Preventing Racism at the Workplace

European Foundation for the Improvement of Living and Working Conditions
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The European Foundation for the Improvement of Living and Working Conditions launched a project on Preventing Racism at the Workplace in 1994. The objectives of the project were:

- to produce an overview of policies directed at preventing racism at the workplace in the Member States of the European Union;
- to assess the impact of these policies on recruitment, selection, training, career development and pay;
- to identify obstacles and facilitators in the implementation of policies directed at preventing racism at organisation level;
- to consider policy options that could improve the prevention of racism at the workplace.

The implementation of these objectives included the production of: one report for each Member State of the European Union and for Norway; a European report synthesizing the findings of the national reports; and a European Conference to disseminate and discuss these reports. These reports and the proceedings of the Conference have been published by the Foundation.

This booklet is a short summary of the European report; it is available in the 11 European Union working languages.

The Foundation is grateful to the authors of the national reports and specially to the author of the
booklet, Dr. John Wrench, who was able to condense the main points of the European report without losing its interest and understanding.

We hope, that this booklet will contribute to debate on how we can prevent and eradicate racism at workplaces across Europe.

Clive Purkiss        Eric Verborgh
Director            Deputy Director
In 1994 the European Foundation for the Improvement of Living and Working Conditions (Dublin) launched a project ”Preventing racism at the workplace”. It commissioned a report from researchers in each of the 15 EU Member States, plus Norway, on measures against racism and discrimination in employment in each country. These reports provided overviews of existing research in the field. They described the circumstances of ethnic minorities and migrants in the labour market, provided summaries of national, company and trade union policies on ethnic minorities/migrant workers, listed obstacles and facilitators to present and future integration, and suggested strategic options to enhance anti-discrimination policies.

The main report brings together material from the 16 national reports in order to produce an overview of policies in each Member State directed to prevent racism and discrimination at the workplace. The report attempts to identify obstacles and facilitators in the implementation of policies, and to consider future strategies at both Member State and EU level that could improve the prevention of workplace racism and discrimination.
Legal categories of workers in the EU

The working population of the EU can be divided into five main categories in terms of legal status:

1. Citizens living and working within their own country.
2. Citizens of an EU Member State who work in another country within the Union.
3. Third country nationals who have full rights to residency and work in a Member State.
4. Third country nationals who have leave to stay on the basis of a revocable work permit for a fixed period of time.
5. Undocumented or 'illegal' workers.

These represent a continuum of rights, ranging from the full rights and privileges of citizenship in category 1 to relatively few rights in category 5.

The above five categories reflect formal status. However, formal citizenship constitutes only one of the major dimensions of status in the EU. Another major dimension also produces a hierarchy of inequality, but informally: this is the criteria of ethnicity or skin colour, which identifies a person as a member of a ‘visible’ minority. Visible minority status cuts across the citizenship divisions listed above and produces new gradations of inequality. Thus even those people with full and formal citizenship rights can suffer disadvantage in the labour market on the grounds of colour.

This report addresses the issue of employment discrimination covering all the 5 legal categories of worker, and addresses both the formally-based and informally-based sources of inequality described above, including the operation of racism and discrimination in all its various forms. The report concludes that an effective anti-discrimination law for the EU should cover everyone who works within its borders: citizens, other EU nationals, and third country nationals. The principle must be that everyone within a state's jurisdiction is protected against ‘racial’ discrimination, broadly defined to cover discrimination by ‘race’, religion, colour, and ethnic or national origin.
The national reports show how the migrant and visible minority population in the EU is disproportionately represented in poor and insecure work and amongst the unemployed, even the second and third generation migrant-descended population who have been born, raised and educated in a Member State. Whilst factors such as educational and language problems, regional disparities in employment, and structural decline in old industries are recognised and accepted as playing their part in social exclusion, there is still a tendency to underplay the routine processes of exclusion of migrants and ethnic minorities through acts of discrimination in daily life. Policies to counter exclusion at all the other levels – education and re-training policies, regional policies, language initiatives – will come to no avail and all prove to be wastes of resources if the factor of discrimination is not simultaneously addressed. There is now a body of experience in several countries of different anti-discrimination measures which are able to be critically examined, evaluated, and made available to others.

Evidence for racial discrimination
The report selects examples of statistics, research and individual cases to demonstrate evidence of discrimination in the labour market in different European countries. Sometimes there are open acts of racism which are recognised by those who
experience it; more commonly, they operate quietly, unrecognised by the
victims, and are only discovered through specific investigations. The
concealed nature of many of these processes leads to the danger of
underestimating the extent of labour market racism at any one time. The
national reports set out a number of different ways that such acts and their
effects come to notice.

**Statistical evidence**
Sometimes data in statistical form can show patterns which suggest the
operation of discrimination. Such data might be those which exist in
company records, those created by academic research, or official data at a
national level. In just a few countries is there a reasonable amount of
statistical evidence and a tradition of research into the employment
circumstances of ethnic minorities, including large scale survey research.

After holding constant other variables, such as education, age, sex, occupa-
tional level, and region, researchers in the UK and the Netherlands have still
found a discrepancy in large data sets between the unemployment figures of
white nationals and those of ethnic minorities. It is clear that only a small
part of this unemployment discrepancy can be accounted for by the level of
education and other characteristics. Similarly in Sweden, when other
variables are held constant, refugees from the Middle East, Asia and Africa
are found to do less well in finding work than those from Eastern Europe.

All these findings strongly suggest, therefore, that racial discrimination is
still a factor which operates in the labour market. Complementary and
more direct evidence comes from a variety of other sources. One of these is
“discrimination testing”.

**Discrimination testing**
This method utilises two or more testers, one belonging to a majority group
and the others to minority ethnic groups, all of whom “apply” for the same
jobs. The testers are matched for all the criteria which should be normally
taken into account by an employer, such as age, qualifications, experience
and schooling. If over a period of repeated testing the applicant from the
majority background is systematically preferred to the others, then this
points to the operation of discrimination according to ethnic background.

Tests have been carried out a number of times over many years in the UK
and the Netherlands, for jobs ranging from unskilled to higher professional
levels, and in both the public and private sector. They have shown repeatedly that white applicants are far more likely to be successful than are equivalently qualified applicants from a visible minority background. The method of discrimination testing is one of the most important and effective means of demonstrating the existence of the problem area in the face of those who deny that discrimination occurs. In the UK and the Netherlands it has been shown to have great effect in raising consciousness and changing public policy. Unfortunately, although the method has been used in countries such as Canada and the US, it has still not been widely applied in other EU countries.

Research into the actions of employers
Qualitative research with employers can give an insight into what lies behind the direct labour market exclusion revealed in discrimination testing. Sometimes such research can discover open prejudice, directly expressed. For example, in the Netherlands, interviews with employers, in which they are questioned about their views concerning ethnic minorities, demonstrated prejudice against foreign employees and a regular preference for white nationals. Respondents interviewed for the French report were quite open about their refusal to recruit persons from North Africa and Africa generally. More often, employers will admit that their actions are determined not by their own prejudices but by the prejudices of others. The UK report described employers who would argue that it was not they themselves who were prejudiced, but their workforce or their customers. The French report also described employers who justify their unwillingness to take on applicants by claiming that the other employees at the plant will not work with foreigners or “coloured” people. Sometimes, they excuse their actions by the idea that employment of immigrants “would detract from the firm’s image”, or that those whose foreign origin is “visible” cannot be employed in situations where they have to be in contact with the public. The Danish report describes employers’ reluctance to take on foreigners as apprentices for jobs such as plumbers, as they felt customers would not like such a person in their house. A study of managers representing the largest firms in Norway found that almost 80% thought that managers do discriminate against immigrants in recruitment.

Another, more subtle, way that visible minorities are directly excluded is to use subjective ‘informal’ criteria in recruitment. Several national reports
revealed how socially normative criteria, such as the motivation and reliability of the applicant and ‘fitting into the team’, appear to be more important factors in the selection of personnel, than technically instrumental criteria, such as education and work experience. With these criteria subjective prejudices come into play more than with objective criteria. Some describe how recruitment procedures have evolved in the direction of placing more and more emphasis on personal interviews, at the expense of written tests. Employers now take it upon themselves to examine the “personality” of job applicants, their personal opinions and aspects of their lives which have increasingly little to do with their vocational aptitudes, and this works against the chances of migrants, foreigners and ethnic minorities.

Indirect discrimination
Indirect discrimination in employment exists with job requirements or recruitment practices which, although applied equally to all, in practice treat members of one ethnic group more favourably than another. The exclusion resulting from indirect discrimination can be either accidental or intentional.

One example of indirect discrimination described in many of the national reports was the practice of many firms of relying for recruitment on the family members of existing employees. Thus, in a largely white workforce, this excluded ethnic minorities. This was found in the UK and Portuguese reports for the recruitment of apprentices, and in many instances in the Netherlands. In Denmark, many companies where employers used to recruit new employees through the Labour Exchange now mainly recruit new workers by asking their employees to find someone, so as to get employees who are ‘able to co-operate’. In Germany it was found that one reason for the under-representation of migrant young people in the modern sectors of industry in Nordrhein-Westfalen was the practice of recruiting the children of employees.

The French report describes how certain nationalised enterprises use a variety of methods to give preference to French nationals in allocating jobs, one of the most effective of which is to give priority to the children of employees already working in the enterprise. Thus, in the major public services, job vacancies are first circulated among staff and are already occupied by their relatives by the time they are advertised externally.
Preference for the children of staff is described as an "unwritten law" in France, widely subscribed to and often encouraged by the trade unions. In Finland, it is estimated that internal and informal network recruitment are the main methods for finding employees, with employment agencies being informed about less than 30% of all vacancies. This practice, common in many other countries too, means that migrants and ethnic minorities are excluded from the recruitment pool.

**Employment agencies**
Evidence from several of the national reports showed how some private employment agencies were uncritically co-operating with instructions from employers not to send them ethnic minority staff. Officials of the Danish Labour Exchange informed a researcher 'off the record' that they take notice of the wishes of employers when they specifically ask not to be sent immigrants and refugees. The French report describes the use of coded messages written into job offers placed with temporary employment agencies which signify “no foreigners”. Officials in the UK Careers Service, an agency which specialises in finding jobs and training for school leavers and young people, described employers who would refuse to interview Asian youngsters on hearing their name, or specify 'We want a white youngster'. The research also revealed that, instead of confronting racist employers, many careers officers would engage in ‘protective channelling’, voluntarily directing ethnic minority young people away from firms and schemes where they suspect they will be rejected.

**Evidence from migrants and ethnic minorities**
The reports show that research into the experiences of migrants themselves provides an added source of evidence of discrimination. Whilst suspicions of unfair discrimination in recruitment are difficult for an individual to justify, differential treatment within the workplace is more visible and tangible for the victim. Many reports described how migrants and foreigners felt that they are not given the same opportunities as their white colleagues. Foreigners in Denmark felt that supervisors did not give them the same level of instruction as Danish employees; in the Netherlands, researchers demonstrated that discrimination is experienced with promotions, and in employment and working conditions, and over the distribution of duties. In
Germany, migrants complained about differential treatment in training and promotion opportunities, verbal harassment, and in the allocation of easier jobs for older workers.

Individual cases of direct racial discrimination in employment occasionally come to public attention through the campaigns of pressure groups and activists, or through the attention of the media. However, one problem is that in countries where there is no effective legal machinery, or no history of activism by anti-racist organisations, or no tradition of research into the area, then cases are less likely to come to notice.

Discrimination and the informal economy

The reports from Italy, Spain, Portugal, Greece and Ireland demonstrate that in many EU Member States the relative newness of their status as countries of immigration means that they have qualitatively different experiences of discrimination. As past countries of emigration there is a legacy of sympathy for migrants and the racist intolerance they experienced in other countries. Nevertheless, new migrants within many of these countries are now also experiencing racism and discrimination in employment. However, unlike in those countries with longer experience of the issues, there is no established tradition of using legislation and other specific anti-discrimination measures to tackle discrimination at work.

Immigration in some of these countries is characterised by a significant proportion of undocumented workers, and/or participation in an illegal labour market.

The issue of discrimination in this context is different from how the problem is seen in other European countries. It concerns the super-exploitation of large numbers of migrants, whether undocumented or not, in poor or illegal work, suffering conditions which would not be tolerated by native workers, but which they are not in a position to reject. In countries where migrants are longer established and issues of the ‘second generation’ are important, the concern is with the unjustified exclusion on ‘racial’ or ethnic grounds of migrants and ethnic minorities from employment opportunities, and the related phenomenon of the over-representation of migrants and ethnic minorities in unemployment. In countries of southern Europe, in contrast, immigrants are actively preferred and recruited because they are cheaper, more vulnerable, and more pliable -
they are less able to resist over-exploitation in terms of work intensity or working hours. Similarly in Austria the particular legal regime that immigrants work under makes them attractive to employers because they are forced to accept working conditions far worse than those tolerated by Austrians. Immigrants in these conditions experience a perverse kind of “positive discrimination” in the selection process and then in work suffer the “negative” discrimination of conditions which indigenous workers would not tolerate. Where work is illegal, immigrants themselves are often reluctant to bring to public attention their conditions; sometimes trade unions work to expose abuses in the media, but there has been relatively little academic investigation of racist and discriminatory practices within the workplace.
As well as setting out evidence for inequality, disadvantage and discrimination, the 16 national reports also summarise their national, company and trade union policies against discrimination. The national reports revealed weaknesses in existing legislation against discrimination in employment in many countries, and problems with the implementation of legal and administrative measures against discrimination. Sometimes there is the absence of political will at a national level to implement the legislation which already exists. One consequence of having anti-discrimination legislation that is weak, or weakly applied, is that there remains little pressure on employers to adopt more ‘voluntary’ measures such as the use of codes of practice, or positive action, in those countries where such measures are officially allowed or encouraged.

The national reports have pointed to the existence of a number of problem areas. (Not all of these apply equally to all the European countries studied.)

1. Inadequate specific information and research on the employment circumstances of migrants/ethnic minorities, and on the occurrence of discrimination.

2. The occurrence of overt racism towards migrants/ethnic minorities, and direct racist exclusion from employment opportunities.

These include the use of family connections and informal ‘acceptability’ criteria in recruitment.

4. A general ignorance and lack of awareness of the problems of racism and discrimination in employment on the part of many employers and trade unionists.

5. Hostility and misunderstandings on the part of employers and unions about equal opportunity and equal treatment policies, and anti-discrimination practices, as well as misconceptions about the nature of racism and discrimination.

6. Broad ideologies of resistance to anti-discrimination measures. These might be rooted in economic or market theories; alternatively they could be related to philosophies about the principle of racially or ethnically specific policies as opposed to universalistic measures.

7. Weaknesses in existing legislation against discrimination in employment in many countries, and problems with the implementation of legal and administrative measures against discrimination. Sometimes there is the absence of political will at a national level to implement the legislation which exists.

8. The lack of social, economic and political rights of ‘denizens’ and the related effects of ‘discrimination in law’ which excludes non-nationals from certain jobs.

9. The absence of anti-discrimination measures at European Union level.

10. Broader developments which undermine progress towards anti-discrimination protection, such as the spread of illegal/undocumented work, structural unemployment, etc.

These problem areas and obstacles are:
- factors which lead to discrimination against migrants/ethnic minorities
- barriers to the adoption of anti-discrimination measures
- obstacles to the effective implementation of anti-discrimination measures once they have been adopted

Some of these problems can be effectively addressed by improved social policies. Others, realistically, can only be partially addressed; perhaps only the final one is beyond the remit of policies discussed in this report.
The national reports have shown that discrimination operates in different ways and at different levels. Some of the action which needs to be taken is that at the EU level; others are at Member State level. The report concludes that there are eight main areas for action:

1. Improvement of the rights of third-country nationals
2. EU directive on racial discrimination
3. EU initiation of a code of practice
4. Member State action on citizenship rights
5. Anti-discrimination legislation at Member State level
6. Voluntary measures against discrimination by employers and trade unions
7. More information and research
8. General employment protection
1. IMPROVEMENT OF THE RIGHTS OF THIRD-COUNTRY NATIONALS

The first issue is that of the anomalous status of third country nationals in the EU, and the discrimination and disadvantage related to this. There now exists a two-tier workforce - one with the right to work anywhere in the EU, and the other restricted to a single EU country. The distinction between EU nationals and legally resident third-country nationals will become wider as more opportunities develop across the EU single market for jobs, business and cultural activity, but third-country nationals will not be able to move in order to take advantage of them. The national reports have given many examples of the ways in which this disadvantage is experienced. It is important that denizens are given full rights of employment and mobility across the EU.

2. EU DIRECTIVE ON RACIAL DISCRIMINATION

This report has shown the problems stemming from the wide variation in anti-discrimination legislation between Member States. Across EU countries, measures to combat discrimination are variable in their scope and effectiveness, and in some cases hardly exist. Many Member States are at quite different stages of developing law and practice to deal with racial discrimination in employment, and in some cases protection is wholly inadequate. Member States are unlikely to introduce measures which are truly effective unless encouraged to do so by a directive at the European level. A directive would lay down a common basis in goals to be achieved through legislation, whilst allowing each national government the flexibility to deal with its own particular problems.

The obligations of the Equal Treatment Directive led to every EU country introducing legislation to guarantee equal treatment between men and women in the labour market. The same should now be done for racial discrimination.

3. EU INITIATION OF A CODE OF PRACTICE

As the main report describes, codes of good practice against discrimination in employment are currently in use in the UK and the Netherlands. A code gives guidance to help employers and others to understand the law, and sets
out policies which can be implemented to help to eliminate racial
discrimination and enhance equality of opportunity in the workplace. A
code can give practical guidance to explain the implications of a country's
anti-discrimination legislation, and can recommend measures to reduce the
possibility of unlawful behaviour occurring.

In order to encourage the adoption of such a code at Member State level it
would be possible for the EU to initiate a code of practice to combat racial
discrimination in employment, similar to the code it initiated on sexual
harassment. Such a code could cover the full range of employment issues,
such as recruitment and selection procedures, opportunities for training and
promotion, disciplinary procedures for racist harassment, dismissal and
redundancy procedures, and taking account of particular cultural or
religious needs. A code could encourage organisations to adopt an equal
opportunity policy, and anti-discrimination training for staff. There might
be variation in codes so that different codes could be drawn up to relate
specifically to trade unions and employment agencies, as in the Netherlands.

So far the EU social partners have failed to agree on a common code of
practice. As a first stage, at the Social Dialogue Summit in Florence in
October 1995, they agreed on a "Joint declaration on the prevention of
racial discrimination and xenophobia and promotion of equal treatment at
the workplace". This sets out a range of means that have made a positive
contribution towards preventing racial discrimination at the workplace, and
also sets out various possible approaches for evaluating the progress made
by such measures. The social partners will seek to use this declaration to
raise their members' awareness on these issues.

4. MEMBER STATE ACTION ON CITIZENSHIP RIGHTS

In those countries where it is not easy to achieve citizenship, there are
employment disadvantages which are unacceptable, particularly when this
applies to legally-resident people born in an EU country of migrant parents.
It is difficult to talk about measures against racism and discrimination when
a barrier to improving this situation is the legal status of the population of
migrant origin. There are a number of European states where naturalisation
is not easy. However, the problem issue is not simply one of access to
citizenship, but access to dual citizenship. Even when legally-resident foreign
workers do not want to become naturalised citizens of their new society, a new status of denizenship could be granted to them, similar to that of dual nationals, entitling them to all the rights of citizenship within their country of residence, including the right to participate in national elections. In some countries rules exist which make it difficult for ‘second generation’ migrants to be regarded as equal in the labour market. These legal discriminations would need to be removed, as a first step to ‘equal treatment’ of migrant workers, before other anti-discrimination measures could become fully effective.

5. ANTI-DISCRIMINATION LEGISLATION AT MEMBER STATE LEVEL

International conventions on racial discrimination, such as the ILO Convention 111, only have substantive effects when they lead to and inform domestic legislation on discrimination. A starting principle of domestic legislation is to make racial discrimination a criminal and/or a civil offence. Legislation must include both a strong prohibition of racial discrimination in all its forms, and a committed prosecution policy. The following are likely to be components of legislative action against discrimination in employment. Legislation could:

- make it unlawful to discriminate at any stages of recruitment on the grounds of colour, ‘race’, nationality, ethnic or national origins, or religion;
- forbid an advertisement which indicates that an employer is intending to discriminate on the above grounds;
- make it unlawful to discriminate against employees, once recruited, in regard to their terms of employment or opportunities for training or promotion;
- render unlawful “pressure to discriminate”, i.e. inducing another person to perform an act of unlawful discrimination;
- make unlawful racist insults, harassing, threatening and bullying by other employees;
- protect against victimisation individuals who bring a complaint of discrimination or give information in proceedings brought by another person;
give individual victims a right of direct access to the courts and tribunals for legal remedies against unlawful discrimination;
make racist attacks, harassment, propaganda and general incitement to racial hatred a criminal offence.

It is also important for legislation to recognise the distinction between direct and indirect discrimination.

The importance of an agency
When individuals do not have adequate access to the courts and tribunals this constitutes a fundamental limitation of legal measures that have been introduced by individual states Anti-discrimination measures cannot be effective without a range of measures of implementation. These include the creation of an agency backed by law and central government to undertake advisory and litigatory functions. The existence of an agency is a key indicator of a country's commitment and progress in dealing with discrimination. Governments in several countries have established special enforcement agencies to initiate legal action and help individual litigants. This is particularly important when individuals are without the resources or skills to pursue their cases to tribunals. An agency could have both an educational role and formal investigative powers, with the ability to take cases to court. An enforcement agency may also be authorised to prepare codes of good practice, advising employers what they should do to avoid discrimination.

Contract compliance
It is possible for national legislation to enable anti-discrimination to be pursued by administrative action, such as contract compliance. This is when the government or local authorities encourage companies and agencies supplying goods or services to comply with minimum requirements on employment practices, including on equal opportunities. Experience in the USA and the UK has shown that contract compliance can lead to greatly improved equal opportunities practices in the companies involved. Central and local governments are in a very strong position to encourage a faster spread of good practice because of their very large purchasing power.
6. VOLUNTARY MEASURES AGAINST DISCRIMINATION

As well as laws against discrimination, there is a need for the stimulation of a range of social policy initiatives against racism and discrimination, including equal opportunities programmes, codes of practice, positive action, education and information provision, and training. The law can be used not just to prohibit, but to allow, to encourage and to facilitate. It can provide a stimulus for organisations to undertake 'voluntary' action, such as adopting equal opportunity policies.

Equal opportunity policies

Laws against discrimination need the support of equal opportunity policies implemented at the workplace. An equal opportunity policy consists of a set of aims and procedures adopted by an organisation which should be summarised in a public statement and made known to all employees. An equal opportunity policy could include the following:

- an audit of ethnic minority employees;
- ethnic monitoring of job applicants;
- equality targets for recruitment;
- equality targets for entry to management posts;
- recruitment initiatives to encourage ethnic minority applicants;
- training for recruiters and selectors on avoiding racial discrimination;
- positive action measures to stimulate ethnic minority applications;
- positive action training for ethnic minority employees;
- procedures against racial harassment.

Ethnic monitoring

Ethnic monitoring entails the collection of statistics on the ethnic origin of all employees and trainees in order to identify where ethnic minority staff are employed in the organisation and to compare their progress with that of white staff. Monitoring of the workforce and of decisions made at recruitment, selection, promotion and redundancy stages has an important contribution to make in cases of both direct and indirect discrimination. Such statistics can reveal unintentional discriminatory outcomes and allow
employers to deal with problem areas by reviewing standard practice and providing specific training to increase awareness and introduce new techniques to ensure fairer outcomes. The ethnic profile of the workforce provides a baseline against which progress can be measured. Experience in the USA has shown that firms usually discover advantages in the practice of monitoring, not least the fact that the very process of recording and returning data gives a degree of systematisation of recruitment and selection procedures and criteria which might previously have been absent.

**Positive action**
Positive action seeks to do more than simply attack discrimination; it also includes measures to tackle the causes of under-representation by devoting extra resources to encourage and assist members of under-represented groups to compete for employment. Examples of the sorts of positive action measures which could be adopted are in existence in some Member States. These include organising special recruitment campaigns targeted at ethnic minority areas, or advertising in ethnic minority publications. The national reports show that some people still confuse ‘positive action’ with ‘positive discrimination’. Employers can encourage the interest of those they are trying to attract, and take other positive steps, but should then select candidates solely on the basis of their suitability for that job. This is different from the use of quotas, which would constitute positive discrimination. Setting a quota for people from ethnic minorities would almost certainly involve selection on the basis of ‘race’ rather than on merit alone, which would be undesirable. In the Netherlands the law allows the preferential treatment of minority applicants in the case of sufficient or equal qualification for a post. This does not, however, mean lowering the qualification requirement for the vacancy in order to recruit the minority applicant – this would be seen as unacceptable ‘positive discrimination’.

**Equality targets**
Equality targets consist of a figure of ethnic minority employees which employers would aim to reach by a specific date, both through positive action and through measures to eliminate direct and indirect discrimination. They may relate to numbers or proportions of under represented groups in particular jobs or grades, and be defined in relation to the percentage of ethnic minority population in the relevant area or local labour market.
Where an organisation is recruiting, for example, graduates for professional jobs, the basis for setting targets might be the national labour market. Targets are not quotas and must not be reached by discriminatory selection decisions.

**Anti-discrimination training**

The national reports show that a great deal of ignorance exists about the employment circumstances of migrants and ethnic minorities, and the discrimination they suffer. Anti-discrimination training can form part of consciousness-raising activities on this issue, and is recognised as an important tool within the range of techniques for combating discrimination against migrants and ethnic minorities. Whereas positive action training provides skills and knowledge to individuals to improve their own opportunities, anti-discrimination training is aimed at people who can affect the opportunities of others, and seeks to reduce discrimination by giving skills and knowledge or by changing attitudes or practices. There are many different types of anti-discrimination training. Some of the different areas covered in the training content are as follows:

- imparting cultural information to prevent misunderstandings at work;
- making people aware of the racism underlying their own attitudes and behaviour, and helping them to develop strategies to deal with it;
- making people aware of the history and mechanisms of racism and discrimination, and helping people to develop strategies to oppose racial injustice;
- developing skills and work practices to stop discrimination in personnel management;
- explaining the meaning of an organisation’s equal opportunities programme and the duties that it puts on individuals;
- explaining anti-discrimination legislation and its implications for the organisation and for the individual.

**The business case for equal opportunities**

The measures for employers suggested above can be described as ‘voluntary’, in that although they would be allowed for in law, they would
not be mandatory. Nevertheless, many employers do implement these measures. This might be for reasons of social justice, or a concern to avoid broader social problems. Some employers are motivated by broader moral and social concerns over the divisions in the social fabric which may result from unwarranted exclusion from opportunities of one section of the community. Their implementation does not, however, have to be simply altruistic. It is recognised that there can be a number of potential advantages stemming from equal opportunities practice. For example:

- if qualified people are locked into a secondary labour market of poor and unskilled work, this is an inefficient use of human resources and a waste of talent;
- if workers are employed below their capacity, this can lead to poor motivation and low productivity;
- migrants tend to be a young population, and in some local labour markets form an increasingly significant proportion of school leavers. Therefore, an employer who presents a negative image to ethnic minority young people may have difficulty recruiting appropriate trainees;
- the introduction of a well-managed equal opportunities programme which includes the accurate monitoring of both the existing workforce and new applicants can give new and helpful insights into aspects of the organisation's human resource management;
- if employers fail to recruit and use ethnic minorities in a culturally diverse region they will lose an opportunity to increase their attractiveness to potential customers;
- there is a danger of bad publicity if an organisation is suspected of operating racial discrimination. Whereas a high profile equal opportunities policy can be very good for the corporate image, a tribunal case for discrimination can severely undermine it.

While it is true that there can be identifiable advantages for an employer in the introduction of equal opportunity measures, and that in some Member States individual employers have embraced them willingly, it is also true that without further encouragement by legal measures their widespread adoption is unlikely. Even in countries such as the UK and the Netherlands it remains the case that there is relatively little incentive to encourage
employers to adopt good practice in this area, over and above the avoidance of unlawful discrimination. There is therefore an argument for imposing greater requirements on employers to introduce equal opportunity measures.

Recommendations for trade unions

Unions have an important and special role to play in the integration of migrant workers both in the workplace, and in broader society. Special measures are needed for unions to adopt in countering racism and discrimination. These might include:

- union educational programmes which tackle racism and discrimination. These should not simply cover, for example, issues of right extremism – they should also attempt to develop awareness on discrimination in the workplace and the union, and measures to tackle it;
- the adoption of an equal opportunities policy and code of good practice with regard to the union’s role as an employer itself, as well as in looking after the interests of its members;
- a readiness to take vigorous action on employment grievances concerning racial discrimination, including a willingness to support victims as far as industrial tribunals;
- procedures for dealing with racial harassment at the workplace, with a readiness to take disciplinary action against union members guilty of racist action;
- a commitment to countering racist propaganda, including involvement in national demonstrations and campaigns to raise public awareness on these issues;
- the production of union material in relevant ethnic minority languages when necessary. This could include recruitment material and broader information such as health and safety regulations;
- encouraging employers to take on board anti-discrimination measures by, for example, the inclusion of equal opportunity clauses in collective agreements, and encouraging employers to use voluntary measures such as codes of practice, fair personnel procedures for recruitment and promotion, etc;
encouraging migrants not only to join unions, but also to share union responsibilities, working to remove barriers which prevent migrant and ethnic minority workers from reaching union office.

In general, unions should not simply restrict their activities to the workplace, but should also concern themselves with the broader position of migrant workers in society. Increasingly, European unions are seeing it as important to secure rights and protection for all workers, including undocumented migrants. This report has shown that formal measures against discrimination are undermined by the illegal labour market. Thus unions should make it a priority to extend protection to workers in the illegal labour market, including undocumented workers.

7. MORE INFORMATION AND RESEARCH

The report describes how national reports were hampered by incomplete national statistics, and more specifically by lack of research on the experiences of migrants in employment, and on discrimination. In many of the 15 Member States there was relatively little or no such research to refer to, little public awareness of discriminatory practices, and therefore little debate as to their implications for social exclusion. The acceptance of a notion of ‘no problem here’ means there is little incentive for research, the absence of which then reinforces the idea that there is no problem. Some reports explicitly made the point that until broader awareness is achieved through identification and discussion of the various processes of discrimination and exclusion, there can be no progress in related social policy developments against exclusion.

It is important to raise public awareness through comprehensive studies on the experiences of non-nationals of different ethnic backgrounds, including those who may be working illegally. In many countries at present, official statistics provide information only on foreign nationals. But when immigrants and refugees have become naturalised, they are still subject to racial discrimination. When official statistics lack detail, researchers can therefore play an important role in filling in some of the gaps in knowledge by carrying out specific surveys. Research will also need to be carried out on the circumstances of migrants in companies and trade unions before many key people in these organisations will be convinced of a need for anti-
discrimination measures. When equal opportunities and anti-discrimination measures have eventually been adopted, there will need to be case studies of organisations which have operated them, in order to disseminate knowledge of good practice to others.

**Discrimination testing**

As argued elsewhere in this report, statistical indicators of inequality are not enough in themselves. Therefore, further types of research are needed. Discrimination testing, where people of different ethnic origin but having the same qualifications apply for jobs, is an invaluable way of finding out the degree of discrimination. Although the International Labour Office (ILO) is extending its programme of discrimination testing, in many countries no such discrimination testing has ever been carried out, and it is important that such work is undertaken as one of the first stages in a programme of research.

**Qualitative research**

Discrimination testing such as carried out by the ILO is effective, and is an important first stage, but it has limitations in its explanatory value. It clearly demonstrates the existence of the problem, but gives little further insight into the processes behind it. Qualitative research can complement and add to the research already being done by exploring in detail the attitudes, motives and practices of key labour market players, including employers, trade unionists, and migrant workers themselves. It can bring to light practices in the labour market which contribute to the exclusion of migrants and ethnic minorities, even though they may not be motivated by racism or intentionally discriminatory.

**Research on the illegal labour market**

The issue of discrimination and the illegal labour market is qualitatively different from the issues of employment discrimination and the ‘second generation’ being discussed in many EU countries. Nevertheless, the two issues are related. The existence of the informal labour market undermines anti-discrimination measures, and creates a class of workers who are unable to draw upon the protection of such measures. The national reports describe the difficulty in discovering the detail of the over-exploitation
immigrant workers are subjected to. Immigrants rarely report such practices, often because they have no documents. This is one reason for the need for further research. There should be qualitative research to bring to light and expose these practices to public knowledge. There should also be sensitive, ethnographic work on workers in the illegal labour market to fill in the picture of how people enter such employment, the operation of informal networks, and the relationship of the informal with the formal labour market.

**International exchanges of information**
There should be international exchanges of experiences on issues such as citizenship and anti-discrimination legislation, the experiences of equal opportunities policies, etc. This is best co-ordinated by international organisations who could arrange such exchanges of information on a European level. Managers and officials of companies and trade unions should meet with those from other countries to exchange both good and bad experiences in the field. For example, a meeting of personnel managers at a European level could be initiated, where managers from companies with an equal opportunity policy would inform their colleagues about the advantages of, and the problems concerning, such policies. The European Union and initiatives launched by the European Commission or other European institutions can be valuable facilitators of such activities.

**8. GENERAL EMPLOYMENT PROTECTION**
Even with the best measures, anti-discrimination law and practice will have a limited impact in the context of a general degradation of work. Anti-discrimination protection can only be effective in the context of reasonable minimum standards of employment protection. At an EU level this issue has been addressed through the Social Charter and the social chapter of the Maastricht Treaty.

Even in a country with strong anti-discrimination legislation, if standards of general employment protection are weak, then in practice the anti-discrimination measures are significantly undermined. In some countries with higher standards of general employment protection these often benefit migrant workers along with indigenous workers, but if anti-discrimination
measures are absent or weak, then its migrant and ethnic minority workforce are unable to seek protection against those extra disadvantages suffered only by visible minorities. Clearly, what is needed are both elements: general employment protection measures, and more specific anti-discrimination measures in all EU Member States. Without a high general standard of employment protection, the existence of anti-discrimination laws will emphasise divisions in employment, with only those people with relatively secure jobs and the protection of a trade union being in a position to insist on their rights. Those more vulnerable and disadvantaged workers in marginalised employment with the least access to the law will find anti-discrimination legislation almost irrelevant.

There is a danger of an increasing gap widening between those with reasonably secure, well paid work and those who are excluded from the labour market altogether or exist at the insecure margins of the labour market in various forms of precarious or ‘atypical’ employment. If this gulf is allowed to develop, it will lead to a “dual society”. A report for the European Foundation for the Improvement of Living and Working Conditions argues that the choice facing Europeans lies between a dual society and an active society:

A “dual” society in which wealth is created by a highly qualified labour force, using capital equipment based on advanced technology, and income is then transferred to the non-active, through social security payments, as the basis for some measure of social justice.

An “active” society, in which there is a wider distribution of income, achieved by means other than social security transfers, and in which every person feels that she or he can contribute, not only to production, with all those who wish to work having a reasonable chance of access to employment, but also by participation in the life and development of society.

It is argued that a “dual society” is unlikely to be socially cohesive. It will mean that some citizens will be doomed to long periods, even lifetimes, of unfulfilled potential at best and poverty at worst. It will also mean the persistent undermining of the economic competitiveness of Europe, because where social cohesion is lacking there is a cost. Therefore, it is argued, the
choice must be for the “active society”. “It alone can be socially cohesive, and indeed allows meaning to be given to the term: a society which aims to reduce inequalities generated by social and economic imbalances, not just by social transfer payments, but by offering the opportunity for participation to all.” When one marker of this dualism becomes ethnicity or colour, then the social implications of a “dual society” are even more severe. One way of assisting the access of all groups to employment and participation in the development of society is via both the legal and voluntary anti-discrimination measures discussed in this report.
The 16 national reports were written by the following:

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Copies of each of the national reports are available from the European Foundation for the Improvement of Living and Working Conditions, Loughlinstown, Dublin 18, Ireland. Tel: (+353) 1 282 6888. Fax: (+353) 1 282 6456
European Foundation for the Improvement of Living and Working Conditions

PREVENTING RACISM AT THE WORKPLACE
A Summary

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This booklet summarizes the main findings from national reports of all European Union Member States and Norway on the prevention of racism at the workplace. It reviews the present situation in the labour market regarding discrimination against migrant workers and ethnic minorities, offering a choice of possible future initiatives which could lead to prevention of discrimination and workplace racism.