

## CAPACITY-BUILDING IN PUBLIC EMPLOYMENT SERVICES TO COUNTER AND PREVENT DISCRIMINATION

Issues related to ethnic discrimination are sometimes addressed inadequately by employment services. In such instances, employment intermediaries feel isolated and at a loss when faced with concrete instances of discrimination in recruitment and placement processes. However, it is only by taking a tough stance on these issues that employment services can play their role in enforcing compliance with anti-discrimination legislation and in promoting equal opportunities for all in access to work. An EQUAL Development Partnership in France has engaged in an unprecedented programme of in-service training enabling the officials of the Public Employment Service to better detect, and cope with, those discriminatory practices that immigrants and ethnic minority groups have to face in seeking and holding on to employment.

Of all the 178 Development Partnerships (DPs) that tackled the issue of "Combating racism and xenophobia in relation to the labour market" (EQUAL Theme B), almost one fourth were launched in France, far more than in any of the other 24 Member States involved in EQUAL. Most of these 43 French DPs acknowledge the existence of a comprehensive regulatory framework for the prevention of discrimination but they have also diagnosed the striking failure of this framework to ensure equal opportunities for ethnic minority groups in the labour market. Existing legislation is not applied effectively and the work of the various institutions and agencies in the integration chain is segmented. For these reasons, many of the DPs had a strong focus on sensitising key actors in the public and private sector and on inter-institutional cooperation. One of the most ambitious approaches was piloted by the ESPERE project which set out to mobilise the entire Public Employment Service (PES) to combat discrimination.

### AN UNPRECEDENTED APPROACH TO SENSITISING THE PUBLIC EMPLOYMENT SERVICE...



The full title of the DP, "Engagement du Service Public de l'Emploi pour Restaurer l'Égalité", or ESPERE for short, describes the ambitious objective of the project, namely to work towards an explicit

"commitment on the part of the Public Employment Service to restoring Equality". ESPERE pursued this aim by posing, and then offering practical responses to, a question that had been widely neglected by the PES - How can the members of staff of the Public Employment Service be mobilised and helped to identify and tackle the mechanisms of racial discrimination that they encounter in their work as employment intermediaries? It was clear from the outset to the protagonists of the DP that this question could not be answered without engendering tangible changes in the professional practices of all of the organisations within the PES.

The backbone of ESPERE's work to induce this change was the development of a major programme of awareness raising and in-service training. This programme was tested in six pilot areas and is now being mainstreamed on a much wider scale with the intention of ultimately reaching all 50 000 officials working in the Public Employment Service.

### Based on a Self-critical Reappraisal of Professional Practices...

The ESPERE programme was based on the hypothesis, supported by evidence from research, that the role of the PES can be ambiguous in issues of discrimination. Through their mediation activities, employment intermediaries can not only prevent or counteract discriminatory practices in the labour market, they can also ignore or tolerate, or even comply with, such practices and

generate discrimination themselves. Thus, the aim of the training programme was to develop ways of ending this ambiguity by reviewing and changing professional practices in the PES.

The DP did not have an easy beginning. "The initial reactions were somewhat lukewarm. The institutions tended to hide, or even deny, the existence of discriminatory practices in the public service. They saw these issues as being a concern for activists or something to do with comforting people's frames of mind", explains Maria Cunha from Acsé (Agence nationale pour la cohésion sociale et l'égalité des chances), one of the initiators of ESPERE. She remembers well some of the typical views that she received after she had presented the project, which can be summarised as, "Discrimination? This does not concern us, because equality is the core of our mission!" This statement illustrates very clearly the context in which the DP was launched.

However, the reservations were quickly overcome. Also, all partners involved in the DP soon agreed on the strong impact that employment intermediaries could make in countering discrimination and that training should be the priority to ensure that they act as true levers against, rather than transmitters of, discriminatory practices.

### **Bringing Together all Relevant Partners...**

ESPERE was the first initiative in France that involved in one common project all the different organisations, which are grouped under the Public Employment Service of the French Ministry of Employment, including:

- the National Employment Agency, [ANPE](#) (Agence Nationale Pour l'Emploi);
- the National Association for Adult Vocational Training ([AFPA](#) - Association nationale de Formation Professionnelle pour Adultes), which provides guidance and training for unemployed people with no, or very few, qualifications;
- the [Missions Locales](#), which constitute a national [network](#) of local task forces to facilitate the transition of young people to working life; and
- the French National Institute for Labour, Employment and Vocational Training ([INTEFP](#) - Institut National du Travail, de l'Emploi et de la Formation Professionnelle), which provides vocational training for civil servants working for the French Ministry of Labour.

Overall management of the DP was initially ensured by the Social Action Fund for Immigrant Workers (FASILD - Fonds d'action et de soutien pour l'intégration et la lutte contre les discriminations -). In March 2006, this responsibility was transferred to the new National Agency for Social Cohesion and Equality ([Acsé](#) - Agence nationale pour la cohésion sociale et l'égalité des chances). Current mainstreaming activities are being coordinated by the National Institute for Training Professions ([INMF](#) - Institut National des Métiers de la Formation), which is an organisation providing capacity building and in-service support for trainers and other professional staff of AFPA.

### **... and Leading to a New Commitment**

One of the strategic outcomes of the ESPERE initiative was that it mobilised the institutions of the PES to make a strong formal commitment to further action. Together with the Ministry of Employment, they signed in November 2005 a joint "[Charter of the Public Employment Service](#)" against discrimination, for equality of opportunity and the promotion of diversity. This Charter establishes clear objectives and concrete measures to anchor the fight against discrimination in the daily work

practices of all PES staff and to provide in-service training to achieve this aim. It also commits the Employment Service to include the principle of non-discrimination in all partnership agreements or contracts that may be concluded between the PES and third parties and to encourage other



labour market actors, in particular the Social Partners, to stress their compliance with this principle in their sectoral or collective agreements.

A similar [Charter](#) has been signed in parallel between the Employment Ministry and the French Confederation of Temporary Employment Agencies ([PRISME](#)).

The EQUAL project has now completed its pilot activities but the Charter of the Public Employment Service has established a clear and unambiguous framework for the sustainable development of the work initiated by ESPERE.

## **DESIGNING COLLECTIVE ACTION BASED ON LOCAL REALITIES**

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A particular feature of the ESPERE approach was that it combined a thorough review of the PES' practices and needs at the grass root level with action at central or national level to respond to these needs. "We designed our training project by setting up two lines of action, or angles of attack", says Stéphane Gaïor of the National Institute for Training Professions. He explains that "the first was to bring together public service players in six pilot regions to explore ways of identifying and countering discriminatory practices. This bottom-up approach was essential in ensuring that local realities were fully reflected in the second line of action, namely the creation of a national training kit and the establishment of an inter-institutional team of instructors that was entrusted with developing training action on a much larger scale."

In the six pilot areas<sup>[1]</sup>, a series of seminars for "field workers" from all PES organisations were held involving placement officers, trainers, industrial psychologists, inter-service coordinators and employment inspectors. For many of these participants, the seminars were the first occasion on which they had met with their homologues from the other PES institutions. Each of the seminars lasted about 5 days and involved 10 to 15 people. The programme comprised

- Work sessions aimed at awareness raising (What forms of direct or hidden discrimination exist and how can they be diagnosed? Why train the Employment Service, when the main responsibility for anti-discrimination activities lies with employers?);
- Information on new anti-discrimination legislation (What are the implications for the Public Employment Service and for the daily work of its officials?);
- Analysis of everyday work situations (How to argue with employers and to react to employers practices that discriminate against certain groups of job seekers? How to get job seekers to talk about their experience of discrimination and how is it possible to verify their complaints?);
- Issues related to internal and inter-service team cooperation and communication.

The seminars were successful in that they met their two main objectives. They produced the main building blocks for further anti-discrimination training and they prepared participants to act as multipliers in their respective organisations. In addition, ESPERE organised special opportunities for in-depth discussion of these issues with the Directors of the PES institutions involved in the pilot areas.

In parallel to these field activities, a central project team was established that included members from all six pilot areas. This team developed materials and approaches that provided the basis for further large-scale training activities within the whole of the PES to strengthen its capacity to counteract discrimination in employment mediation.

## **TANGIBLE OUTCOMES**

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While ESPERE has finished its EQUAL project, one of its main achievements is the introduction of in-service, anti-discrimination training as a new element in the design of the PES, and the establishment of a national network of trainers to deliver this training. No other public service in France has similar provision.

Based on the work of ESPERE, the Employment Ministry has launched an action plan to improve the way in which the institutions of the Public Employment Service handle or prevent cases of discrimination, especially racial discrimination and cases of double discrimination to which women from ethnic minorities are frequently exposed. Within the framework of this action plan, inter-institutional trainer teams have been set up in all Regions of the country. They now operate on a permanent basis and organise training sessions for officials of the PES at local or regional level. Four different one-day training modules are provided to structure the sequence of these sessions and to customise them in relation to particular institutional needs.

In total, about 1000 "training multipliers" had been briefed and prepared for this work by the end of 2006. To up-date their competence and knowledge, exchange events are being organised at least once each year. In addition, a special group of these multipliers is entrusted with adapting and developing the common materials and tools that are to be used in the training sessions.

The action plan is the first major step in putting the Charter of the Public Employment Service into practice and a Steering Group has been established to monitor progress of its implementation.

### ...that provide New Tools

- **Histoire de SPE** (The PES Story) presents fictitious scenarios that portray situations in which different officials of the PES are confronted with instances of discrimination. It illustrates a range of "typical" reactions of these officials, describes how they interact among themselves and indicates the solutions that they find. The 26-page brochure is intended to sensitise the members of staff of the PES to the fact that discriminatory practices do exist within their services. It also addresses the difficulties that individuals and institutions face in coping with such practices but sets out clearly that it is an important part of their mission to counter discrimination;
- **Manager** (Management) is a publication specifically addressed to those with executive functions in the PES. It contains practical proposals that help managers in the different institutions to counter discriminatory practice through appropriate methods of project management and the organisation of team work.
- **Accueillir, Orienter, Conseiller, Accompagner** (Reception, Guidance, Counselling and On-going Support) is aimed at professionals working face to face with employers, job seekers or other clients of the PES. The booklet can be used for self-study but it has mainly been produced for working groups or common training sessions. It contains practical tests of the knowledge and competences that enable individual employment intermediaries to appraise, and cope with, instances of discrimination and proposes strategies for non-discriminatory employment mediation.
- **Bibliothèque de cas** (Library of Case Studies) provides practical examples of typical contact and interview situations with employers or job seekers, which involve evidence of direct or indirect discrimination. All these examples reflect concrete cases that emerged from the seminars organised during the course of ESPERE and for which the participants had produced prototypes for coping strategies. This documentation illustrates how the recommendations contained in the booklet "Accueillir, Orienter, Conseiller, Accompagner" can be applied in specific cases and offers arguments that have proved to be pertinent in such situations.



- **Discriminations, Managers où en êtes-vous?** (Managers, what is your stance on discrimination?) is a booklet that targets employers. It aims to stimulate reflection and action, both at an individual level and at a collective level with other members of the company management and with peers. It contains "discrimination tests" that help to sharpen personal and general awareness of discriminatory practices which otherwise might go undetected.

All five publications can be downloaded from the following website: [http://www.cnml.gouv.fr/article.php3?id\\_article=149](http://www.cnml.gouv.fr/article.php3?id_article=149) .

### **...and foster Sustainable Institutional Change**

Arguably, the most important outcome of the ESPERE programme was that it has brought about tangible change in the organisations. Stéphane Gaïor sees clear signs that *"the institutions have begun to be more conscious of discrimination. Our programme has supported a change of mentality and anti-discrimination skills are now more widely recognised as a professional competence in the PES. All in all, anti-discrimination actions take on an irreversible dimension when they become central to the organisation's commitments, and are legitimised at all levels of its management."*

As yet, however, not all ambitions have been fulfilled and this is why Maria Cunha adds a cautious caveat - *"ESPERE was conducted by small voluntary teams that took action in each institution. This aspect was one of the project's strengths, but it also proved to be a weakness because setting up the project took time and the impact was not immediate. Although the project trained and sensitised officials and directors in the local hierarchy, training at the level of middle management still has not taken place even though we are now six years on from the launch of the project."*

## **A MODEL OF GOOD PRACTICE TO STIMULATE FURTHER ACTION AT THE EUROPEAN LEVEL**

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The DP's positive experience has not only strengthened the Public Employment Service in France, it is also attracting particular interest in a European context. ESPERE was actively involved in the European Programme for Mainstreaming the outcomes of EQUAL that combat discrimination against immigrants and ethnic minorities. The DP contributed to a transnational seminar that brought together EQUAL actors from public and private employment services, recruitment and outplacement agencies, temporary work agencies and training organisations to examine the role and experience of employment and training intermediaries in tackling ethnic discrimination in the labour market. This event, which involved representatives from 11 Member States, was one of the five [peer review seminars](#) that were organised, during the first half of 2007, to analyse progress achieved through the work of EQUAL and to draw out the appropriate lessons. The conclusions from these seminars have provided a basis for the presentation of recommendations for practitioners and decision makers, at a [European Equal conference](#) in November 2007, in Paris. These recommendations are also intended to inform the implementation of the 2007/2013 ESF programmes and the main EU employment, anti-discrimination and inclusion policies.

More specifically, ESPERE offers a model of good practice for implementing one of the proposals for action that were addressed to employment services, within the context of this European conference:

"All public and private employment services, including agencies for temporary work, should explicitly state their commitment to, and adopt a clear strategy for, building up their capacity to counteract discriminatory practices. Managers of these services shall ensure that all their labour market intermediaries have access to, and benefit from, specific training enabling them to identify, and effectively cope with, instances of discrimination in placement and recruitment processes. Such training should focus on issues related to respecting ethnic and cultural diversity, intercultural knowledge, anti-discrimination legislation and non-discriminatory



intermediation techniques."

This proposal is perfectly in line with the 2007/2013 ESF Regulation which in its Article 3 (on the "Scope of assistance") under the priority "enhancing access to employment of job seekers and inactive people" foresees support for the modernisation and strengthening of labour market institutions, in particular employment services. Moreover, dissemination of the positive experience of ESPERE may also encourage the European Network of Heads of Public Employment Services (HES) to more explicitly recognise, in its Mission Statement, the vital role of these services in preventing discrimination in access to work, and to address this issue in the work programme of the network.

### Three Important Conclusions from ESPERE

The partners who were involved in the ESPERE DP conclude from their experience that:

1. "Integrating anti-discrimination skills into the professional competence of the PES is essential. Each institution must develop its own capacity to fight discrimination in a professional way, without taking an activist or militant stance.
2. Fragmented and ad-hoc action must be avoided. Our approach allowed us to address the various facets of discrimination but we took great care to tackle these aspects in an integrated and global way. Much of ESPERE's credibility and impact resided in the fact that it succeeded in engaging the employment mediation profession in a collective review of its overall posture on the issue of discrimination.
3. Action within the PES should involve many more people than it does at the current stage. In reality, entrenched discriminatory practices have a strong tendency to go unrecognised. An effective response requires a profound and lasting change that is embraced by as many members of staff as possible. It is also vital that all levels of management become involved, otherwise there is a risk of efforts being abandoned before they have time to come to fruition."

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Link to EQUAL database descriptions:  
DP [ESPERE](#) – Engagement du Service Public de l'Emploi pour Restaurer l'Égalité  
TP [Une place pour tous](#)