

EQUALITY, THE LABOUR FORCE AND THE LAW

EQUAL SUPPORTS THE IMPLEMENTATION OF THE DIRECTIVES ON RACIAL EQUALITY AND ON EQUALITY IN EMPLOYMENT

RACIAL DISCRIMINATION PREVALENT IN EU JOBS MARKET

It is widely acknowledged that racial discrimination is a reality in the European labour market. Some evidence of its extent can be seen when reviewing the following figures for the EU15 in 2002. The unemployment rate of non EU-nationals, used as a proxy, was 16% against 7% for EU nationals; their employment rate was 53% against 66%; and the employment rate of high-skilled, non-EU nationals was only 66% compared to 83% of high-skilled EU nationals.

The European Union's [Racial Equality](#) and [Equality in Employment](#) Directives banning discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation were adopted by the European Council in 2000. Governments of Member States have already modified their own national laws to bring them into line with these Directives or are currently involved in this process. However, eliminating discrimination against ethnic minorities and migrants and ensuring their effective social and vocational integration requires more than just the legal framework established by the two Directives. It also requires [changes in existing attitudes](#) and practices. With the recent enlargement, both the old and the new Member States need to readdress these issues if a high level of social cohesion is to be maintained throughout the Union.

GREATER MIGRANT INTEGRATION REQUIRED

The extent of the changes that are necessary is highlighted in the [Report of the Employment Task Force](#) that states: "***The EU is not performing well enough with respect to the integration of migrants and non-EU nationals in the labour market.***" The Taskforce believes that it is vital that Member States strengthen their capacity to integrate those minorities and migrants already present in the EU, if they are to be prepared for and able to reap the full benefits from new immigration." It goes on to urge Member States and social partners to implement multi-dimensional integration policies that include:

- ***Facilitating access to education, training and support services; and***
- ***Combating discrimination at the workplace***

In addition, the Commission's recently published [Green Paper - Equality and non-discrimination in an enlarged European Union](#) also stresses that: "Enlargement should be used as an incentive for all Member States to step up their efforts to address the challenges faced by minorities. This relates in particular to the Roma, who will collectively form the largest ethnic minority group in the enlarged EU and who continue to face situations of exclusion and discrimination in a number of old and new Member States."

EQUAL: HARNESSING THE SUPPORT OF TRADE UNIONS AND EMPLOYERS

EQUAL has tested new methods of ***combating discrimination in the workplace*** by promoting the awareness of employers and harnessing the support of the social partners (trade unions/employers' associations). In addition, EQUAL has pioneered approaches, which ensure that ethnic minority or migrant groups have the same ***opportunities for employment, training and information and support*** as those that are available to native citizens.

COMBATING DISCRIMINATION IN THE WORKPLACE

The “Business Case” - often the best way of convincing employers

Employers are often more willing to consider employing people from ethnic minority or migrant backgrounds if they can see how it will benefit their business or agency. EQUAL has been active in promoting this “business case” using two main arguments.

- Firstly, where there is a great deal of customer contact, either face-to-face or on the telephone, the number of customers and sales can increase dramatically when customers see that the person who serves them understands their unique needs, language, or culture. The same is also true for public sector services.
- Secondly, if an enterprise wishes to be truly global, its workforce must understand the requirements, and sometimes the language, of people from different cultures and regions. If a company's workforce does not include people who have lived, or travelled, abroad then product development and sales may suffer. EQUAL has built on the experience in the previous EMPLOYMENT Community Initiative that demonstrated how immigrants have helped enterprises in the European Union to open up new markets and to identify new sources of goods or products on other continents.

The results of [promoting the business case](#) have been successful. For example, a major national bank, national Tax Authorities and a well-known furniture company that has branches throughout Europe have already realised the benefits of employing people from migrant backgrounds.

New tools can help to raise employers' awareness

The transposition of the two Equality Directives into national regulations means that enterprises are now interested in finding out about how they can comply with their additional responsibilities and so, EQUAL has produced tools to help them. These tools include [codes of conduct](#) or [equality audits](#) and, while their names may be different, there are similar elements in both approaches. The process involved is extensive, containing a number of steps, such as setting up a steering group, training staff that will help with the audit or in screening for discriminatory practices; undertaking the audit or screening; identifying the most problematic areas; and finally developing and implementing the code. The resulting codes contain guiding principles that cover recruitment and selection procedures, operations of the Human Resources department, communication, conflict resolution, complaints procedures and relationships with suppliers and customers.

Some of the tools and guides were developed to help employers with specific aspects or functions such as promoting more objective recruitment and selection procedures. One example developed and tested is an [IT-based Decision Making Tree](#). Essentially, this is a database that can associate the set of tasks involved in a particular job to the actual skills and knowledge which are required to perform that job effectively. This software tool seeks to make an unbiased link between functional requirements of the job, and the job seekers' skills, abilities and knowledge.

The tools developed within EQUAL have been most successful when their introduction has been combined with the business case. In other words, when employers understand how they can actually benefit by complying with their new regulatory responsibilities.

Active support of the social partners is vital

In collaboration with the social partners, EQUAL has developed workplaces that are “welcoming” to people from migrant and ethnic minority communities. Supported by EQUAL, a [nationwide temporary employment agency](#) is in the vanguard of the fight against discrimination in the workplace and has signed a framework agreement with the national Government to this effect. Its stance on non-discrimination is promoted internally, particularly through in-service training. During 2003, 300 employees were trained in a module on “Racial Discrimination and the Possibilities of Intervening”, and the training of a further 600 is planned for 2004/5. This stance also permeates all of its external relationships to the extent that the agency was prepared to risk the loss of one long-term, important client when it refused to comply with an instruction to provide

“no coloured people” amongst the many hundreds of temporary staff that this client had requested.

Trade unions have also had a major involvement. In one instance, all three national unions signed a “non-discrimination” protocol with the Ministry of Employment and created an [EQUAL Partnership](#) to strengthen their ability to combat discrimination on the office or factory floor. The three unions are currently piloting training for shop stewards and union representatives in some 15 companies that cover most of the important economic sectors. This training is based on “factual situations” taken from the day-to-day realities of working within these companies, rather than on theoretical issues concerning multiculturalism. As a result of these experiences and subsequent training activities, a manual will be produced for other shop stewards so that they can influence the employment policies of the companies and institutions in which they work. In another country, a trade union confederation, is working hard to [change traditional union practices](#), and is piloting new approaches to getting workers of non-EU nationality involved in the processes of democratic decision making in enterprises and to dismantling existing preconceptions related to this issue.

ACCESSING EMPLOYMENT, TRAINING AND INFORMATION AND SUPPORT

New types of employment services and roles are necessary

In several countries, the starting point for developing new models under EQUAL is the recognised need for new approaches or new roles for employment services as part of their support to employers, or of their support to the job seekers or, sometimes, as a bridge between both of these groups. EQUAL has demonstrated [the importance of a more personal approach](#) to small, local firms or family businesses and used “job counsellors” to make this contact, and also to recruit and match job seekers. This is paralleled by other experiences that indicate that it is the [quality of the service](#) provided by “enterprise mediators” to SMEs, rather than any financial incentives, which determines the willingness of small firms to hire migrant people. In certain areas where they have not existed before, Supported Employment Services present an effective way of integrating people from ethnic minority and migrant backgrounds. Supported Employment links the placement of severely disadvantaged people into the open labour market with [individual integration pathways and empowerment strategies](#). All these activities are backed up by a comprehensive support framework for both the individual and the employer. A [new method in Supported Employment](#) is to have job coaches working in pairs with one coming from an immigrant background and the other being a country national. This practice seems to increase the clients’ confidence in the service and gives a positive signal to employers by demonstrating that migrants can undertake skilled and demanding positions.

Training has to be tailored

In several countries, EQUAL has been experimenting with [new forms of training](#) that are particularly suited to people from ethnic minority or migrant backgrounds. One very important aspect is language learning and a number of approaches have been tested, including work-based learning. EQUAL has successfully demonstrated the advantages of [combining vocational training](#) in various sectors with training in language and citizenship skills. Courses are being held in individual, or in groups of, enterprises and approaches are also being piloted for unemployed people offering vocational and language training in a work context. Local employers have recognised the benefit of this training in terms of creating a more efficient workforce and are now prepared to increase their enterprises’ participation in training activities. Trade unions have also been active in this respect by [providing opportunities for union members](#) who have low levels of skills and are least likely to take part in learning, especially people with disabilities and ethnic minorities.

Information and support are integral aspects of the integration process

Finding the quickest way through the maze of existing services can be a challenge for anyone. In addition, the initial contact often has to be made by telephone, and this can be a big barrier for a person who is not fluent in the language of the “host” country. Evidence from EQUAL suggests that it is possible to tackle these problems through the creation of one-stop-shops, which provide as much information and as many practical facilities as possible all under the same roof.

In Austria, EQUAL has demonstrated the approachability and relevance of such [one-stop-shops](#) providing multi-lingual advice and practical support to migrants on a wide range of questions, such as employment, education and training, housing, residence and citizenship and social security. There is clear evidence of the value-added of these outreach centres: in 2003, they handled a total of more than 100,000 face-to-face counselling sessions and dealt with almost 9,000 telephone calls for advice or counseling. In some southern Member States, [networks of support offices](#) have also been established in rural areas to bring services closer to the “new arrivals” and the outreach activities of these offices can extend into workplaces, cafes or other leisure time locations.

[Another way of addressing this problem](#) within EQUAL was to set up a consultation group so that “participants can become more self-sufficient as far as their life project is concerned and simultaneously less dependent on service providers”. The regular monthly meetings of this group have produced an information leaflet for recently arrived asylum seekers, and a memorandum on the additional services and facilities that are required.

In many Member States, EQUAL is also working with existing agencies to help them develop ways of making their provision more relevant, as the overall aim of integration strategies is to ensure that mainstream employment measures are accessible to migrants and ethnic minorities and that their needs are taken into account in a proactive way. One method that is used is to [offer training to the staff of public and private integration agencies](#) on aspects, such as intercultural skills, diversity management and legal issues related to migration. [Another method](#) is to pilot, within the existing mainstream services, some of the new roles and approaches that have been successfully tested by EQUAL. This latter method is now used as one way of ensuring the replication and sustainability of the most important outcomes of EQUAL.

POLICY RECOMMENDATIONS

The promising practices that emerge from EQUAL are a source of imaginative concepts, methods and techniques which can be drawn on to support the implementation of the two Equality Directives and to reinforce the European Commission’s Action Programme to Combat Discrimination. In each EU15 Member State, the relevant national authority and the specialised equality bodies that are required by the Racial Equality Directive should be provided with EQUAL working practices, tools and materials, such as those described above. It would then be the responsibility of this national authority or the equality bodies to disseminate these resources, and to promote their mainstreaming or replication through their continuing dialogue with the social partners and NGOs.