

Ending Discrimination by discriminating? The cracks in Affirmative Action Policies

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What can employers list in a job description and what should they not list? How often have you come across job adverts like this “Wanted is aPreferably female....” or “Applicants must be below the age of 25”. Even if you possess the right qualifications you find yourself being excluded from the opportunity to try.

Section 56 of the Constitution of Zimbabwe (Amendment) Act, 2013 and Section 5(2)(a) of the Labour Act 1985 prohibits discrimination against a current or prospective employee on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, age, pregnancy, HIV/AIDS status, and any disability in relation to the determination or allocation of wages and salaries.

The same organisations which hire are also encouraged by society to abide by Affirmative Action policies. Affirmative Action is sometimes referred to as “positive discrimination” or “reverse discrimination”. It is usually the result of legislative or policy intervention created to increase the inclusion of historically excluded groups in the workplace.

Although the Affirmative action policy seeks to promote equality, it is really a method of hiring and promoting solely based on one discriminatory ground or another. This may result in companies hiring and promoting to appease the government and not based on merit. As a result, this can affect the performance of the individuals as in some cases the incumbent may not be fully qualified for the role. Others who may be more suited for the role or promotion are then overlooked because of the company’s need to fulfill ethnic, gender and racial quotas.

This may also cause some discomfort to new minority employees who may be unsure of whether they were hired based on merit or to fulfill some mandate. Other employees may also be skeptical about the new minority employee. Affirmative action places the focus on racial and gender-related issues when employers should primarily focus on how well a potential employee will perform in a particular position. However it creates a fairer playing field for minorities even though sometimes it is at the expense of meritocracy. It is a flawed system and is discriminatory in itself. But it works.

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