from Pacific Island countries. The fund is made up of donations and fundraising subsidised by Government funding. The Maori Education Fund is also subsidised dollar for dollar on all contributions.

University Polynesian Preference Schemes

Affirmative action programmes operate in courses such as medicine and law, for which there are always more applicants than places. Polynesian Preference candidates must meet the entry qualifications — A or B+ or whatever the requirement. Rather than accepting students on ranked order of marks other criteria are also considered.

The number of places allocated under Polynesian Preference scheme is very small. A number of Maori and Pacific Island students in the medical and law schools will not have entered under the Polynesian Preference Schemes.

Technical Institute and Trade Schemes

Schemes such as Maori Affairs Department apprenticeships were set up because young Maoris were simply not being taken on as apprentices through the usual channels, and so Maori workers were underskilled and under-represented in the trades. Had all things worked out equitably, the Department's intervention would not have been necessary. The Labour Department sponsors entry to a number of Technical Institute Courses for which the only criteria are that applicants must be registered unemployed and aged 16 to 60 years.

Because a disproportionate number of Maori and other Polynesian young people are unemployed (for reasons outlined in the first section of this pamphlet) they may in some courses make up the majority of students. This may perhaps account for the perception of some people that these courses are exclusively for Polynesian students — a perception which leads to the myth of 'privilege'.

Two courses sponsored by the Labour Department through the Training Assistance Programme which have been available in 1986 are the pre-social work course and the pre-nursing course. These courses are available to all but are particularly targeted at Maori and Pacific Island people as they have been under represented in those areas. The aim of the courses is to develop the skills of people so that they are able to compete for places in nursing and social work courses.

Maori Enterprise Development

At the Economic Summit Conference held by the Labour Party after coming to power in 1984 initiatives were called for to close the economic achievement gap between Maori and non-Maori. Two months later, in October, 1984, The Hon Koro Wetere convened the Maori Economic Development Summit Conference or Hui Taumata. At that hui, Maori representatives called for a targetting of resources, to meet Maori objectives, on Maori terms. There was a clear call also that those resources should be controlled by tribal and regional Maori authorities. That became the mandate by which the resources for the Maori Enterprise Development were secured. It represents the re-targetting of some Government funding to get positive results instead of a negative outcome. The Government has stated its intention to handle unemployment through a series of new employment initiatives, and this is one of those initiatives. The objectives of Maori Enterprise Development are to equalise employment opportunities for Maori people so that these opportunities become, in the long term, viable and unsubsidised.

(From a speech by the Hon. Koro Wetere, opening the Maori Enterprise Development Co-ordinating Conference, 4 July, 1986)

Maori Affairs Department Housing Loans

Housing loans for people who are of Maori descent are available through the Maori Affairs Department and are subject to similar requirements which are imposed by other lending bodies. They were instituted because of the considerable difficulty which Maori people experienced in getting housing finance. (refer back to reference in first section to past and persistent discriminatory practices).

Conclusion

Critics of affirmative action have asserted that the programmes constitute special treatment and 'privilege'. Equal employment opportunity is usually implemented by affirmative action programmes. These could be described as special measures for members of disadvantaged groups, but only in the sense that they assist people to overcome the effects of past and persistent discrimination. In that an ultimate goal of affirmative action programmes is a more just and equitable society, they benefit **all** people.

Sources:

Positive Action & Equal Opportunity in Employment:
Commission for Racial Equality: London 1985.

Affirmative Action Handbook:
Review of N.S.W. Government Administration, 1980.

State Services Commission Circular, 1985/120

NCC Programme on Racism.

The following articles are the transcripts of two recent speeches on Affirmative Action.

Affirmative Action Comment

Sian Elias — Auckland Lawyer

Since 1977, employers have been able to apply to the Human Rights Commission for its approval of their affirmative action programmes.

The Employers Federation has produced a booklet to assist its members in setting up such programmes. But progress in implementing them has been slow. That is probably inevitable, because the aim after all is to redress social imbalance, and that requires reassessment of assumptions as to merit. Those assumptions are often fundamental to the view of our society held by those who are not disadvantaged minorities, and they of course are not only the decision makers who will be called upon to make and implement affirmative action programmes, but are also those who will be adversely affected by it. A strategy which rearranges our preconceptions of worth to recognise positively the value of one race or sex, is going to seem a devaluation of their worth, by those who have previously benefited under the old assumptions.

Hearts and minds have to be one, and the task is not to be underestimated. It is for those sorts of reasons no doubt that affirmative action programmes in employment are not compulsory. The difficulties in implementing affirmative action programmes are acknowledged, but it is now almost 10 years since the Human Rights Commission Act was passed. I think it is time to become impatient. The momentum seems to have been lost, and I think two matters have contributed to that. The first is the coyness with which the words affirmative action or positive discrimination are avoided in favour of the euphemism of equal opportunities. Equal opportunities is the preferred terminology used by the Employers Federation. Of course equal opportunities is certainly the goal. What is needed is the strategy to get us there. That is what affirmative action or positive discrimina-

tion programmes are: strategies.

Talking about equal opportunity fudges the hard fact that the strategy requires those who have historically been disadvantaged to be preferred over those who have historically benefitted. If that hard truth is so unpalatable that we prefer not to name it, then we invite continued resistance to the whole concept. Equal opportunity is quite simply not enough, even when promoted by positive programmes, that is why we need affirmative action.

The second matter which I believe inhibits implementation of strategies for affirmative action is the reluctance to set proportional quotas or numerical goals. The Employers Federation has explicitly rejected the establishment of proportional quotas or numerical goals in promoting equal opportunity. If affirmative action programmes are to get beyond educating people against being discriminatory, then the setting of measurable goals with target dates seems to me to be imperative. Obviously it is desirable that the goals be set in the context of the particular locality and category of job. But you can't set goals unless you know where you are going. Without them you will simply have a checklist of mainly educational strategies, the success of which will be very difficult to assess. In the end there is no impetus for a programme without a specific target.

As we come up to the tenth anniversary of the Human Rights Commission Act, I suggest that employers would be well advised to grasp the nettle of setting up effective affirmative action programmes. If they do not do so, mandatory programmes will have to be introduced. Imposed programmes will necessarily have to set numerical targets in a broad way, rather than by allowing them to be worked out on a case by case basis. That itself should be an incentive to employers to get on with the job.

Equal Opportunity and Affirmative Action

Prue Hyman — Senior Lecturer in Economics,
Victoria University, Wellington.

A few ripples were caused last week when broadcasting authorities discussed their policy of recruiting more women and Maoris. Equal opportunity, as a concept, appears to most people relatively unthreatening. The stronger sounding terms, like affirmative or positive action, arouse discontent, while positive discrimination rings loud alarm bells.

Yet equal opportunity and affirmative action cannot be separated. The Public Service Association puts it this way "Affirmative action is the taking of positive steps in order to achieve demonstrable progress toward equal opportunity for a designated group. It is a means to an end. The end is equal opportunity". Such positive steps are needed in recognition of the fact that equal opportunity does not come about simply by **saying** we will no longer discriminate.

We do not all have the same chance to reach the starting gate in the training and employment race. That is why the Human Rights Commission and Race Relations Acts give power to approve special plans or programmes to assist some groups in catching up.

For women, the most straightforward provisions for increasing equality of opportunity include better childcare options and maternity leave, more flexible working patterns and advancement chances from part time work, all priorities

emphasised at the 1984 women's forums. Such policies are, incidentally, under threat with the current thrust of industrial relations policies in both the public and private sectors.

But this type of policy in itself is quite insufficient to remove the impediments. What it fails to recognise is the insidious nature of systemic or built in discrimination, which isn't a matter of intent or direct prejudice, but of attitudes and assumptions built into policies and practices. Such rules may appear to be inoffensive, but in fact effectively disadvantage particular groups. For example, a maximum age of 30 for recruitment to a job might seem neutral, but would be unfair to women starting a career after a period raising a family.

This general problem was well analysed by the Committee on a Maori perspective for the Department of Social Welfare. It described institutional racism as a bias in our social and administrative institutions that automatically benefits the dominant race or culture, and that can only be combatted by conscious efforts towards cultural inclusiveness. It is illustrated by its effects in education, crime, health and employment statistics, and the problem is often avoided by explaining it away or blaming the victim.

Acceptance of this type of analysis of systematic discrimination should reduce opposition to positive action programmes. They can otherwise be resisted not only by those who feel their group has something to lose, but also by potential beneficiaries. No one wants to feel they have been promoted as the token women or Maori rather than on merit.

However there **is** a case for choosing the minority group representative in cases of equal merit. There is also a case for re-examining the criteria used for **evaluating** merit. The skills and maturity gained in running a home and bringing up a family may be inadequately assessed or discounted as irrelevant; bilingual and bicultural awareness may not be given full weight; qualifications not really needed for the job may be possessed more by the dominant group and used as a bonus.

There are also the more hidden factors; subjective assessments incorporating the views of the boss, preferring people who 'fit in' or are like him. What is judged as enviable self confidence in men may be assessed as excessive pushiness in women.

Your reaction to all this may be one of indignation. Surely we now know enough to avoid these biases! Well, maybe and maybe not. But to make sure, we need to move from platitudes to evaluation, from equality of opportunity to monitoring the moves towards equality of outcome. This doesn't mean fixed quotas for minorities, but it does mean collecting the statistics and measuring the improvement we think we're making.

It means firms with organised equal opportunity policies and programmes, on the lines of the Employers Federation's Positive Action Manual. It may even mean a policy with some teeth. Companies with contracts with the Canadian Federal Government have to report annually on their employment programme and its results.

The sort of actions I've been talking about are needed to move towards a fairer society — for the more hard headed they can also be justified in terms of better use of human resources. Finally, is it too utopian to hope that with more Maoris and women at the top, organisations and their decision making might be less competitive, more consensual and co-operative? — in fact that the systems themselves might change for the better? But that's another story.