

EVALUATION OF AFFIRMATIVE ACTION IN THE CONTEXT OF POSSIBLE UNFAIR DISCRIMINATION AGAINST SUBGROUPS IN THE DESIGNATED GROUP

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SUMMARY

The implementation of affirmative action measures can give rise to unfair discrimination. In cases where members of the "designated groups" compete with one another for the same position, there can be allegations of unfair discrimination. The question arises as to how the employer needs to act in order to avoid unfair discrimination in cases where more than one person from the designated group applies for the same position. The purpose of this article is to evaluate the impact of unfair discrimination on the designated group, specifically with regard to the subgroup "black people" as well as how the employer can avoid unfair discrimination in the implementation of the affirmative action measures aimed at advancing "black people" by selecting the most suitably qualified person from the sub group black people based on the national and regional demographics.

KEYWORDS: unfair discrimination, affirmative action measures, designated groups, suitably qualified, affirmative action candidates.

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