



**Network of socio-economic experts in the non-discrimination field
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SYNTHESIS REPORT 2010

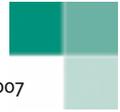
PART II - ETHNIC MINORITIES, MIGRANTS AND EMPLOYMENT

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The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

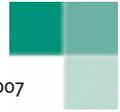
- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large

For more information see:

http://ec.europa.eu/employment_social/progress/index_en.html



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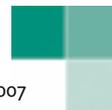
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ABOUT THE NETWORK OF SOCIO-ECONOMIC EXPERTS IN THE NON-DISCRIMINATION FIELD (SEN)

Establishment of SEN

The Network of Socio-Economic Experts in the Non-Discrimination Field (SEN) was established in 2009 and provides the Commission with independent expertise and advice and sustained information on discrimination on the grounds of age, disability, ethnic or racial origin, sexual orientation, religion or belief and multiple grounds.

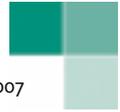
The Network of Socio-Economic Experts in the Non-Discrimination Field has been made possible by the PROGRESS programme (2007-2013). Supporting the effective implementation of the principle of non-discrimination and promoting its mainstreaming in all Community policies is one of the main objectives of PROGRESS. In particular, the aim of PROGRESS is to improve the knowledge and understanding of the situation prevailing in the Member States through analysis, evaluation and close monitoring of policies.

Topics, methodology and structure of the Synthesis Report of the SEN 2010

The SEN produces a synthesis report annually on discrimination-related topics examined during the year, based on national/country reports produced by the experts on these topics for each country. The synthesis report provides analysis of data and trends, achievements and drawbacks, including conclusions and recommendations.

In 2010 the SEN was asked to prepare country reports describing and analysing discrimination issues in the labour market for two groups: lesbian, gay, bisexual and transgender (LGBT) people and ethnic minorities. The logic behind this request is that an overview of the situation in the Member States regarding the fight against discrimination in the labour market can provide insight into the question of how the Member States are progressing towards the Europe 2020 goals.

National workshops (NWs) were held in each EU Member State to validate, elaborate and specify the findings of the draft national reports. The most important stakeholder groups represented at these national workshops included NGOs, social partners, equality bodies and the national representative in the EU Governmental Expert Group (GEG) on anti-discrimination.



In March 2010 a 'Good Practice Exchange Seminar' on public policies combating discrimination against and promoting equality for LGBT people took place in Den Haag, the Netherlands. Government representatives and experts from 14 EU Member States, including the host country, the Netherlands, plus Norway took part. The event was hosted by the Dutch Government, Ministry of Education, Culture and Science and Ministry of the Interior and Kingdom Relations [*Ministerie van Onderwijs, Cultuur en Wetenschappen; Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*].¹

Government representatives and experts from 14 European countries - 13 EU Member States and Norway – took part in a good practice exchange seminar on public policies combating discrimination based on racial or ethnic origin in accessing and progressing in employment. The seminar took place in Berlin on 4-5 October 2010. The event was hosted by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth [*Bundesministerium für Familie, Senioren, Frauen und Jugend*].²

The results of these good practice exchange seminars are also used as input for this report.

The synthesis report is structured in two different parts. Part I presents an overview of the first theme covered in 2010: the situation of LGBT people in the labour market. Part II focuses on the analysis of discrimination against ethnic minorities in relation to employment.

¹ <http://ec.europa.eu/social/main.jsp?catId=954&langId=en>

² <http://ec.europa.eu/social/main.jsp?catId=954&langId=en>

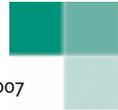
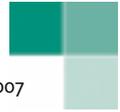


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PART II ETHNIC MINORITIES, MIGRANTS AND EMPLOYMENT

EXECUTIVE SUMMARY

Introduction

1. One of the headline targets of the Europe 2020 strategy is that 75 per cent of the population aged 20-64 should be employed. This target can only be reached if discrimination is eradicated. Ethnic minorities are a particular target group of this strategy. This second part of the 2010 synthesis report can be read in line with this strategy. It describes the situation of ethnic minorities with or without a migrant background in regard to employment and discrimination. The report is based on 27 country reports describing the situation in the European Union Member States.
2. Different definitions of migrants and ethnic minorities are used in the Member States. These definitions are grounded in historical traditions and cultural factors and the definitions are not always coherent. The concept of migrants is also used for naturalised citizens of the second and third generation. The Roma are the most vulnerable ethnic minorities not from a migrant background and they are an extensive minority in many Member States. They are not acknowledged everywhere as a national minority.

General employment situation of ethnic minorities

3. The employment situation for ethnic minorities with or without a migrant background can be described in terms of higher unemployment, higher undeclared activity (and hence no access to mainstream social protection), lower wages, entrapment in low-skilled work in spite of possible higher education, higher self-employment rates, and lower opportunities for continuous training than the majority population.
4. The reports show that workers with an ethnic background are concentrated or segregated in specific types of occupation and industries or sectors. Ethnic minorities can be found disproportionately in blue collar jobs and in sectors like construction (for men) and services and care (for women).
5. The situation of ethnic minorities in the current conditions of the labour market can be deemed as vulnerable as employers face an abundance of labour; and when downsizing they dispose first of those on fixed-term contracts or the latest arrivals.



6. The Roma are most often described as the group with the highest unemployment rate, as far as data is available.

Exclusion factors in employment or in accessing employment

7. Information available in the Member States mostly reveals difficulties for ethnic minorities in *accessing* employment. Less is known about discrimination *in* employment.
8. The main difficulties that ethnic minorities from a migrant background face in (accessing) employment are the following:
 - lack of adequate skills for the job market or lack of recognition of previous work experience and educational degrees by the host country government and employers;
 - lack of knowledge of the legal and administrative workings of the host country;
 - lack of knowledge about their rights and the possibility of taking their cases to court;
 - lack of knowledge of the host country language;
 - deep-rooted xenophobic, prejudiced and racist attitudes in the host country; and
 - their legal status in the host country (regular, irregular or asylum).
9. Discrimination in employment most often concerns harassment, unfair treatment and the failure of the work to correspond to the qualifications and skills of the workers. Ethnic minorities tend to stay in lower hierarchical positions in organisations and have fewer career opportunities.
10. Lack of knowledge about rights and fear of losing employment or of deportation have a negative effect on the reporting of cases of ethnic discrimination. Therefore there are relatively low numbers of registered cases of ethnic discrimination.
11. Ethnic minority women and young people with or without a migrant background face specific difficulties in trying to access employment. Low levels of education, visibility of religion or ethnicity (Muslim women and Roma) and stereotypes and prejudices increase the rejection by employers, especially in jobs requiring customer service.
12. Discrimination is reported in relation to vocational training. Several national reports describe ethnic minorities/ migrants having difficulties in finding an apprenticeship and therefore not being able to finish their vocational training.



13. Roma people face discrimination in all areas of life and their living standards are much lower than that of the majority and other groups of the population.

Policies and measures

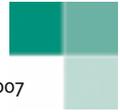
14. EU Member State governments design and implement employment policies to deal with the specific difficulties encountered by ethnic minorities with or without a migrant background in accessing, progressing and remaining in employment.
15. Public employment services (PESs) have a central role in the implementation of active labour market policies, but their services are not always suitable for Roma and ethnic migrants.
16. The governance arrangements for the Europe 2020 strategy are expected to underpin the further development (by national authorities) of policies and programmes on accessing and progressing in employment for people of minority racial or ethnic origin.

Positive effects of migration

17. Several reports mention a double standard in the public perception of different migrants. On the one hand people recognise that immigrants are essential if the economy is to function properly and in order to reduce demographic aging. There is a growing awareness that immigration is an advantage for host countries. On the other hand the public and some institutions react negatively to the presence of migrants and the greater their ethnic difference the more they tend to be discriminated against.
18. Forecasts of socio-demographic developments in relation to the labour market predict that the shrinking labour force will be a threat to economic growth in the near future. Birth rates among the indigenous population in the EU continue to decrease. In most EU Member States immigration is the most important factor that helps to increase the population and therefore the labour force.

Conclusions

19. Improving the labour market situation of ethnic minorities requires a planned approach at national government level and a dual strategy of general and targeted provision. General provision measures target the long-term unemployed; the targeted support involves programmes dedicated to migrants and ethnic minorities and the accommodation of the needs of cultural diversity.



20. Good practice starts with eliminating discrimination in employment. Equal treatment legislation and equality bodies are important in this regard. Good practice needs to include initiatives to adjust for cultural diversity within the policies, practices and procedures of organisations.



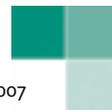
1. INTRODUCTION

1.1. Context

21. This second part of the synthesis report 2011 provides an overview of the most important issues regarding discrimination of ethnic minorities in relation to employment in the EU Member States.
22. The Communication from the Commission, 'Europe 2020 – A strategy for smart, sustainable and inclusive growth' COM(2010) 2020, includes a target to increase the employment rate of the population aged 20-64 to at least 75 per cent, "...including through the greater involvement of women, older workers and the better integration of migrants in the workforce". The Communication identifies a flagship initiative, 'European Platform against Poverty', which includes a commitment, "...to develop a new agenda for migrants' integration to enable them to take full advantage of their potential". The Europe 2020 strategy puts forward three mutually reinforcing priorities:
 - smart growth: developing an economy based on knowledge and innovation;
 - sustainable growth: promoting a more resource efficient, greener and more competitive economy; and
 - inclusive growth: fostering a high-employment economy delivering social and territorial cohesion.
23. The EU headline target that 75 per cent of the population aged 20-64 should be employed in 2020 can only be reached if discrimination in the labour market is eradicated. Ethnic minorities are explicitly mentioned in the Communication as a key target group in order to reach this 75 per cent goal.
24. EU legislation and policy also reflects a significant concern about discrimination on the grounds of racial or ethnic origin and a strong commitment to advancing equality in this respect.
25. The Race Directive³ prohibits discrimination on the grounds of racial or ethnic origin in a broad range of fields including employment and occupation, vocational training, social protection, social advantages, education and access to and supply of goods and services.

1.2. Structure and content of Part II

³ Council Directive 2000/43/EC of 29 June implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:320000043:en:HTML>



26. In this second part of the report we present a description and analysis of difficulties faced by ethnic minorities and migrants in accessing the labour market and progressing in employment. The objective of this document is to analyse the major trends presented in the national reports from a comparative perspective..
27. The structure of this part is as follows. In the first chapter a general overview is given of the situation of ethnic minorities with or without a migrant background. The links between employment, ethnicity and migrants are explored as well as the main discrimination issues for ethnic minorities. A picture is given of the general employment situation of ethnic minorities in the Member States, followed by an overview of the discrimination ethnic minorities face in accessing and progressing in employment. Some positive measures and policies aimed at removing barriers for ethnic minorities and migrants in employment are presented. Finally, a comparative analysis is provided of the situation of ethnic minorities with or without a migrant background. The report ends with conclusions.

1.3. Definitions of migrants and ethnic minorities

28. Regarding the definitions of migrants and ethnic minorities, the national reports show that there is great variation in approaches among the Member States. These differences are grounded in historical, traditional and cultural factors as well as in globalisation and recent world events.
29. Eight reports mention that there is no definition of migrants used in their countries. In nine countries the use of the term 'foreigner' or 'alien' is common to refer to non-nationals. In three countries a 'migrant' is defined as a person born abroad with parents born abroad. Nationality and birthplace are used several times as an indicator for data collection. Second generation migrants are defined by the birthplace of one or both parents. In the Netherlands a distinction is made between western and non-western migrants. In two cases (Italy and Greece) the *jus sanguinis* rule is still followed, which means that only those people whose parents are Italian or Greek are seen as nationals, although there is the possibility for migrants to apply for citizenship and/or nationality.
30. Ethnicity is defined in the literature as belonging to a human group sharing defined biological, cultural and historical characteristics. An ethnic minority is thus a human group with these shared characteristics residing in a given territory where the majority is of another ethnic group.



31. The UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,⁴ which none of the EU Member States has ratified, defines a migrant worker as, “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”. UNESCO defines a migrant as “any person who lives temporarily or permanently in a country where he or she was not born and has acquired some significant social ties to this country”.
32. On the other hand, the EC Regulation on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers defines immigration as: “the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country”. This regulation affects definitions and statistical reporting, but does not give a definition of (im-)migrant workers nor their labour market situation other than, indirectly, for the purpose of granting of residence permits.
33. The national reports indicate that in the Member States the use of the concepts of ‘migrants’ and ‘ethnic minorities’ is not coherent. It is not always clear when a migrant group stops being defined as migrant and becomes an ethnic minority (consider, for example, the term ‘second generation migrants’). Some examples will illustrate the difficulties in capturing the real-life situation of migrants in definitions. In Belgium, Germany and the Netherlands the term ‘second generation migrants’ is used in official policy documents and in research for citizens born in Belgium, Germany or the Netherlands whose parents (or one of them) originate from another country. Moreover, the term ‘second generation migrant’ in these countries is predominantly used for citizens whose parents originate from *non-Western* European countries. In other words citizens with at least one parent who does not have the same ethnic background as the majority population. The situation of the Russian minority in Latvia is also difficult to capture in definitions. Part of the Russian minority has been living for several centuries in Latvia, part migrated to Latvia during the period of the Soviet Union and part migrated in recent decades. In addition, there has been movement across the border and there have, of course, been marriages between the older and the newer migrants. The same applies to the other Baltic countries.
34. The reports indicate that the variation in definitions and in the need to distinguish groups can be linked to developments in the labour market situation during recent decades and the numbers of migrants who have entered the countries over this time. The proportion of migrants in 12 of the 27 countries is

⁴ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, UNGA 45/158, New York, 18 December 1990, <http://www2.ohchr.org/english/law/cmw.htm>



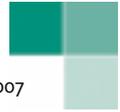
more than five per cent of the population. However, because of the differing definitions, a listing of the percentages of migrants is not feasible. Some countries mention that almost a fifth of the population is from a migrant background (Austria, Germany and the Netherlands), including second and third generation (and) naturalised persons. In the UK 7.5 per cent of the population is recorded as being migrant; people born in the UK are not recorded as migrants.

35. Immigration in the new EU Member States is generally just starting to increase. The main migration groups in the new Member States originate from the neighbouring countries, mostly from Eastern and Central Europe. In the old Member States the main groups are Turks, Moroccans and inhabitants of former colonies.
36. Definitions of ethnic minorities are even more incoherent. An exception is the UK where the Census records ethnicity and country of birth as separate questions. In the UK there is a clear distinction between race and migration. The groups require different policies and measures. On the other hand, however, in the Netherlands there is a very strong link between migrants and ethnicity, the concepts ethnic minority and migrant are very often used interchangeably. The descendants of migrants are still seen as different and non-nationals until at least the third generation. In some countries (e.g. the Netherlands and Belgium) the concept of 'allochthonous' is introduced to describe both migrants and their descendants. But this concept is also strongly contested as being negative stereotyping.
37. The proposed text of the additional protocol to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms concerning persons belonging to national minorities states in its Article 1 that "for the purposes of the Convention, the expression 'national minority' refers to a group of persons in a state who:
 - reside on the territory of that state and are citizens thereof;
 - maintain longstanding, firm and lasting ties with that state;
 - display distinctive ethnic, cultural, religious or linguistic characteristics;
 - are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state;
 - are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language."
38. Ethnic (and linguistic) minorities in some of the EU Member States are legally acknowledged and defined for historical reasons (usually referred to as national minorities, autochthonous or national language minorities). Most of the national or autochthonous minorities thus acknowledged enjoy special rights and



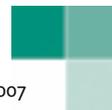
protection of their language and/or culture. However, in many EU Member States the Roma, although they have lived there for centuries, are not acknowledged as a national minority and therefore have no special rights. Other Member States do not have any acknowledgement of ethnic and/or language minorities.

39. Although there is some debate about the number of indigenous ethnic European people (it can vary according to different definitions), a number of ethnic groups in Europe can in fact be identified. As mentioned, Member States do acknowledge 'national minorities' which in some cases are also ethnic minorities. The Roma can be described as the only minority without a migrant background in some countries, but they have also emigrated between EU countries in which case they would also be considered migrants from a minority ethnic background.
40. We can distinguish three types of ethnic minorities without a migrant background:
 - indigenous people (Sami, Sorbs, Liiv, Frisians)
 - 'border region' groups, groups whose ethnic (and sometimes also language) orientation is that of the neighbouring country. The German minorities in Romania and Slovenia and probably other countries too also belong to this category (even though Germany is not really a neighbouring country in these cases)
 - Travellers, Roma, Manoesjin, Sinti.
41. Besides these groups, the Danish report mentions the position of Greenlanders who are Danish and a visible minority, but not recognised as a national minority. The Bulgarian report mentions the situation of the Turkish Bulgarians who have lived for centuries in Bulgaria, but still live as a separate group in rural areas. The Greek report also mentions the specific position of Muslim groups living in Thrace.
42. Some Member States do not distinguish any national minorities at all (Malta and the Netherlands).
43. Germany and Greece mention the situation of repatriates: ethnic Germans repatriating from Russia and the former communist Eastern European countries and ethnic Greeks returning mainly from Albania. The position of these groups in the labour market is not favourable compared to native Germans and Greeks.



44. The Roma are not a homogenous group either. As the *Commission staff working paper on Community instruments and policies for Roma inclusion*⁵ states, Roma is an umbrella term including Sinti, Travellers, Ashkali and other groups.
45. In the case of immigrants or foreigners, the nationality of the person (and in some cases the nationality of the parents), is the defining characteristic. Immigrants can further be defined as regular (documented), irregular (undocumented) or asylum seekers. Once an individual has acquired the host country nationality, the nationality of his or her parents allows a differentiation to be made between host country citizens and citizens from migrant backgrounds. In some cases place of birth may also be used. There is a high degree of complexity, depending on the Member States, in how the information gathered in a given database is used to distil the differentiation between a national, a descendant, a national from a migrant background or a foreigner. Generally speaking, any individual requiring a residence or work permit is defined as a non-national, immigrant or foreigner.
46. Second and even third generation descendants of migrants continue to be perceived as immigrants in seven of the Member States, even when they have been granted nationality in the host country. Being perceived as a migrant in the second or third generation has an impact on employment possibilities. Several country reports mention that second and third generation migrants have lower employment rates than the average population with the same education background and language skills.

⁵ SEC (2008)2172/2 p.3.



2. DISCRIMINATION, MIGRATION AND ETHNICITY

2.1. Links between employment, ethnicity and migrants

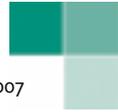
47. The links between employment, ethnicity and migrants have been widely documented by labour economists and by international organisations such as the International Labour Organization (ILO).⁶ The studies of ethnically based discrimination and employment (both in relation to access to employment and to employment conditions) were first addressed in American research focusing on the black population and have since included migrants differentiated by race.⁷ The studies used longitudinal as well as cross-section surveys to study differences in access, wages and other conditions of employment.
48. Most of the studies on ethnic or racial minorities and migrants referenced here show that, when comparing characteristics such as age, educational attainment and job experience with non-minority-ethnic reference groups, unexplained differences remain which are attributed to difference in treatment on the ground of ethnic background, including direct discriminatory practices by employers.⁸
49. In order to test this latter hypothesis, there have been more qualitative studies using fictitious applications ('situation testing') where the only characteristic changed in the application, résumé or CV information is the migrant or racial/ethnic background of the person. These types of studies have provided very strong evidence of direct discrimination by employers and have also prompted studies on perceptions among employers about the quality of these workers.⁹

⁶ http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_082607/lang-en/index.htm

⁷ Becker, G.S. (1957, 1971, 2nd ed.), *The economics of discrimination*, University of Chicago Press, Chicago; Bovenkerk, F., Gras, M. & Ramsoedh, D. (1995), *Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands*, International Labour Organisation, Geneva.; Schutter, O. de (2009), *Links between migration and discrimination*, European Network of Legal experts in the non-discrimination field, available at: http://www.migpolgroup.com/public/docs/166.LinksbtwMigratio&Discrimination_thematicreport_02.12.09.pdf.

⁸ Frickey A., Primon J.-L. (2006), 'Une double pénalisation pour les non-diplômés du supérieur d'origine nord-africaine?', in *Formation emploi*, 94, April-June; Meurs D. et al. (2006), 'Persistance des inégalités entre générations liées à l'immigration: l'accès à l'emploi des immigrés et de leurs descendants en France', in *Population*, vol. 61, 5-6..

⁹ e.g. Amadiou (2004); Cediey E., Foroni F. (2007), *Les discriminations à raison de "l'origine" dans les embauches en France. Une enquête nationale par tests de discrimination selon la méthode du BIT*, Bureau international du travail; Duguet E. et al. (2010), *Les effets du lieu de résidence sur l'accès à l'emploi: une expérience contrôlée sur des jeunes qualifiés en Ile-de-France*, Documents de travail du CEE, 120, July; Kaas, L. & Manger, C. (2010), *Ethnic discrimination in Germany's labour market: A field*



50. There is a large body of evidence in the field of labour economics showing that job discrimination discourages investment in improving their skills and abilities by those who are subject to it.¹⁰ This clearly has very specific policy implications and at the same time explains many of the labour market outcomes reflected in statistics about migrants and ethnic minorities, as well as other groups which suffer discrimination.
51. The way in which the mechanism works in the labour market is that those who perceive that they are being discriminated against reduce their investment in improvement of skills and abilities, such as through education and training, which in turn diminishes their chances of gaining a better foothold in the labour market, both at entry and in terms of stability and future upward mobility.¹¹
52. In the EU the first studies on non-European, non-white migrants were carried out in countries such as France,¹² which until about a decade and a half ago had the largest non-EU migrant workforce in the EU.
53. New immigration countries such as Spain and Portugal have produced studies on the positive economic impact of immigration, at least until the global financial crisis in 2008.¹³ In this case there was more emphasis on integration to avert negative public reaction and xenophobia, as employment rate outcomes on the whole were better for migrants than for the indigenous population in these countries, although employment conditions were on average worse. Access to health, housing and quality of education had been detected as the most important discriminatory issues before the crisis had an impact on

experiment, IZA DP No. 4741: Andriessen, I., E. Nievers, L. Faulk & J. Dagevos (2010), *Liever Mark dan Mohammed? Onderzoek naar arbeidsmarktdiscriminatie van niet-westerse migranten via praktijktests*, Den Haag: SCP.

¹⁰ Arrow, K.J. (1973) 'The theory of discrimination', in Ashenfelter and Rees (eds.) *Discrimination in labor markets*, Princeton University Press, New Jersey.; Lundberg, S. and Startz, W. (1983), 'Private discrimination and social intervention in competitive labour markets', in *American economic review*, Vol. 73, pp 340-347; Becker, G.S. (1993), 'Nobel lecture: the economic way of looking at behavior', in *The journal of political economy*, Vol. 101, No. 3, pp. 385-409.

¹¹ It is also very important to acknowledge that family background in general has a strong influence on the educational outcomes of young people. However, these same studies show that there is a large unexplained gap in the educational attainment of indigenous and ethnic minorities (see, for example, Colding, B. (2006), 'A dynamic analysis of educational progression of children of emigrants', in *Labour economics* 13(4): pp. 479-492; or Nielsen, H. S., Rosholm, M., Smith, N. and Husted, L. (2001), 'Intergenerational transmissions and the school-to-work transition of second generation immigrants', in *IZA Discussion Papers* 296, Institute for the Study of Labor (IZA).

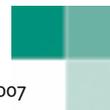
¹² Noiriël, G. (1988), *Le creuset français. Histoire de l'immigration XIXème-XXème siècle*, Le Seuil.

¹³ Carvalho, L. (2004) *Impacto e reflexos do trabalho imigrante nas empresas Portuguesas*, ACIDI, Lisbon; Sousa Ferreira, E., Rato, H. and Mortágua, M.J. (2004), *Viagens de Ulisses. Efeitos da imigração na economia portuguesa*, ACIME, Lisbon.



employment (and unemployment) outcomes. It is interesting to note that a significant number of the country reports point to very little research on ethnic and migrant discrimination in the labour market.

54. Another interesting issue arising is that of concentration or segregation into specific types of occupation and industries or sectors. This issue is closely linked to that of the educational qualifications of members of ethnic minorities and migrant groups (lack of such qualifications or lack of recognition of qualifications in the host countries) as well as that of language. Although in most instances a pattern of integration into the fastest growing sectors needing an expanded workforce can be found, there are also indications in all the countries that migrants have a higher, and in some instances much higher, proportion of self-employment status than the indigenous population. Lack of official acknowledgement of educational credentials also leads to underemployment of migrants.
55. As acknowledged by the European Council (14 December 2007), the Roma face a very specific situation of high poverty rates, high unemployment and activity in the informal or undeclared economy as well as being, on average, a much younger demographic group than that of the EU and specific Member States where they live. The dire situation with respect to education for this section of the European population also explains the diminished employment opportunities.
56. In addition to direct or indirect discrimination by employers, as well as possible harassment or diminished opportunities once in employment, the issue of institutional discrimination (most evident in state education or public employment services) cannot be ignored. The employment outcomes of both migrants and ethnic minorities are intimately linked to the public services they are able to access as their personal network for finding work is very weak, compared to what is usually a very strong base from which to find work in all EU Member States. In addition, the lack of coordination between public social and employment services can be added to this institutional discrimination in employment and cannot be separated from the situation of social exclusion and poverty that a large proportion of these populations are exposed to, especially during the current economic crisis.
57. Finally, as to why exclusion occurs in the labour market based on ethnic or migrant background, some of the reasons have been partly mentioned in the preceding paragraphs. These can mostly be categorised as 'objective' reasons that are linked to information problems (educational degrees acquired in other

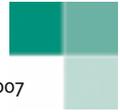


countries, unknown productivity of foreign workers, lack of knowledge of the host country or majority language). Most of these can be addressed by policies at the administrative level and included in services to the affected groups. On the other hand, there are subjective reasons such as racism, xenophobia and stereotypes which are explicitly addressed by legislation that can have civil and criminal implications. The definition of (im-)migrants and ethnic minorities in each Member State has a major impact on this latter point.

2.2. Main discrimination issues for ethnic minorities with or without migrant background

58. The items in this paragraph are analysed further in the next sections. According to the *Employment in Europe report 2008*,¹⁴ “The main factors affecting immigrants’ labour market integration and differences across Member States include the immigration channel for entry, country of origin, host-country language proficiency, availability of support schemes at entry, labour market rigidities and access restrictions in the host country, incomplete recognition of qualifications acquired outside the EU, lack of information on labour market functioning and discrimination. These suggest where policy measures to raise migrants’ labour market integration and improve outcomes should focus....Migrants tend to be more likely to have jobs of lower quality and precarious employment; work more often in low-skilled sectors and occupations; are frequently involved in undeclared work; and have a higher frequency of transitions between different labour statuses. Additionally, they encounter greater difficulties in achieving effective use of their human capital, often suffering from large job mismatches and working in jobs for which they are over-qualified.”
59. The Roma populations in all the EU Member States face discrimination in all areas of life and their living standards are much lower than those of the majority and other groups of the population. In addition, Roma from some of the new Member States have migrated to other EU Member States and continue to face discrimination in the host countries, in particular in the areas of housing, health and education. They are persistently criminalised and/or perceived as being criminals.
60. Religion and ethnicity are a deeply-rooted part of an individual’s identity and in some countries Muslim minorities experience forms of discrimination which differs from that experienced by other ethnic minorities. Islam is regarded not only as an obstacle to integration and assimilation but also as a token of failed integration or resistance to the host society; this is believed to affect job

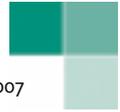
¹⁴ <http://ec.europa.eu/social/main.jsp?catId=954&langId=en#socioec>



possibilities especially. In addition, negative attitudes towards Muslims have become very visible and to some degree have been legitimised by the political discourse including very negative statements to describe Muslims. During the past few years, the media have reported some stories of young, well educated nationals with Muslim backgrounds who have been considering leaving the country due to a hostile environment and difficulties in finding jobs that match their high qualifications. In some countries religious minorities are not allowed to abstain from work to exercise their religion, although religious festivals are recognised in the employment sector for leave purposes. Muslim communities have been asking for the recognition of Muslim festivals such as Bairam and Ramadan in relation to legitimate absence from work.

61. It is important to note that, although there are cases brought to court of discrimination on ethnic grounds in many of the EU Member States, the research within SEN for the national reports on employment and ethnic discrimination has not resulted in finding studies that confirm wider scale discrimination in employment.
62. The national reports indicate that undocumented migrants, who by definition have no work or residence permit, are a group that faces discrimination most severely. Although in some cases their cultural competences (especially linguistic) allow them to find employment, albeit with much lower wages, no social protection and grave irregularities in their working conditions are found among the group. They are largely employed in the undeclared and underground economy.
63. Lack of knowledge about rights, administrative rules and regulations and fear of losing their employment or of deportation (in cases of irregular migration) combine to minimise the number of cases of ethnic discrimination taken to court or recorded by the relevant anti-discrimination authority.¹⁵
64. According to the European Union Minorities and Discrimination Survey, "55% of migrants and minorities surveyed by the FRA think that discrimination based on ethnic origin is widespread in their country, and 37% say that they have personally experienced discrimination in the past 12 months. 12% personally experienced a racist crime in the past 12 months. However, 80% of these did not report the incident to the police."
65. The same report noted that, "Roma reported the highest levels of discrimination, with one in two respondents saying that they were discriminated

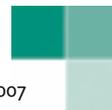
¹⁵ European Union Agency for Fundamental Rights (2009), EU-MIDIS European Union minorities and discrimination survey. Main results report. Vienna, Austria.



against in the last 12 months. High levels of discrimination were also mentioned by Sub-Saharan Africans (41%) and North Africans (36%).”

66. There are specific ethnic groups with a migrant background in practically all Member States which seem to be unaffected by employment discrimination. This is because they form close knit communities that employ each other, even if their services are for the wider public e.g. Chinese and Vietnamese groups who work in the restaurant business and catering services.¹⁶ However, there is some indication that these groups may face discrimination in other areas such as health, housing and education. The fact that they are mostly self-employed or employ others of the same nationality, however, can also be interpreted as a reaction to an inaccessible labour market. There are also concerns about the actual working conditions of these groups, mainly of Asian origin.

¹⁶ See e.g. Country reports 2010 on employment, ethnicity and migrants by Hall, D.; Dvorak, M.; Bogdanov, G.



3. GENERAL EMPLOYMENT SITUATION OF ETHNIC MINORITIES

3.1. The situation of ethnic minorities from a migrant background

67. The labour market situation of ethnic minorities is mainly analysed through the unsatisfactory variable of nationality. For Roma there are few dedicated surveys and no official statistical information, therefore they can only be recognised in some cases by geographical location, which may also apply to some nationally recognised ethnic or language minorities.
68. Second and even third generation descendants of migrants continue to be perceived as immigrants in seven of the Member States, even when they have been granted nationality in the host country. Being perceived as a second or third generation migrant has an impact on employment possibilities. Several country reports mention that second and third generation migrants have a lower employment rate than the average population with the same education background and language skills.
69. Some country reports have employment or unemployment rates for migrants, usually distinguished by nationality. Some examples:
- In Austria¹⁷ the employment rate in 2008 in the active workforce (age group 15-64) for native Austrians is 73.5 per cent and for foreigners 66.5 per cent. The employment rate of second generation migrants is even lower, at 59.9 per cent, which can partly be explained by the age division of this group, with a large proportion of young people who are still in education.
 - In Belgium¹⁸ the employment rate for nationals (age group 15-64) in 2008 is 62.5 per cent, while the employment rate for non-nationals from EU15 countries is 59.1 per cent and non-nationals of other countries is 43.6 per cent.
 - In Denmark in 2008¹⁹ (age group 16-66) the employment rate of people of Danish origin is 82 per cent. The employment rate of immigrants of Western origin is 69 per cent and immigrants of non-Western origin 63 per cent.
 - In Spain the unemployment rate in 2010²⁰ was 20 per cent for nationals and 30.8 per cent for immigrants.

¹⁷ All data from Statistik Austria (2009) *Arbeits- und Lebenssituation von Migrantinnen und Migranten in Österreich: Modul der Arbeitskräfteerhebung 2008*. http://www.statistik.at/dynamic/wcmsprod/jdcplg?IdcService=GET_NATIVE_FILE&dID=55196&dDocName=041111 (03.06.2010).

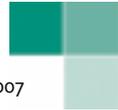
¹⁸ Labour Force Survey Eurostat <http://ec.europa.eu/eurostat>

¹⁹ Statistics Denmark, 2009.

²⁰ INE (2010) Encuesta de Población Activa (EPA) Primer trimestre de 2010. Available at:



<http://www.ine.es/daco/daco42/daco4211/epa0110.pdf>



- In France (2008) the unemployment rate for indigenous French people is 6.8 per cent, for European immigrants 6.6 per cent and for non-European immigrants 16.5 per cent.²¹
- In Latvia²² the employment rate for Latvians in 2009 was 62.4 per cent and for others 59.2 per cent.
- The Netherlands reported an unemployment rate in 2009 for nationals of four per cent, while the figure was 11 per cent for non-Western immigrants.²³
- In Sweden in 2010 the general unemployment rate was 8.8 per cent; for the immigrant population the rate was 15.7 per cent.²⁴
- The UK reported 80 per cent employment of white and Indian males for 2007 compared to 50-70 per cent for other groups.²⁵

3.2. Segregation in the labour market

70. Migrants and people from ethnic minorities work disproportionately in blue collar jobs.²⁶ The main sectors in which migrants work are given in the box below:

Construction, building	mainly men
Care and services	mainly women
Cleaning	mainly women
Restaurants, catering	men and women

71. The construction industry was particularly affected by the recent economic crisis, which is one explanation of why male migrants have experienced a higher rise in their unemployment rate. A striking exception to this rule is Denmark, where the construction industry mainly employs men who are Danish nationals. In contrast to other Member States, in Denmark male Danish nationals have been more heavily hit by the crisis than men from ethnic minorities. Female migrants and ethnic minorities who are not from a migrant background very often work in care services and cleaning, sectors that are not heavily affected by the crisis.

²¹ Labour Force Survey 2008.

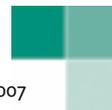
²² Data (unpublished) provided by CSB Latvia.

²³ <http://www.cbs.nl/NR/rdonlyres/468EE99C-35BB-4340-BF58-A7613583C74D/0/pb10n005.pdf>

²⁴ SCB (2010) Arbetskraftsundersökningarna maj 2010 [Labour Force Statistics May 2010], Statistics Sweden.

²⁵ <http://www.statistics.gov.uk/cci/nugget.asp?id=167>

²⁶ Illustrative of this statement are the data provided by the Austrian expert: From the women working in Austria, 18.3 per cent of women born in Austria work in blue collar jobs, compared with 72.3 per cent of women born in Turkey and 64 per cent of women born in former Yugoslavia.



72. Several reports mention self-employment as a career possibility for migrants. A reference is being made to niches that can be occupied by these groups.

Obviously, some migrant groups take these opportunities to set up their own businesses, e.g. in the restaurant and catering trades, as well as other small businesses.

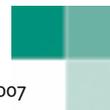
73. The UK report suggests that for gender, age and disability, disadvantage is “stable across business cycles”.²⁷ This does not, however, mean that these groups will do well out of the recession; rather, it means that the recession will not worsen the poor underlying job prospects for these groups. All these groups are also significantly affected by labour market segregation.

3.3. The situation of the Roma

74. In the case of the Roma, although their presence is acknowledged and there is an increasing awareness about their specific needs, legal issues (where it is not permitted to ask about race and/or ethnicity) and/or sensitivities mean that it is not possible for them to be registered in any government databases. The consequence of this is a lack of statistics for analysis of the group within these larger statistical databases. The most relevant criteria used to analyse the situation of the Roma is usually geographical concentration. In some Member States dedicated surveys have been carried out in order to find out more about the socio-economic situation of this group.
75. With respect to the state of research and reports in the Member States on the situation of ethnic minorities with or without a migrant background, and more specifically on their employment situation, there are at least three categories: Member States whose governments have commissioned reports and research on the issue, including reports financed through structural funds; Member States where civil society has taken the lead, including independent university or think tank research; Member States where very little or no research has been carried out. In general there is much less research on the situation of the Roma than on that of migrants.
76. However, some national reports do refer to sociological surveys when describing the situation of Roma. In Hungary a survey in 2003²⁸ by István Kemény showed that less than a third of Romani men between the ages of 15 and 74 had some labour income as a primary source of revenue and less than a third had a regular

²⁷ See the explanation on the ISER website. : <http://www.iser.essex.ac.uk/publications/working-papers/iser/2009-23.pdf>

²⁸ Kemény I. and Janky, B., A 2003. évi cigány felmérésről— Népesedési, nyelv-használati és nemzetiségi adatok Beszélő, October, pp. 64–76, 2003.



job. Even fewer Romani women had regular jobs (one sixth) and/or labour income. In Lithuania the Centre of Ethnic Studies conducted a survey in 2007 which revealed that only a small proportion of people from ethnic minorities are registered with the Lithuanian Labour Exchange, the institution which should monitor the situation of Roma people in the labour market. The number of unemployed Roma registered with the Lithuanian Labour Exchange remains very low (just one or two individuals).

In Bulgaria a study was conducted by the Agency for Social-economic Analysis (ASA) and the Partners for Bulgaria Foundation. This study disproves the stereotype that the Roma do not like to work as 90 per cent of respondents preferred employment to receiving social benefits. Yet the unemployment rate of the Roma in Bulgaria exceeds 80 per cent, in comparison to 11 per cent average unemployment.

3.4. Fluctuations in labour market participation due to the economic downturn

77. As the OECD²⁹ notes in its publication, *International migration outlook 2010*, that foreign labour often plays a buffer role in the labour market during both the contraction and expansion phases of the business cycle. On the one hand labour migration contributes to moderate increases in wages during the expansion phase, especially in periods of rapid economic growth. On the other hand, the presence of immigrant labour during a downturn is expected to regulate itself automatically downward (reflected either in higher unemployment, higher inactivity, mobility to other regions or countries where jobs are more abundant or people returning to their countries of origin).
78. Furthermore, according to data from EUROSTAT and analysed by the OECD, from 2001 to 2008, "total employment has increased by 14.5 million, 58% of which corresponded to increases in foreign-born employment (8.4 million)".³⁰
79. It is thus an economically proven fact that foreign-born labour is negatively affected by economic downturns in general, in spite of the positive effects this 'buffer' population has in the expansion phase of the business cycle. The issue of whether this represents direct, indirect or any discrimination at all has not been established in these types of studies. A different matter is whether within the immigrant labour force there is discriminatory behaviour by employers based on ethnicity during, before or after an economic crisis. Unfortunately, most of the available analysis and data on the effects of an economic crisis on the labour market does not distinguish between different types of migrants or between

²⁹ OECD, *International migration outlook 2010*, SOPEMI, 2010.

³⁰ OECD, *International migration outlook 2010*.



ethnic minorities. However, among the few studies or data available, the results are not always wholly negative, as analysed below.

80. Nevertheless, the available analysis does show that the impact on the labour market situation during an economic crisis, particularly for the Roma and migrants from an ethnic minority background is not homogenous across EU Member States.
Due to the high concentration of Roma and ethnic minorities in specific sectors of economic activity, and also taking sex, age and qualifications into account, some differences can be found. It is also important to note that, due to the adjustments in public budgets that many Member States have been forced to make, many of the programmes and related jobs to support the Roma population have been negatively affected.
81. The situation of the Roma and ethnic minorities from a migrant background before the economic crisis must also be considered. In some cases no differences before and after the crisis have been reported, with the situation which was already very poor continuing or becoming slightly worse. In other cases there have been slight changes and in some countries industries where Roma were concentrated have collapsed and unemployment for this group has risen sharply.
82. In some cases, and due to sectoral differences, migrant women were affected to a lesser extent by increased unemployment than men. However, there is no information on whether their working conditions may have worsened. On the one hand their work in many countries is key to allowing other women to remain employed as they take over care work in the home. On the other hand, large cuts in public spending coupled with the high feminisation of the public workforce might also put migrant women's jobs in the care sectors at risk, as women in the public and other sectors return to their homes unemployed or become inactive.
83. It should be noted that the crisis is springing unexpected surprises with regard to the situation of migrants in the labour market. Although perceived job insecurity is higher among migrants, there are a number of countries where employment rates for this group continue to be higher (although the differential with the indigenous population has decreased and these employment rates are lower since the onset of the crisis). In these cases a number of factors may explain the situation: a higher motivation to remain employed because of the greatly weakened welfare states of the EU (i.e. harsher conditions for obtaining statutory and non-statutory unemployment benefits); a different culture among migrants which shuns public handouts; possible undeclared work by migrants who may be collecting benefits at the same time (this may also be happening



among the indigenous population, given the very low levels of non-statutory unemployment or social benefits); and finally, but least likely, employers preferring migrants (which would have to be investigated in terms of migrants perhaps accepting working conditions which the indigenous population would not be willing to agree to, including foregoing their basic labour rights for fear of losing their jobs).

84. From a more sociological point of view, other reasons might also be behind the resilience of migrants in the face of the economic crisis. Although the economic model predicts the return of migrants to their countries of origin, this has not always happened in all Member States.
In fact, the influx of immigrants has been more likely to be affected, rather than returns to countries of origin. In addition, immigrants have a much higher rate of mobility than native-born populations of the EU and thus are willing to go where the jobs are. The living conditions in the host countries are much better than in the countries of origin and this has a significant impact on the decision to continue looking for and accepting any type of work. Some of the branches of the service sector where migrants are concentrated, such as domestic cleaners and personal carers, may be less affected than other sectors.
85. Apart from survey data showing differences in key labour market indicators, administrative data such as social security affiliations and work permits, confirm that the employment opportunities for migrant workers have diminished. In many countries this administrative data also shows that fewer discrimination complaints have been lodged since the beginning of the crisis while, on the other hand, there have been more reports of irregular employment (of both national and foreign workers) by labour inspectors.
86. In some Member States the measures taken to confront the economic crisis have also been especially harsh on migrants, as the sectors in which they are concentrated have been hit particularly hard (industry and construction).
87. Finally, the situation of ethnic minorities with or without a migrant background in the current conditions of the labour market may be described as vulnerable as employers face an abundance of labour and when downsizing will first lay off those on fixed-term contracts or the latest arrivals. Migrants are over-represented in both groups. On the other hand, these groups may also be at risk of exploitation by dishonest employers who may abuse their situation to offer jobs under worse conditions. There is a substantial need for more in-depth research into these issues, as basic data and/or analysis exist in only a very few countries.



4. DISCRIMINATION AGAINST ETHNIC MINORITIES IN ACCESSING AND PROGRESSING IN EMPLOYMENT

4.1. Discrimination in accessing employment

88. Most information available in the Member States reveals extensive discrimination against ethnic minorities in *accessing* employment. Less is known about discrimination *in* employment. The information on discrimination in employment is mainly based on a (sometimes very) limited number of complaints to either an equality body or the courts. Cases of discrimination in employment mainly remain unreported and thus invisible.

4.1.1. Structural differences and institutional discrimination

89. As mentioned above, the key labour market indicators for migrants show mixed results, depending on the Member States. In most countries unemployment among migrants in general and among those belonging to a specific ethnic minority is higher than that among the total or indigenous population. These disparities arise partly from structural differences in individual and group characteristics. But after controlling for different variables, there is always a residual part of the observed disparities which remains unexplained, leading to a hypothesis of disadvantage due to discrimination based on ethnicity.³¹

90. The fact that most of the jobs across the EU are found through informal channels also puts ethnic minorities with or without a migrant background at a considerable disadvantage. Public employment services (PESs) do not usually cater for the needs of specific groups, although there has been a recent shift in some countries to offer more personalised services for paths into employment for disadvantaged groups. PESs are not, in most instances, coordinated with social services, where many of the groups analysed here end up, in order to cover their minimum basic needs (in particular large proportions of the Roma population). The lack of coordination, different approaches to socio-economic integration, and even contradicting effects of different benefits on job hunting and job retention among vulnerable groups, should be revised in all Member States. This statement is further supported by published analysis by the Network of Independent Experts on Social Inclusion.³²

³¹ Kirszbaum, Th. (2010) *Country report 2010 on employment, ethnicity and migrants*. See also Poleshchuk, V. (2010) *Country report 2010 on employment, ethnicity and migrants*.

³² See the various country reports and synthesis reports at <http://www.peer-review-social-inclusion.eu/network-of-independent-experts>.



91. Several experts mentioned studies which replicated the direct discrimination experienced in recruitment e.g. in France where 'practice testing' (also known as 'situation testing' or 'tests de discrimination') has become the most common method used to detect discrimination in recruitment.³³ Equivalent CVs with different names (suggesting either an indigenous background or a minority ethnic background) are submitted in response to real job advertisements and employer screening decisions are then analysed. All these studies confirm direct discrimination.
92. One of the most common difficulties faced by migrants from a minority ethnic background is language. Language skills are often seen as the most important selection criterion for jobs, even when it is not necessary to speak the national language fluently to function effectively. In this regard, most Member States have state-developed programmes which offer language courses to newly arrived migrants. How these courses are organised differs from country to country. In Sweden courses are provided by the local municipality. However, only 66 per cent of the target group manages to obtain the qualifications. In Latvia only private language schools offer Latvian language courses. In some parts of Estonia the Estonian language is not spoken by the majority of residents. This means that Estonian language skills are de facto not needed in many professions. Nevertheless, many people from the Russian-speaking minority are unemployed, or working informally, as they do not have the appropriate Estonian language certificate.
93. Another form of discrimination experienced by some groups of ethnic minority migrants is to be employed in jobs which do not match their higher qualifications. Lengthy recognition processes on the part of the public administrations and lack of information about the validity and quality of qualifications for employers are at the root of the problem. In addition, and not related to discrimination, there may be a skills mismatch where the type of skills needed rather than the level of qualification are at the heart of the problems of structural unemployment in general. This might, in principle, also explain the particular problems ethnic minorities from migrant backgrounds face in finding adequate work. On the other hand, there are some niches which are largely being filled by migrants, due to skills shortages in the EU. This is obviously a different issue from labour shortages for lower skilled work, where, as explained

³³ Amadiou J.-F. (2004), Enquête "Testing" sur CV, Observatoire des discriminations, Adia. May.; Cedey E., Foroni F. (2007), Les discriminations à raison de "l'origine" dans les embauches en France. Une enquête nationale par tests de discrimination selon la méthode du BIT, Bureau international du travail; Duguet E. et al. (2010), Les effets du lieu de résidence sur l'accès à l'emploi: une expérience contrôlée sur des jeunes qualifiés en Ile-de-France, Documents de travail du CEE, 120, July.



above, EU Member States have encouraged immigrants to work in certain sectors at different points in their economic development.

4.1.2. Multiple discrimination, asylum seekers and undocumented migrants

94. With regard to multiple discrimination, ethnic minority women and young people with or without migrant background face specific difficulties in trying to access employment.³⁴ Low levels of education, external signs of their religion or ethnic group (Roma and Muslim women), stereotypes and prejudices increase rejection by employers, especially in jobs requiring customer service.
95. Asylum seekers, in particular, but also (recognised) refugees are in a vulnerable and insecure position. Access to the labour market is often restricted as asylum seekers have to wait for acknowledgment and work permits before they are allowed to enter the labour market. A few reports mention that rejected asylum seekers become undocumented migrants who are severely exploited in the labour market.
96. Asylum seekers in most EU Member States have specific services or receive support to access mainstream services in order to find paid work. The situation of asylum seekers is different from that of other migrants in that their permanence, and thus status, may or may not change (becoming residents or citizens of the host country or not), depending on the situation in their country of origin and host country legislation. The effects of war, torture, persecution, loss of family, etc. compounds the difficulties of adapting to a new society, including learning a new language and adopting new customs. In the case of low levels of education, their effective integration into stable employment is further obstructed.
97. Lack of knowledge about the status of asylum immigrants by the general population in host countries generates mistaken expectations about their integration, since they do not seek to be integrated but rather wish to return to their countries of origin when the situation allows. In short, this group requires more time to integrate into the labour market than most other groups facing difficulties.

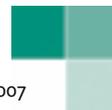
³⁴ French studies illustrate how young women suffer more discrimination than young men: Roulleau-Berger L. (2004), 'Insertions segmentées, travail et discriminations des femmes migrantes et de leurs filles', in Femmes d'origine étrangère: travail, accès à l'emploi, discriminations de genre, FASILD, La Documentation française.



98. Undocumented migrants also face a very different set of challenges, as their willingness to take up paid employment clashes with the fact that they are prohibited from doing so. Their access to other basic social services is also very limited. They are forced to take up informal employment and may end up in the hands of organised criminal groups (or dishonest employers) who use them as slave labour as well as to sell pirated goods or illegal substances or to engage in illicit activities (such as prostitution).
99. There are specific administrative and legal provisions for asylum seekers, in comparison with other immigrants, regardless of their ethnic background. As will be analysed in more detail below, their entry into and permanence in employment takes a different form from that of other immigrants. However, the difficulties faced with respect to expectations about their integration into the host countries create a discriminatory environment because of the lack of understanding by the general public about their status.
100. Homelessness and lack of access to health services experienced by undocumented migrants in many instances also compounds their difficulties in finding work.

4.2. Manifestations of discrimination in employment

101. The other manifestations of discrimination faced in employment are harassment, unfair treatment, non-compliance with work contracts signed in countries of origin (including non-payment or reduced payment and working conditions), lack of advancement opportunities (including lack of access to continuing training) and unfair dismissal. In this case the data is very scarce and only rarely are these types of issues brought to court.
102. The Austrian experts report that harassment constitutes the most frequent form of discrimination in the workplace. Although some cases are reported to NGOs and the Ombudsman for Equal Treatment, most of these are not concluded satisfactorily. Even if procedures at the Equal Treatment Commission are initiated, most of the cases end with a termination of employment of the person affected and with little consequence for the perpetrators. Complaints are also raised about issues such as career advancement and unequal treatment in relation to working conditions. These issues are reflected in the work climate index, showing lower rates of satisfaction with the workplace situation within migrant and second-generation migrant communities, with the lowest rates for people originating from Turkey.



103. The Austrian national expert reported, for instance, cases of harassment in the workplace towards black people and Muslims. In a case which was brought to and dealt with by the Equal treatment Commission, a man was harassed by having pornographic and racist pictures stuck on his locker and by being directly addressed with terms such as 'nigger', 'monkey' and 'idiot'. Like most cases, this one was characterised by the use of slander more than physical injuries.³⁵ Unequal treatment is, moreover, reported in career advancement, vacation planning and termination of employment in Austria.

An Irish report on racism and discrimination among recent migrants in Ireland found that over 30 per cent of the respondents experienced insults or other forms of harassment at work.³⁶ The same was reported by the Bulgarian expert.³⁷

104. In the Spanish report cases of extreme exploitation of migrant workers are mentioned, which are often made possible by their legal vulnerability. There are descriptions of insecure workers suffering a range of injustices, including insults and harassment, having to work extremely long hours in unhealthy conditions in violation of labour regulations, being paid less than collective agreements and being denied sickness leave.³⁸
105. A representative of the General Workers Union of Malta indicated that it has had to provide assistance to members in relation to a number of instances of discrimination. The discriminatory treatment ranged from insults and harassment to poor working conditions, very low wages and precarious health and safety conditions. It was also indicated that often such migrant workers have no choice but to accept work under these conditions, since no other employment would be available to them.³⁹
106. The Dutch expert describes how harassment and insults towards ethnic minorities sometimes go hand in hand with a conflict at work. Ultimately, this often leads to the departure of the employee. Discriminatory treatment can also be the cause of an employee's poor performance, which may result in him or her

³⁵ <http://www.frauen.bka.gv.at/DocView.axd?CobId=37199>

³⁶ Russell, H., Quinn, E., King O'Riain, R., & McGinnity, F. (2008). *The experience of discrimination in Ireland. Analysis of the QNHS Equality Module*. Dublin: Equality Authority and ESRI.

³⁷ Bogdanov, G. (2010) *Country report 2010 on employment, ethnicity and migrants*.

³⁸ Europa Press (2008) 'La economía sumergida mueve en España 240.000 millones, el 23% del PIB'. Available at: http://www.finanzas.com/2008-10-15/52288_gestha-cifra-240000-millones-fraude.html Furthermore, the economic crisis is likely to have generated a substantial increase in unemployment rates and has negatively affected the viability of small and medium-sized enterprises.

³⁹ Interview by Therese Comodini Cachia with Terry Gosden, a third-country nationals specialist employed by the General Workers Union; www.gwu.mt



lagging behind in terms of salary increases and prospects for promotion. Many immigrants consider that they have more to prove in the work they do than the indigenous workers.

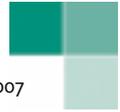
107. Ethnic minorities tend to remain at lower levels in hierarchies and have fewer career opportunities. This inequality is partly due to the educational qualifications of migrants not being recognised.⁴⁰
108. With respect to how organisations in general deal with discrimination at work, regardless of the characteristics of the person affected by it, there are a number of studies showing that working culture and work organisation are key elements. The more hierarchical and less participatory the organisation, the more likely that cases of discrimination will be covered up and the people affected by it be less able to claim their rights. The lack of specific action plans in organisations and information about these for their workers also affect the possibility of cases coming to light.

4.3. Discrimination in relation to education

109. In relation to education there are two sources of discrimination with regard to employability:
- discrimination in vocational training: problems for ethnic minorities/migrants to obtain apprenticeships;
 - qualifications not being recognised.
- Both influence the employability of migrants/ ethnic minorities.
110. Segregation⁴¹ starts in education: education systems with early segregation on basis of aptitude disadvantage children from migrant backgrounds. These segregating structures are mirrored in the participation rates in tertiary education. As a large number of people from migrant backgrounds have grown up in families of low-skilled, first-generation migrants from the traditional recruiting countries, the number of socially disadvantaged people from migrant backgrounds is significantly high. Discrimination experienced on the grounds of ethnic origin, race or religion further exacerbates these social disadvantages. Research (in France) indicates that the types of jobs to which these young people (from migrant backgrounds) have access change considerably across generations, due to general trends in educational levels and occupations. The marked occupational segregation characteristic of the first generation has declined with the second generation, but some segregation is still observed.

⁴⁰ Wladasch, K. *Country report 2010 on employment, ethnicity and migrants*.

⁴¹ E.g. Institut für Bildungsforschung der Wirtschaft/Österreichisches Institut für Berufsbildungsforschung (ed.) Wieser/Dornmayr/Neubauer/Rothmüller (2008).



Young people of North African origin still accept jobs below their education level.

111. Several national experts report the problems experienced by migrants and ethnic minorities in vocational education when they seek to obtain an apprenticeship. The Danish report, for example, mentions a study by Line Vikkelsø Slot⁴² into discrimination in relation to apprenticeship agreements made between consultants from vocational schools and actors in the private market. The drop-out rate among students with an ethnic minority background is almost 60 per cent which has been explained by precisely the fact that these particular students have difficulties in finding apprenticeships.
112. Highly educated migrants often face the situation that their qualifications are not recognised by the host country and they are forced to accept work that is below their level of education.

This situation is not only unfavourable for the highly educated migrants themselves, it is also disadvantageous for the host country. Migrants often suffer from major job mismatches and work in positions for which they are over-qualified. A huge amount of talent and human capital thereby leaks away. In Denmark legislation is being developed to make the procedures for recognition of foreign qualifications and certificates easier. In Germany the government is introducing an Act on Recognition of Foreign Degrees.

⁴² Vikkelsø Slot, Line (2008). 'Barrierer ved anvisning af praktikpladser'. In Tranæs (ed.) *Indvandrene og det danske uddannelsessystem*. Rockwoolfondens Forskningsenhed/ Gyldendal, pp. 170-191.



5. POLICIES AND MEASURES

113. In addition to their national policies, the governments of the EU Member States use the Open Method of Coordination in Social Protection and Social Inclusion (based on agreeing common objectives and common indicators) to deal with the issues of employment of those who face specific difficulties in finding and remaining in employment.⁴³ The focus is on combating poverty and social exclusion. The policies applied are also very relevant to combating discrimination against ethnic minorities with or without a migrant background.
114. Legally recognised national minorities in the EU Member States do not report significant differences in terms of access to and conditions of employment in comparison with the majority population and thus are not in need of positive measures, although they receive special protection for their language, culture and traditions, etc.
115. In comparison, for example, with the situation of people with disabilities in many Member States, there are no legally binding positive measures in any of the EU Member States for ethnic minorities. On the other hand, there are a number of Member States where these measures are allowed to be used by employers (including the government itself), in order to improve conditions in education and employment, in particular for certain groups of society who experience relative disadvantage, which may include ethnic minorities. Some positive measures as mentioned in the national reports are summarised in the box below.

Positive measures to improve the labour market situation of ethnic minorities

Providing information not only in the national language, but also in Russian (Latvia).

With the support of the European Social Fund, the state employment agency provides Latvian language training to stimulate employment and further vocational training for the unemployed for whom the Latvian language is not their native language. Besides information and methodological materials on the rights and responsibilities of the unemployed, information on the services of the state employment agency are published not only in Latvian but also in Russian.

Plan for integration of Immigrants (Portugal)

The Plan for the Integration of Immigrants (PII), which has been in effect since 2007, provides for measures to help combat discrimination in the workplace, such as looking for illegal use of immigrant labour, raising the awareness of immigrants and their employers of the importance of paying their social security contributions and encouraging immigrants to join trade unions.

⁴³ <http://ec.europa.eu/social/main.jsp?catId=750&langId=en>



In 2010 the General Confederation of Portuguese Workers (CGTP), the country's largest trade union congress, and the High Commission for Immigration and Intercultural Dialogue (ACIDI) signed a cooperation agreement that provides for information campaigns for immigrants on their social and labour rights and awareness-raising drives encouraging them to join a trade union. The Immigration Platform, a non-governmental organisation set up in 2006 by foundations, trade unions, employers' confederations and other institutions, in which the ACIDI is a partner, has awarded the Immigrant Entrepreneur Prize every year since 2007. The prize goes to people who have distinguished themselves by their "responsible, entrepreneurial role in Portuguese society" and is not limited to the economic or entrepreneurial dimension.

Guidelines against Discrimination (Austria)

The Austrian Trade Union Federation published a brochure called Guidelines against Discrimination. It is targeted at employees, who should know that they have the right not to be discriminated against. The brochure describes the different concepts and grounds of discrimination and provides examples. It lists the possible remedies and describes what can be done against discrimination. The Ombudsman for Equal Treatment and the Equal Treatment Commission are described and social partner organisations and NGOs specialising in anti-discrimination issues are listed.

Apprenticeship training (Austria)

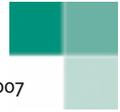
There is a variety of labour market programmes in place in order to strengthen the capacities and skills of groups marginalised from the labour market. Most of these programmes are provided or funded by the Austrian labour market services and many of them are co-funded by European Union grants. The system of apprenticeship training outside a concrete enterprise aims to provide more posts, offers professional education and is specifically relevant for young people from a migrant background.

Increasing the number of employees from a migrant background in the public service to the level of their proportion in the population (Berlin)

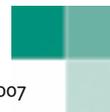
On 15 June 2010 the Berlin Senate submitted the draft version of a new participation and integration law for Berlin to civil society organisations for consultation. It aims at equal opportunities and participation in social life for all inhabitants and includes measures for employment, among them an increase in the number of employees from a migrant background in public service to the level of their proportion of the population in Berlin. Furthermore, it is intended to consider intercultural competences as a factor for the assessment of civil servants.

Projects by the Intercultural Centre for Vocational Adaptation in Warsaw: (Poland)

The Intercultural Centre for Vocational Adaptation operating in Warsaw offers Polish language courses, vocational courses (tour guide, masseur), as well as computer and



driving courses. Currently, the majority of projects intended for migrants are financed by the European Fund for the Integration of Third-Country Nationals (EIF).



Thus there are publications (books, leaflets, online articles) on the employment of migrants and advice is also provided – either directly or via the internet. Within the framework of one such initiative, carried out by the Migrant Career and Job Centre, training is provided for migrants (e.g. regarding searching for employment or filling out tax returns). On the project's website it is also possible to place job advertisements.

116. The emphasis on active labour market policies which reduce the duration of unemployment and of the receipt of unemployment benefits in particular has had a mixed review in research carried out using economic models as to the impact on overall unemployment. Their effects in terms of reducing or increasing discrimination against any group have not been tested or challenged. Although there is little doubt that longer and generous unemployment benefits discourage the search for work, the groups which are most affected by unemployment, including Roma and ethnic minorities from a migrant background, hardly have any rights to these types of benefits, given their precarious situation in the labour market. They are most likely to be receiving non-statutory or social benefits which are sometimes not managed by the PES, but rather by social services which in many instances are managed exclusively by regional and/or local authorities.
117. Furthermore, in some Member States there are reports of inadequate treatment of Roma by PESs, which should be considered in relation to the lack of efficiency in matching jobs to this group. On the other hand, PES employees in a number of Member States report that employers have no interest in employing Roma citizens.
118. The central role of PESs in the implementation of active labour market policies and the common formula of subsidies for employers for specific groups has a number of problems as far as addressing the vulnerability of Roma and ethnic minority migrants is concerned. In the first place these groups might not be identified as being eligible for employers to receive such subsidies. However, people from these groups might be eligible through the other most common categories such as young people, women, older workers, etc. Secondly, as mentioned above, although in some Member States PESs are undergoing reforms to offer a more personalised service, they are not always prepared to cater for the specific needs of vulnerable groups. The obligation for job seekers to undergo training which is not always useful or at least in line with market needs, or to accept jobs at the risk of losing their benefits can perpetuate the poorer employment conditions of these groups and encourage the so-called 'benefit merry-go-round'.



119. The approaches used under the most modern and reformed PESs are mostly pathways or itineraries into employment for people who face a number of obstacles in finding and retaining work. These include personalised assessments, personalised training programmes, job search skills and other personal communication skills, which often include language skills. There is also work with employers in the form of raising awareness about the benefits of diversity and of employing groups facing disadvantages in employment for which they can receive subsidies. However, there is no quantitative or qualitative research known to identify to what degree this affects Roma or ethnic minorities from migrant backgrounds.⁴⁴
120. These same itinerary approaches are used, and were first piloted by, NGOs working with Roma or migrant populations, as well as with other hard-to-place groups. In these cases the PES might have collaboration agreements with these NGOs. Although in general the integration rates of the NGOs for these groups are better than those of the PES, longer periods of support and training are needed than are usually allowed for under active labour market policies. However, these longer periods do not necessarily apply to all the groups analysed here.

⁴⁴ There have been peer reviews or mutual learning activities in both the European Employment Strategy and the Open Method of Coordination for Social Inclusion and Social Protection which have good practice examples on this issue. See the case of Spain with housing for Roma (<http://www.peer-review-social-inclusion.eu/peer-reviews/2006/social-integration-of-roma-people-municipal-programme-of-shanty-towns-eradication-in-aviles>), education for immigrants (<http://www.peer-review-social-inclusion.eu/peer-reviews/2008/support-fund-for-the-reception-and-integration-of-immigrants-and-their-educational-support>) and use of ESF to fight discrimination on all grounds (<http://www.peer-review-social-inclusion.eu/peer-reviews/2007/multi-regional-operative-programme-to-combat-discrimination>).

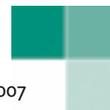


6. POSITIVE EFFECTS OF MIGRATION

121. Some experts report a positive attitude towards migrant labour, e.g. in Poland and Romania. There was also a positive trend in Spain before the economic crisis. Spain needed a lot of labourers while the economy was booming and migrant labourers were welcomed. However, Spain was heavily affected by the crisis and many of these migrants lost their jobs.
122. Economists and demographers warned about the coming demographic situation in the EU Member States, which were facing populations with a large proportion of elderly people and not enough young people to fulfil all the necessary functions.⁴⁵ These researchers reported the necessity of inviting migrant labourers for the development of Europe. Several reports mention a double standard in the public perception of different migrants. On the one hand, people recognise that immigrants are essential if the economy is to function properly and in order to reduce demographic aging; there is a growing awareness that immigration can be an advantage for the host countries. On the other hand, the public and some institutions react negatively to the presence of migrants: the greater the ethnic difference the more they tend to discriminate against the migrants. There is also a double standard when it comes to migrants in the labour market. While they are sometimes accused of taking jobs meant for members of the indigenous population, otherwise it is widely recognised that migrants do jobs which the indigenous inhabitants do not want to do or are not prepared to do under the existing conditions.⁴⁶
123. Migration brings various positive and negative impacts for the migrants themselves and for the countries concerned. Although it is possible to try to generalise some of the effects, direct evaluation is often difficult. This difficulty derives both from the lack of reliable data and from the complex conditionality and dynamics of the migration process, which in certain aspects often leads to internally contradictory tendencies (e.g. the phenomenon of illegal migration is generally harmful, but many businesses also benefit from it; intensive emigration may be a significant loss for a country at the time, but in the longer term return migration may have significant positive effects).
124. Labour market prognoses and the socio-demographic evolution are indicating that the shrinking labour force will be a threat for economic growth in the near

⁴⁵ OECD (2001). *Trends in international migration: SOPEMI*.

⁴⁶ See e.g. Becker, G.S. (1996), *Accounting for tastes*, Harvard University Press. Borjas, G.J., (1999), *Economic research on the determinants of immigration. Lessons for the European Union*, Papers 438, World Bank. Borjas, G.J. (2000), *Issues in the economics of immigration*, University of Chicago Press, Chicago. Borjas, G.J. (2003), 'The labor demand curve is downward sloping. Re-examining the impact of immigration on the labor market', in *The quarterly journal of economics*, November 2003.



future. Given the fall in birth rates, immigration will continue to be the most important factor in increasing the population in many countries.

The composition of population in terms of age in most European countries will change, with the proportion of children and young people declining while the percentage of people over the age of 60 will rise. People from a migrant background are significantly younger than the average population. Their percentage within the age groups of working age is significantly higher. Labour shortages are forecast in the public health, engineering and service sectors as a consequence of an aging society and the transition to a knowledge-based economy.

125. Some reports describe the migrants' economic contribution to their host societies as a proven fact. In these countries migrants are contributing in several ways to society: demographic (a relatively higher proportion of children among migrants); economic (figures of 10 per cent of GDP are mentioned); and occupational (doing jobs that people from the indigenous population are not willing to do) Two studies⁴⁷ in Portugal conducted a detailed analysis of this contribution. One assessed the positive effects of immigration on the country's economy in general and the other studied the impact of migrant labour on companies. The first study showed that immigrants contribute substantially to growth in production and employment and that the absence of migrant workers in certain sectors of activity would lead to under-use of installed production capacity. The other study, on companies, in which directors and managers were interviewed, concluded that migrants bring added value to their competitiveness, as they are very willing to work and have valuable resources and skills. Some of the interviewees said that the return of certain migrant workers to their countries of origin would constitute a significant loss to their companies' competitiveness. It is this economic capital represented by migrants that is reduced in each act of discrimination against them in the labour market or in other areas of social life. The negative socio-economic impact of discrimination is especially visible in the case of the Roma.
126. Other studies⁴⁸ indicate that migration does not pay in the first years the migrants reside in the country. The costs of migration (like language courses, unemployment and social benefits) are centralised in the first years. The benefits of migration and the integration of migrant groups into society have to be analysed in the long term.

⁴⁷ Sousa Ferreira, E., Rato, H. and Mortágua, M.J. (2004), *Viagens de Ulisses. Efeitos da imigração na economia portuguesa*, ACIME, Lisbon; Carvalho, L. (2004) *Impacto e reflexos do trabalho imigrante nas empresas Portuguesas*, ACIDI, Lisbon.

⁴⁸ Wetenschappelijke Raad voor het Regeringsbeleid (2001), *Nederland als immigratiesamenleving*, Den Haag: SDU Uitgevers.



127. The other side of the coin is that discrimination against migrants and ethnic minorities in the labour market can lead to a brain drain of the more highly educated. Those with higher levels of education will, when they cannot find jobs that match their skills and education level, emigrate or return to their home countries, taking all human capital investments with them.

Out-migration of highly qualified people of Turkish origin from Germany seems to be due to the wish of the emigrants to avoid discrimination or their lack of integration into German society. Similar stories are recorded in Denmark: in 2007 Trygfonden⁴⁹ initiated a survey with 1,200 respondents from a migrant background between the ages of 15 and 29 which showed that one in four intended to or was seriously considering leaving the country due to discrimination and not feeling secure.

⁴⁹ Trygfonden (2007). *Tryghed blandt unge nydanskere*. Trygfonden & CeFU.



7. CONCLUSIONS

128. **Main exclusion factors**

The main exclusion factors facing ethnic minorities from a migrant background compared to other immigrant groups can be summed up as follows:

- lack of knowledge of the host country language;
- lack of knowledge of the legal and administrative workings of the host country;
- lack of adequate skills for the job market or lack of recognition of previous job experience and educational qualifications by the host country government and employers;
- their legal status in the host country (regular, irregular or asylum seeker);
- lack of knowledge about their rights and the possibility of taking their cases to court;
- deep-rooted xenophobic, prejudiced and racist attitudes in the host country;
- the impact of the current economic crisis

129. **Collection of data about racial/ethnic minorities**

There is a lack of reliable data and analysis relating to ethnic minorities in the EU Member States. In addition, different definitions of race, ethnicity and migrants used in different contexts and by different institutions and actors makes comparability of what data there is difficult. In some countries the national statistics office collects data on migrants by referring only to their country of birth. Due to a lack of data, it is not possible to differentiate properly between discrimination based on migrant status and/or on ethnic minority status. Another issue is that most information about the labour market situation of racial/ethnic minorities and migrants comes from people who are already in the labour market and not people trying to gain access to it.

130. **Discrimination in the labour market**

Racial/ethnic minorities and migrant workers experience different forms of discrimination in the labour market. Discrimination operates at a number of different levels: in the recruitment process, in training and promotion, in unfair selection for redundancy and dismissal, as well as in relation to social benefits and health care. Discrimination in the labour market is part of the multiple discriminations that these workers experience in their everyday life and despite being unlawful, discrimination on the grounds of race/ethnicity still happens across EU countries. It can be direct, subtle, conscious or unwitting. It can come from supervisors, managers and also from other members of the workforce.



131. **European legislation and its impact on National Action Plans**
Although combating discrimination has been an objective of most EU countries in the context of the Lisbon Strategy (established in 2000), there are several Member States which have not invested efforts or have not taken actual measures to tackle the exclusion of migrants or ethnic minorities from full and equal participation in the labour market. In several new Member States most social policy measures aimed at the integration of ethnic minorities into the labour market are based on project activities and funded by the EU.
132. **The use of language and symbolic exclusion**
The language and terminology used in many policy documents across EU Member States provides evidence of the division between nationals who are not from a minority background and who are considered the 'us' and enjoy full citizenship and the 'others' who, because of their minority status as second generation migrants or their ethnic background, are symbolically excluded in their own countries. This is the case even if they have obtained citizenship.
133. **Religion, ethnicity and discrimination in the labour market**
The relationship between religion and ethnicity with regard to discrimination is often reported for migrants who are from an ethnic background and of the Muslim faith. This group faces serious discrimination in many areas in a number of Member States, including harassment in the streets since the events of 11 September 2001.
134. **Asylum seekers: isolation and exclusion from the labour market**
Asylum seekers are a special group among migrants and ethnic minorities. While their asylum claim is being processed, in many countries they are allocated to centres segregated from the rest of society and isolated from their national social networks. They face discrimination on grounds of nationality, race and/or ethnic origin and religion. Most countries place restrictions on the rights of asylum seekers, particularly in relation to employment, and there are few policies implemented to protect these populations. Many asylum seekers end up spending long periods waiting for residence permits and housing, time during which they are not allowed to be part of the labour market.
135. **The Roma and the labour market: structural and symbolic exclusion**
When looking at ethnic minorities who are not from a migrant background (although there has also been a large migration of Roma populations from new Member States to older Member States), the Roma are a group which is subject to prejudice and discrimination across the EU. Negative stereotypes, low skill levels and poor educational attainment constitute barriers for Roma people in accessing the labour market. The Roma people tend to live socially excluded and experience a strong, persistent, almost unbreakable pattern of social, economic



and political marginalisation. Unemployment or exclusion from the traditional labour market is the normal pattern for adult Roma people.

They remain the most clearly discriminated group in the labour market at all stages of the employment process, from job seeking and interviews, to an employment contract which they may lose if their ethnicity becomes known. A majority of Roma children do not complete primary school, only a small minority continue to secondary school and even fewer reach university level. In many countries, Roma people describe needing to hide their cultural background in order to get a job.

136. Migrants' over-qualification for their current job

Many migrants are over-qualified for their current position, despite having formal qualifications. Across the EU, most migrant workers are employed in low-paid, temporary and seasonal jobs, which are often undeclared and uninsured. Consequently, migrants (and nationals from a migrant background) are most likely to be employed in low-paid jobs.

137. Young people and the labour market: no country for young men?

Young people are suffering disproportionately as the recession persists across many EU countries. As ethnic minority groups generally have more young people, this development adds to the deteriorating labour market position of ethnic minorities. Increasing levels of emigration among all young people is hiding the real impact of unemployment. Even for those who are employed, lower wages and shorter contracts constitute push factors to emigrate. In Denmark one in four respondents⁵⁰ from a migrant background between the ages of 15 and 29 intended to or had seriously considered leaving the country due to discrimination and not feeling secure. Some researchers state that the major impact of the recession on male migrant workers is because the majority of them are employed in the construction sector, which has been hardest hit by the economic crisis, while female migrant workers are mostly employed in care services, a sector suffering less from the crisis. However, as the recession persists, its impact is increasingly being felt through both private and public services, affecting both women and men equally.

138. Economic crisis as an opportunity for implementing policies

The current economic crisis can also represent an opportunity for states to develop initiatives and programmes aimed at combating unemployment, poverty and social exclusion. However, it is critical that these initiatives aim specifically to integrate ethnic minorities into the labour market. In some countries migrant workers are excluded from such programmes. This can even

⁵⁰<http://www.trygfonden.dk/NyhederTF/Pressemeddelelser/2007/November/Ny%20undersogelse%20om%20nydanskernes%20tryghed.aspx?newsid={E25FooE8-6E67-4A21-AFA6-EDoE259976oF}>



affect the case of refugees with permanent residency in the country. Those who have temporary permits are also at risk of losing their legal status and consequently may be forced to return to their country.

139. **Good practice**

Several experts presented examples of good practice and positive measures to improve the labour market situation of ethnic minorities which were made possible and financed by the European Social Fund or EQUAL. The evaluation of these projects was overall very positive. On the basis of these reports, it could be recommended to continue to finance projects aimed at improving access to the labour market for ethnic minorities, especially through the structural funds. The Good Practice Exchange Seminar, on public policies combating discrimination based on racial or ethnic origin, identified three key elements for a strategic response to the labour market situation of people from minority or racial or ethnic origin: a planned approach; a dual strategy of general provision and targeted provision; and initiatives to eliminate discrimination, adjust for diversity and promote equality.⁵¹

140. **A planned approach**

National government integration plans provide a valuable opportunity to integrate the work of different parts of the public sector to improve the situation of people of minority racial or ethnic origin, to secure a focus for political commitment to these issues and to achieve the most effective use of the resources available. The governance arrangements for the Europe 2020 strategy could underpin the further development of such a planned approach by national authorities to policies and programmes on accessing and progressing in employment for people of minority racial or ethnic origin.

141. **A dual strategy of general provision and targeted provision**

The institutions providing general services and programmes need to adjust their everyday routines and the design of their programmes and services to take account of the practical implications of cultural diversity, if their provision is to have an impact on the labour market situation of people of minority racial and ethnic origin. Targeted provision is needed to address issues and situations which are specific to the diversity of these groups and to enhance access for them to general services and programmes.

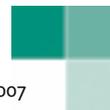
142. **Initiatives to eliminate discrimination, adjust for diversity and promote equality**

⁵¹ Niall Crowley (2010).



Good practice starts with eliminating discrimination in employment. Equal treatment legislation and equality bodies are important in this. Good practice needs to include initiatives to adjust for cultural diversity within the policies, practices and procedures of organisations. Centres of excellence can contribute by supporting institutions to make these adjustments. Good practice needs to include positive action to advance equality. Equal treatment legislation, with positive duties on employers and equality bodies with a function to promote equality, can also make a valuable contribution.

143. The analysis of the good practices presented during the Good Practice Exchange Seminar, on public policies combating discrimination based on racial or ethnic origin in accessing and progressing in employment, concluded that the following factors enable good practice for accessing employment:
- leadership;
 - the case for change;
 - legislation; and
 - participation
144. Furthermore, four elements of good practice in this regard were mentioned:
- outreach;
 - early intervention;
 - adapting for diversity (practical implications, processes within institutions); and
 - positive action.
145. Dissemination of good practices on combating discrimination in accessing and progressing in employment can contribute to the improvement of the employment situation of ethnic minorities. It is recommended that a reference be made to the factors that enable good practices as well as to the elements on which good practice is built.
146. Political commitment to integration is essential. Equality and non-discrimination need to be understood as factors in economic recovery. Political leadership for equality and diversity is important. The European Union needs to be a driver for equality, together with the social partners at national level. Social partner organisations can make a key contribution by advocating the business case for equality and diversity and by supporting good practice in this regard within workplaces. Social partners can especially focus on integrating issues such as equality, diversity and non-discrimination in negotiating labour market conditions and collective agreements.



REFERENCES: Part II

Amadiou J.-F. (2004), *Enquête "Testing" sur CV*, Observatoire des discriminations, Adia. May.

Andriessen, I., E. Nievers, L. Faulk & J. Dagevos (2010), *Liever Mark dan Mohammed? Onderzoek naar arbeidsmarktdiscriminatie van niet-westerse migranten via praktijktests*, Den Haag: SCP, available at: <http://www.scp.nl/dsresource?objectid=24186&type=org> (in Dutch) and <http://www.scp.nl/english/dsresource?objectid=24017&type=org> (in English – summary and conclusions)

Arrow, K.J. (1972), 'Some mathematical modes of race discrimination in the labor market' in Pascal (ed.) *Racial discrimination in economic life*, D.C. Heath, Lexington, Massachusetts.

Arrow, K.J. (1973) 'The theory of discrimination', in Ashenfelter and Rees (eds.) *Discrimination in labor markets*, Princeton University Press, New Jersey.

Becker, G.S. (1957, 1971, 2nd ed.), *The economics of discrimination*, University of Chicago Press, Chicago.

Becker. G.S. (1993), 'Nobel lecture: the economic way of looking at behavior', in *The journal of political economy*, Vol. 101, No. 3, pp. 385-409.

Becker, G.S. (1996), *Accounting for tastes*, Harvard University Press.

Borjas, G.J., (1999), *Economic research on the determinants of immigration. Lessons for the European Union*, Papers 438, World Bank.

Borjas, G.J. (2000), *Issues in the economics of immigration*, University of Chicago Press, Chicago.

Borjas, G.J. (2003), 'The labor demand curve is downward sloping. Reexamining the impact of immigration on the labor market', in *The quarterly journal of economics*, November 2003.

Bovenkerk, F., Gras, M. & Ramsoedh, D. (1995), *Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands*, International Labour Organisation, Geneva.

Carvalho, L. (2004) *Impacto e reflexos do trabalho imigrante nas empresas Portuguesas*, ACIDI, Lisbon, available at: http://www.oi.acidi.gov.pt/docs/Estudos%20OI/Impacto_nas_Empresas.pdf



Cedey E., Foroni F. (2007), *Les discriminations à raison de "l'origine" dans les embauches en France. Une enquête nationale par tests de discrimination selon la méthode du BIT*, Bureau international du travail.

Colding, B. (2006), 'A dynamic analysis of educational progression of children of emigrants', in *Labour economics* 13(4): pp. 479-492.

Council Directive 2000/43/EC of 29 June implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:320000043:en:HTML>

Crowley, N. (2010), *Final seminar report. Good practice exchange on public policies combating discrimination based on racial or ethnic origin in accessing and progressing in employment, Germany, 4th to 5th October 2010.*

Duguet E. et al. (2010), *Les effets du lieu de résidence sur l'accès à l'emploi: une expérience contrôlée sur des jeunes qualifiés en Ile-de-France*, Documents de travail du CEE, 120, July.

Employment in Europe report (2008).
<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=415>

European Union Agency for Fundamental Rights (2009), *EU-MIDIS European Union minorities and discrimination survey. Main results report*, Vienna, Austria.

EUROSTAT: <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/>

Frickey A., Primon J.-L. (2006), 'Une double pénalisation pour les non-diplômés du supérieur d'origine nord-africaine?', in *Formation emploi*, 94, April-June.

Groenendijk, C.A. (1989), 'Nationality and access to employment in the public service: Law and practice in the Netherlands', in *Netherlands international law review* 36, pp 107-130, available at:
<http://journals.cambridge.org/action/displayFulltext?type=1&fid=4898276&jid=NLR&volumelId=36&issuelId=02&aid=4898268>

Institut für Bildungsforschung der Wirtschaft/Österreichisches Institut für Berufsbildungsforschung (ed.) Wieser/Dornmayr/Neubauer/Rothmüller (2008): *Bildungs- und Berufsberatung für Jugendliche mit Migrationshintergrund gegen Ende der Schulpflicht*, available at:
http://www.forschungsnetzwerk.at/downloadpub/Berufsberatung_Jugendliche_Migrationshintergrund_Endbericht.pdf (accessed 19.06.2010)



ISER website: <http://www.iser.essex.ac.uk/>

Kaas, L. & Manger, C. (2010), *Ethnic discrimination in Germany's labour market: A field experiment*, IZA DP No. 4741;

Kemény I. and Janky, B., *A 2003. évi cigány felmérésről— Népesedési, nyelv-használati és nemzetiségi adatok* Beszélő, October, pp. 64–76, 2003.

Lainé F., Okba M. (2005), 'Jeunes de parents immigrés : de l'école au métier', in *Travail et emploi*, 103.

Lundberg, S. and Startz, W. (1983), 'Private discrimination and social intervention in competitive labour markets', in *American economic review*, Vol. 73, pp 340-347.

Meurs D. et al. (2006), 'Persistance des inégalités entre générations liées à l'immigration: l'accès à l'emploi des immigrés et de leurs descendants en France', in *Population*, vol. 61, 5-6.

Meurs D. et al. (2005), 'Immigrés et enfants d'immigrés sur le marché du travail : une affaire de génération?', in C. Lefèvre and A. Filhon (eds.), *Histoires de familles, histoires familiales*, Cahier de l'INED, 156.

Nielsen, H. S., Rosholm, M., Smith, N. and Husted, L. (2001), 'Intergenerational transmissions and the school-to-work transition of second generation immigrants', in *IZA Discussion Papers 296*, Institute for the Study of Labor (IZA).

Noiriel, G. (1988), *Le creuset français. Histoire de l'immigration XIXème-XXème siècle*, Le Seuil.

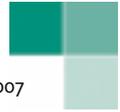
OECD (2001), *Trends in international migration*.

OECD (2008), *Jobs for immigrants. Volume 2. Labour market integration in Belgium, France, the Netherlands and Portugal*.

OECD (2009), *Children of immigrants in the labour markets of EU and OECD countries: an overview*.

OECD (2010), *International migration outlook, SOPEMI 2010*.

Ouali N. et al (2005), *Discriminations des étrangères et des personnes d'origine étrangère sur le marché du travail de la Région de Bruxelles Capitale*, ULB-K.U.Leuven.



Roulleau-Berger L. (2004), 'Insertions segmentées, travail et discriminations des femmes migrantes et de leurs filles', in *Femmes d'origine étrangère: travail, accès à l'emploi, discriminations de genre*, FASILD, La Documentation française.

De Rudder V., Poiret C., Vourc'h F. (2000), *L'inégalité raciste. L'universalité républicaine à l'épreuve*, PUF.

Schriemer, R. (2004), *Buitenspel of buitenkans, belemmeringen en kansen voor allochtonen op de arbeidsmarkt*, Rotterdam: RADAR, available at:
http://www.radar.nl/sites/radar/files/site11_200709301634161_site5_20050118115304_boekje_buitenspel2c_kans_totaal.pdf

Schutter, O. de (2009), *Links between migration and discrimination*, European Network of Legal experts in the non-discrimination field, available at:
http://www.migpolgroup.com/public/docs/166.LinksbtwMigratio&Discrimination_the_maticreport_02.12.09.pdf

Sousa Ferreira, E., Rato, H. and Mortágua, M.J. (2004), *Viagens de Ulisses. Efeitos da imigração na economia portuguesa*, ACIME, Lisbon, available at:
<http://www.oi.acidi.gov.pt/docs/pdf/EstudoOI%207.pdf>

Trygfonden (2007). *Tryghed blandt unge nydanskere*. Trygfonden & CeFU.

Vikkelsø Slot, L. (2008). 'Barrierer ved anvisning af praktikpladser', in Tranæs (ed.) *Indvanderne og det danske uddannelsessystem*, Rockwoolfondens Forskningsenhed/ Gyldendal, pp. 170-191.

Wetenschappelijke Raad voor het Regeringsbeleid (1989), *Allochtonenbeleid*, Den Haag: WRR. <http://www.wrr.nl/content.jsp?objectid=2357>

Wetenschappelijke Raad voor het Regeringsbeleid (2001), *Nederland als immigratiesamenleving*, Den Haag: SDU Uitgevers.

Wetenschappelijke Raad voor het Regeringsbeleid (2007), *Identificatie met Nederland*, Den Haag: WRR. <http://www.wrr.nl/content.jsp?objectid=4094>