

European Monitoring Centre on Racism and Xenophobia
Observatoire Européen des Phénomènes Racistes et Xénophobes
Europäische Stelle zur Beobachtung von Rassismus und Fremdenfeindlichkeit



Diversity and equality for Europe

Annual Report 2001

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Annual Report 2001



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FOREWORD

By the Chairman Mr. Bob Purkiss and the Director Ms. Beate Winkler

The ever-closer union of European states is centred on the idea of a single market, open and accessible to all. Forging the union entails the removal of internal barriers, as well as encouraging the mobility of people and transfer of skills within Europe. At the same time, Europe must maintain open and welcoming relations with people outside this maturing union.

The strengthening of the single market requires us to examine how people in Europe reap the benefits of this process. In 2001, the EUMC focused on this task by monitoring access to and equality within the European labour markets.

We conclude that Europe has some way to go before its labour markets become open and accessible to all. Neither the emerging single market, nor individual Member States' markets have reached that point. Exclusion from the labour market and discrimination in employment are rife across Europe. Ethnic minorities and migrants are more likely to be unemployed, hold less secure jobs, receive lower pay, are less likely to be promoted, suffer worse working conditions and are less upwardly mobile compared to the majority population. Barriers seem to prevail over openness and access.

However, the EUMC was also able to identify important progress made at local, national and European level. The European employment guidelines require Member States to combat discrimination in the labour market, and we have highlighted many useful local and regional initiatives introduced to promote equality and inclusion.

Eliminating inequalities in the employment sector is crucial to achieving social inclusion in other spheres of society. Employment, housing and education are closely linked: a good job makes quality housing affordable, which in turn enables access to good schools. Promoting equal treatment in employment could produce more equitable standards of living overall.

National governments can ensure that public employers lead by example. Recruitment, promotion and retention of public employees should proceed according to equal opportunities principles and any remaining barriers to employment must be removed.

Employers and trade unions must assume their share of responsibility in delivering such progress. The EUMC's findings show that the involvement of social partners is a crucial factor in raising awareness and improving standards, particularly by agreeing and complying with codes of practice.

European legislation will help both public and private employers to adopt procedures to achieve equal treatment and manage diversity to their benefit. The Directives under Article 13 of the EC Treaty set a common standard for promoting equal treatment. Their effective implementation

will have a positive impact on the situation of ethnic minorities and migrants in the labour market. It will also enable the EUMC, among others, to measure any progress made in this field.

In addition to the situation in the labour market, the EUMC has carefully monitored acts of racial violence and abuse that have afflicted Europe in the wake of the September 11 attacks and has published a separate report on this. This has improved awareness of the rights and needs of religious minorities, who represent an often neglected and marginalised facet of Europe's diversity. Our monitoring activities are designed to contribute to achieving equality for all racial, ethnic and religious groups. We work towards a truly inclusive and cohesive Europe.

The EUMC thrives on the enduring commitment of its Management Board, staff, partners and collaborators. We are grateful for their dedicated work and feel confident that together we can achieve real results in the struggle for equality in Europe.

Part I

The Situation in the Member States

1 EXECUTIVE SUMMARY

1.1 EXECUTIVE SUMMARY

1.1.1 Racism and xenophobia in a wider perspective

The year 2001 will for many years to come be associated with 11 September and the tragic attack in the United States, which brought about a greater sense of fear of Islam and hostility towards Muslims across the EU¹. More generalised forms of racism and xenophobia found new impetus and activated already existing racist and xenophobic attitudes and behaviour in Europe. To explain current racism and xenophobia one must take different aspects into account.

A predominant interpretation among experts is that contemporary racism, Islamophobia, xenophobia and anti-Semitism in Europe is an effect of structural transformations taking place in post-industrial societies. The socio-economic transformations in Europe have been accompanied by a hardening of public attitudes towards asylum-seekers and of a change in the political climate towards recognised refugees and other permanently settled migrants in the recipient countries

Hence, causes behind the growth of xenophobia must also be related to the general perception of a threat to societies. And migrants and minorities have been branded as “scapegoats”, a way for the individual to drive out fear. The role of the media has in many ways been counter productive and tended in some cases to reinforce racist attitudes instead of fighting them. The media portrayal of migrants and minorities as “problems” must be avoided and portrayal of contacts between the majority and the minority population must be improved.

Immigration and social harmony are core issues for the European societies and challenges for the governments. Concepts and strategies must be developed in the short as well as in the long term, to promote and facilitate integration of migrants and minorities in different social areas. Suppression of anxieties can lead to aggression, which may in turn translate into hatred of outsiders, racism and anti-Semitism. We must therefore analyse social and political conditions as well as develop personal skills required to cope with fears and conflicts

1.1.2 Migrants, minorities and non-nationals in the employment sector

The multi-national labour force in the EU

The employment sector in the European Union shows a prominent mixture of nationalities in the composition of the labour force. The patterns of large migrant and minority populations in the 15 EU Member States reflect the pull and push factors of the last decades: (i) labour force

¹ See EUMC Summary Report on Islamophobia in the EU after 11 September 2001.

recruitment, (ii) the colonial past, (iii) wars and conflicts, (iv) closeness to borders and (v) the present difficulties outside the EU to provide work for growing populations.

Migrants from non-EU countries and their descendants have become large groups in the labour force, such as Moroccans and Algerians in France, people from Surinam, the Antilles and Aruba in the Netherlands, the Palop (African countries having Portuguese as their official language) in Portugal, and people from India, Pakistan, Bangladesh and the Caribbean in the United Kingdom.

Migrants from North Africa, especially from Morocco also form large groups in Belgium, Spain, Italy and the Netherlands; and Turks have become an extensive labour force group in a number of EU Member States such as Belgium, Denmark, Germany, Greece, the Netherlands and Austria. Another migrant group, to be found in large numbers in several EU Member States, are former Yugoslavians; especially in Denmark, Germany, Italy, Luxembourg, Austria and Sweden. Other groups are numerous in single EU Member State such as Albanians in Italy, Iranians in Sweden, and Russians and Estonians in Finland.

Employment differences

Reports from the 15 EU Member States show that there is an ethnic/racial division in labour. The first general conclusion is that migrants and minorities are still heavily concentrated in employment sectors with strong seasonal fluctuations, such as parts of the service sector, the agricultural and the industrial sectors of the labour market, while the majority population in general has a higher proportion of jobs in the high-income brackets and earns more money than migrants and minorities.

In addition there is a growing competition for low skilled jobs and for seasonal jobs between the migrants groups in the EU and newcomers from Eastern European countries. This is especially the situation in Germany, Spain, Ireland, Austria and Portugal. The largest number of low skilled workers from Eastern Europe can be found in Germany and Austria.

The second general conclusion, which is related to the first, is the much higher unemployment rates for migrants and minorities than for the average population. This is in particular the case for recent migrants and refugees.

The data suggest that the norm in the EU Member States is for migrants to have double the national rate of unemployment, but for this to be exceeded in the case of migrants from countries with a dominant Muslim population. This is for example the situation for Turks in Germany; Albanians, Tunisians and Moroccans in Italy, Iranians and Iraqis in Finland; Iranians in Sweden, and Bangladeshis in the UK.

In this context it should be mentioned that attention has been given in recent years to the much lower employment rates for foreign born graduates or academics, which indicates that qualifications achieved in non-European parts of the world are not always recognised and respected as the equivalent of similar qualifications in the EU.

The Roma have a higher rate of unemployment than other minority and migrant groups, as reported from Greece and Spain. A negative feedback-loop (vicious circle) has been observed for the Roma population in Greece, where high unemployment rates are followed by rising criminality and increased marginalisation. The high unemployment rates for Travellers are a special concern in Ireland.

Gender differences

In addition to an ethnic division in labour, there is a gender division as well. Migrant and minority women have in general a lower employment rate than the average population and in comparison with migrant and minority men. The lowest employment rate is to be found among women from countries with a dominant Muslim population (Somali and Lebanese women in Denmark, Turkish women in Germany, North African, Turkish and Pakistani women in France, Algerian and Tunisian women in Italy, Turkish and Moroccan women in the Netherlands, Iraqi and Iranian women in Finland and Pakistani and Bangladeshi women in the United Kingdom).

At the same time reports from France, the Netherlands and the United Kingdom show an increasing number of migrant and minority women in the labour force, which is explained as a result of attitude change and generation gaps. In the Netherlands women of Surinam origin participate even more than women of native Dutch descent.

Undocumented migrants

Industrial change has not only led to a growth in several job markets but also to an “informalisation” of the labour market in which employment opportunities are increasingly likely to be casual, part-time and subcontracted. Here you can find a higher percentage of migrant workers but also a large number of undocumented migrants.

The number of undocumented migrants working in the “informal” economy is very high in some EU Member States, for example, in Greece, Spain, Italy, and Portugal. In Greece nearly all migrants, with or without documents, are believed to work in irregular jobs. In Italy it has been estimated that one third of migrants are informally employed. The phenomenon is becoming more widespread in Germany, where estimates show that between 2000 and 2001 the number of undocumented workers doubled.

Self-employment

There are some encouraging signs of upward social mobility in the labour market related to entrepreneurship. The percentage of self-employed among the majority population is higher than for the migrant and minority population, but the number of self-employed migrants in the EU Member States is growing, as highlighted in Germany, Greece, Sweden and the United Kingdom. The number of self-employed migrants has tripled in Sweden since the beginning of the 1990s and more than doubled in Germany since 1982. A recent study in Greece on entrepreneurship of foreigners shows a growing number of successful enterprises owned by ethnic minorities.

The Asian minorities in the United Kingdom have a higher percentage of self-employed than even the majority of the population.

1.1.3 Measures of discrimination in the labour market/employment sector

Complaints on ethnic/racial discrimination

The high unemployment rates of migrants could in many countries be considered as indicators of discrimination. However this is not always reflected in the records of complaints on discrimination because, although the number of complaints in EU Member States (where

records are kept) is increasing, it is still not very high. Increase in complaints is to a great extent a result of the effectiveness or even existence of a specialized body.

In the Netherlands the 40 “Anti Discrimination Bureaux” registered a total of about 1,300 complaints on racial/ethnic discrimination in 2001, which was an increase of 11% over the previous year. However, the work related complaints did not increase. In Sweden, the Ombudsman against ethnic discrimination recorded an increase in complaints, and reported 164 complaints in 2001, of discrimination in the labour market, explained as a result of the new anti-discrimination legislation for the employment sector. In Belgium, CEOOR has noted a significant increase of complaints in recent years. In France the newly installed 114/CODAC system recorded 808 complaints with regard to professions in 2001 of which 397 referred to access to employment. In Spain, SOS Racismo, which keeps records of ethnic discrimination, reported that the number of complaints has doubled several times in recent years.

It has been observed that some employers use language as a method for discrimination. For example, reports from Denmark and Finland show that unnecessary high standards requested for the command of the native language even for non-skilled work can be used as a reason for exclusion. It has also been observed that migrants are treated differently during the application procedure. A recurrent conflict concerns the wearing of headscarves by Muslim women in the workplace (Denmark, Germany and the Netherlands).

Court cases of ethnic/racial discrimination

Discrimination and unequal treatment in the employment sector is often related to recruitment and the selection procedures. In 2001, discrimination on the basis of Moroccan descent was proven in application for semi-skilled jobs in three regions of Belgium according to CEOOR. Another example from the Belgian Specialized body, involved a floor manager of minority origin who was verbally harassed via a company’s microphone. In France two court cases ended in fines for employers explicitly excluding foreigners from applying for posts. In the Netherlands, the Equal Treatment Commission dealt with more than 30 acts of discrimination in employment in 2001. In half of the cases the employer was found to have violated the equal treatment law, ranging from unequal pay and treatment during recruitment process to harassment on the shop floor. Cases are often settled by negotiations between the parties. In Sweden the Ombudsman dealt with 262 cases in 2001, of which 32 were resolved through conciliation.

1.1.4 Anti-discrimination, integration and other good practices for diversity in the employment sector

2001 was a year when many governmental initiatives focused on the employment sector in line with the overarching goal of the Community to modernise the European social model².

Action plans against discrimination

Consultation processes started in the Member States, either within government or with the broader population with regard to transforming Council Directives into national legislation. In

² Employment in Europe 2001. Recent Trends and Prospects. European Commission, Directorate-General for Employment and Social Affairs. Manuscript completed in June 2001.

2001, National Action Plans against racism, xenophobia, and discrimination were presented in Belgium, Ireland, the Netherlands, Finland and Sweden.

In 2001, a programme (XENOS) was introduced in Germany to promote measures against exclusion and discrimination in the labour market and promote mutual understanding by supporting joint working and learning projects, addressing young groups.

Integration policies and practices

Many initiatives for better integration of migrants and minorities in the labour market and the employment sector for the benefit of diversity were presented in 2001. In the Netherlands, the Government decided to tackle the employment situation of minorities through the Act on the Stimulation of Participation of Minorities in the labour market. The Act requires employers to reflect in their work force the ethnic composition of the company's surrounding labour force. The Act does not provide for sanctions, yet more than 70% of the companies complied with the obligations in 2001.

Another good practice in the Netherlands is the initiative to create more employment opportunities for ethnic minorities by a project called "Headway for Minorities", which has proven successful in 2001 and by the project "Entrepreneurs achieve more". In Sweden the results from the "matching jobs" project has been successful. The project focuses on finding jobs that correspond with the skills of the ethnic minority applicants. In addition to the Government initiated projects, women associations in Sweden started the campaign "Immigrant women – a potential resource", to encourage migrant women to undertake more training to have better opportunities in the labour market.

In Germany an initiative was taken to change the work permit for foreign citizens to improve integration of migrants and minorities in the labour market. In Italy a modification of the existing immigration law and an introduction of a "stay for work contract" was made in 2001, of interest to seasonal workers. And initiatives were taken to regularise undocumented migrant workers in Spain, Greece, Italy and Portugal. In Greece the Government introduced a law that allowed a large number of migrants to register.

In most Member States initiatives were taken to support migrants in the process of integration and finding jobs. These ranged from language training, to guidelines on cultural diversity in the health sector to specialised units to fight ethnic discrimination and unequal access to the labour market.

2 RACISM AND XENOPHOBIA IN A WIDER PERSPECTIVE

2.1 CAUSES AND CHALLENGES

In weighing the causes of negative and positive developments in 2001, one thing is evident: September 11 was a milestone in relations between the majority and cultural, ethnic and religious minorities. This milestone has fanned fear and rejection, but has also highlighted positive trends and opportunities. Physical and verbal violence against minorities increased, but initiatives to further dialogue and intercultural understanding also intensified. The bottom line in many spheres is a climate of suspicion of everyone who looks foreign, forcing them to prove that they are not terrorists.

The Middle East conflict further aggravated the situation in 2001. It was one of the factors, which triggered a wave of anti-Semitism in some EU Member States. Some circles saw it as corroboration of long-standing prejudices against the Jewish community, while others sought scapegoats for their social, economic or cultural woes or for their lack of integration and acceptance in society.

The current explosive mix reinforced more profound social trends, which have been observed for many years, but which gained momentum in 2001 and continue to operate. The European Union and its Member States, and European societies and their citizens, face a fundamental challenge, which has gained further prominence in 2001. Governments and society are still insufficiently sensitive to the fact that more and more people of diverse cultural, religious and ethnic backgrounds will live in Europe and that racism, xenophobia and anti-Semitism jeopardise their peaceful coexistence in our society. It may be true that the issue of immigration is being debated more and more forcefully, and that it plays an increasing role in election campaigns, but it is most often addressed as a threat. There has never been such urgent need for information, for clarifying possibilities and limitations, for elaborating societal rules and regulations to ensure that disparate groups can live together in a community.

If we are to combat discrimination, marginalisation and xenophobia effectively, we must first understand why they have continued to increase. We must, however, study more than the obvious phenomena. We must also focus on latent violence and indirect discrimination, ranging from verbal disparagement to exclusion by institutions. To understand these issues, we must shed light on several different aspects³.

³ The EUMC implemented via the RAXEN network a reporting system on potential anti-Islamic reactions in the 15 EU Member States. Based on the country reports, a synthesis report was conducted giving a comparative analysis of the aftermaths of 11 September. The country reports and the synthesis report are available on the EUMC web site: <http://eumc.eu.int>

2.1.1 Social conflicts

Discussion of how people of different origins can live together in a society is impaired by the fact that the living conditions of many Europeans are deteriorating. Many blame hardships on immigrant groups, although the underlying causes, such as the impact of globalisation, are far more complex and insufficiently perceived. Many people have great difficulty finding a place to live. Their reactions often boil down to preconceived answers such as: “Immigrants/ blacks/ foreigners are depriving us of housing.” People often forget that today’s housing shortage had been foreseeable for a long time. The reasons include the trend towards one-person households, curtailment of subsidies for publicly-assisted house-building and the desire for larger dwellings or second homes. Another irritation is the fact that competition for secure jobs has become commonplace. A typical reaction is: “Immigrants/blacks/foreigners are taking all of our jobs away.” People also tend to forget that a general restructuring of the labour market has taken place, which is unrelated to the immigration debate.

2.1.2 Globalisation and loss of bearings

Increasing globalisation, the frequently cited lack of bearings, the accelerating pace of communication systems and increasing unemployment in European societies have not just increased insecurity but also adversely affected relations between native and foreign-born population segments. Many people view the society in which they live as incomprehensible, complex and difficult. The waves of modernisation over the past few years, the fast-forwarding of our societies, the loss of models and values and of family and social ties have had a dual effect. Fears of “alien” influences are increasing, and their direct effect is resistance to “alien” influences. This also manifests itself in reluctance to enlarge the European Union, which many people consider to be more than they can handle.

A sense of impotence and an inability to fathom the non-transparent European Union have spread. Many Europeans deplore this situation. They long for clarity want to feel secure and to belong to a group. Right-wing extremist and populist groups seize on these yearnings and provide simplistic answers like “Authoritarianism and Nationalism” or “Minorities/ Immigrants/ Foreigners Go Home”.

2.1.3 Affiliation and exclusion

The issues of affiliation, a lack of integration, and exclusion affect sectors of both the majority population and the minorities themselves. Many people feel marginalised and fail to benefit from economic, social and cultural progress. Social groups as well as individuals have lost contact with one another. We hear about the “fragmentation of society”, which has entailed a proliferation of “parallel lifestyles”. Majority society is out of touch with minorities, and the separate minorities are also mutually isolated. We live in segregated proximity instead of interacting. A total lack of contact or severed ties encourage violence. The racial unrest in Bradford in 2001 was attributed partly to societal fragmentation.

2.1.4 The multicultural society debate

The term “multicultural society” was the controversial buzzword in many Member States in 2001. Heated debate of the concept spawned diametrically opposed sentiments. By now the term has escalated almost to a slogan between political parties as well as within the parties, in society as a whole as well as among segments of society. Certain quarters have stepped up their campaign for a “multicultural society”, while others have strongly criticised it and firmly rejected the idea. The notion attempts to describe reality, but also expresses wishful thinking and points to social utopias. The term may be associated with a threat or given a connotation of

hope and a fair dose of objectivity, depending on the observer's political stance. Polarisation, which coincides with rejection of "them" by "us", is a common outcome.

The debate on a multicultural society was also influenced by different concepts of integration. Mainly two controversial streams of discussion were in the centre of the public debate: should different cultures be assimilated in the mainstream culture or should they be accepted as they are? The positive focus, which has mainly been missed, is in the sense of integration "Co-existence" on a basis of equal rights between people from different cultural and religious background, each group accepting and respecting each other as it accepts the existing legal framework and human rights. Common values and common ground in which diversity can exist in the different areas such as education, media, have not been enough identified and discussed.

2.1.5 Cultural diversity and human rights

The "multicultural society" controversy competes with the debate over the "clash of cultures" which September 11 refuelled in numerous Member States. Apart from a diffuse fear of cultural dilution due to foreign infiltration, which is often linked to the notion, a cultural conflict requiring our attention may emerge. Diversity of cultures and tolerance may constitute a fundamental contradiction to the ideas of enlightenment. An individual's claim to a "right to cultural choice" may clash with universal human rights. The dispute over extremely fundamentalist Islamic schools is one example. We cannot, however, legitimise everything by insisting on the "right to cultural diversity". A reservation thus applies to extremist religious, cultural and political fundamentalism. Excesses of this nature infringe on human rights, individual dignity and the rule of law. The conflict must be resolved in each case by applying human rights criteria. The failure to stress this sufficiently in debating the issue has also contributed to feelings of insecurity and rejection of "foreigners".

2.1.6 Fear of Islam

Xenophobia took on a new dimension in 2001 due to the intensified fear of Islam after September 11. Such apprehension is widespread. The media images of September 11, the growing influence of Islam on politics and society in many developing countries, and the rejection of Western tenets of civilisation and emancipation in some countries aggravates the situation by giving rise to a backlash in European populations. "Fundamentalism" is the catchphrase. Fundamentalism is on the rise in the developing countries, and in Europe as well. Although it is confined to small groups, it is often generalised and applied to the Muslim community as a whole. Repugnance and hostile acts alike have escalated in recent years. Fundamentalism articulates more than a religious need. It also constitutes a quest for identity and the recovery of dignity and self-respect. The phenomenon is also an answer to the feeling of exclusion and segregation, which Muslim minorities frequently experience in interfaces with the European majority population. Rejection is conspicuous in cities and schools. Women wearing headscarves and children going to Islamic schools are regarded with suspicion. Mutual xenophobia may surface as hostility and marginalisation.

2.1.7 Inadequate handling of insecurity and anxiety

Problems related to immigration and living in a community, and the debate about xenophobia, are often complicated by an inability to deal responsibly and appropriately with one's own fears and complexes or to empathise with those of other people. They are often equated with prejudice against foreigners and therefore suppressed. One example is the concern that educational opportunity is reduced if school populations have too great a percentage of immigrant children. Many classify this belief as a taboo topic and an expression of xenophobia.

Suppression of anxieties can lead to aggression, which may in turn translate into hatred of outsiders, racism and anti-Semitism. We must therefore assess emotions and defence mechanisms as well as analysing social and political conditions. Although a huge body of knowledge in social sciences is at our disposal, our understanding of the origins of emotions, fears and aggressive attitudes is sorely lacking. As a consequence, this set of problems does not play a major role in the elaboration of policies and schemes to combat xenophobia, or in public debates and gatherings. Collective paranoia often helps explain why hostile attitudes toward outsiders are often most prevalent in regions where hardly any migrants live; xenophobia without foreigners, anti-Semitism in the absence of Jews.

We devote far too little attention to developing new tactics. The personal skills required coping with fears and conflicts are virtually neglected. It is precisely these underrated fears which right-wing extremist and populist factions exploit for their own political ends.

2.1.8 Blaming minorities

In times of insecurity, “racism” provides convenient, albeit misguided explanations. A characteristic feature of racism and the closely related phenomenon of anti-Semitism is running down a group or individuals on the basis of ethnicity and upgrading oneself by comparison. Minorities have always been and blamed for fears or for threats to personal or economic well-being. For instance, the fear of career failure is projected onto “those foreigners”, the minority. They are conceived as the ones who are abusing the welfare system. This fear is not only found among those who are less fortunate. It also exists among those who are worried about a drop in status and a redistribution of the benefits of our society. This concern has increased in the past three years, according to Eurobarometer (2001 EUMC survey). A 1997 poll revealed that 48% blamed minorities for lower economic opportunities and crime. By 2000 this European Union average had crept up to 52%. Blaming a scapegoat is tantamount to applying an archaic concept to drive out fear. Banishing the scapegoats – ethnic, cultural and religious minorities – is a strategy designed to build and maintain a supposed identity. It is the wrong track, used and abused by populists.

2.1.9 The media

There are increasing signs of positive approaches on the radio, on television and in newspapers. Many of the media have made an extra effort to provide a balanced coverage and present a constructive dialogue with Islam since September 11. But there is no denying the fact that the media have also contributed to the growing tension between native and foreign-born sectors of the population, reinforcing insecurity and polarisation. The prominent discussion on asylum and immigration – as portrayed in the European media – is one example. The heat of the debate masks profound social tensions, which often have nothing to do with the actual issues. The outbursts of emotion stem from frustration over unemployment, shortage of housing, fear of loss of status and lack of bearings, societal complexity and cultural exclusion. Instead of highlighting these underlying factors, many journalists present threatening images.

We have also seen a trend toward greater media tolerance of right-wing extremist statements. Right-wing extremist politicians and their followers have been given a public platform on several occasions, often in the hope that their radical views would shock audiences and make them rethink their positions. This well-intentioned policy frequently backfired. The real causes of mounting xenophobia, right-wing extremism and populism were rarely explored. For instance, the press responded to recent election successes of extreme-right candidates by investigating their parties and their potential vote. Coverage, however, often neglected the causes of right-wing extremist voting strength. Giving them a public forum enabled them to

appeal to the electorate, particularly to young people, by virtue of their spectacular appearances. “At last they are taking notice of us, dealing with our plight,” was the reaction of far-right juveniles. Many of them interpreted this attention as an invitation to commit more violent acts.

Other trends compound the dilemma. The media generally continue to depict the non-native population as a problem. Reporting usually focuses solely on their migrant status. This reinforces the commonly held image of migrants and asylum seekers as being first and foremost outsiders. We also see the converse in the media: a conscious effort to be upbeat. Unfortunately this usually turns out to be counterproductive because it veils conflicts and moralises instead of proposing alternative patterns. Rose-tinted spectacles prevent us from realistically appraising routine situations, which would foster skill in handling conflicts and promote the need to change our behaviour.

The portrayal of relaxed contact with immigrants as an element of the world in which we live remains a rare occurrence. The media fail to show how millions of Europeans live day after day in harmony with minorities, migrants, immigrants and foreigners. We hardly ever see these communities in normal human interaction on the news, in entertainment programmes or feature films. Here media sensationalism has a fateful impact. The language and pictures play their part. Impulsive, emotional clichés such as “a flood of immigrants” continue to be used, even in public and official statements. The negative connotations of this kind of talk pervade the media. News broadcasts still serve up images of a menacing crowd whenever they introduce the subjects of asylum and immigration. The danger projected by the words and pictures invokes and reinforces prejudices, fear and aggression. They awaken emotions rather than absorbing and rationalising them.

2.1.10 Political challenges and deficits

The European Union has taken positive steps in the fight against racism and xenophobia by adopting the Treaty of Amsterdam (in particular Article 13), the European Union Charter of Fundamental Rights, the Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the Council Directive establishing a general framework for equal treatment in employment and occupation. This legislation commits the 15 EU Member States to adopting anti-discrimination legislation by 2003. The policy is supported by a Community Action Programme to Combat Discrimination 2001-2006. This EU policy package will effect considerable social change in all Member States. It has been and is being accompanied by other initiatives and projects, such as the “Equal” programme. The European Union and its institutions have established decisive, model approaches for eliminating deficits. Furthermore, Member States have taken affirmative action such as adopting anti-discrimination laws and measures, establishing equal opportunities commissions and creating numerous educations and training programmes. In recent years, however, the integration of ethnic minorities and immigrants and policies to combat discrimination, racism and xenophobia, have not received the consideration their fundamental importance warrants.

2.1.11 Examples of political deficits

- Many politicians exploit the issue of immigration in Europe in their campaign speeches. They stir up fears and paint a negative picture of immigration policy. A clearly defined policy would facilitate acceptance of the issue and the development of forward-looking approaches;
- Too little emphasis has been given to the fact that migration and immigration are long-standing phenomena which have confronted every society at one time or another. Immigration and the issue of how people from different cultural backgrounds can live

together in a community have undoubtedly posed challenges to societies throughout the ages, without becoming a test of endurance for them;

- Nearly all EU Member States lack a clear political stance on social harmony. This has left a political and societal vacuum, which right-wing extremists and their parties have been quick to fill. For example, some politicians have abandoned middle-of-the road positions in recent years to appeal to voters on the right-wing fringe of the spectrum. Filling the vacuum, establishing a general consensus across party lines, and explaining the issue to the population in a way it can understand and accept is a challenge which all political parties in Europe must face;
- The call for political simplifiers has been growing ever louder, manifesting itself in election successes for the extreme right. The simplifiers' manifestos basically amount to nationalism, authoritarian leadership and exclusion of the scapegoats – migrants or immigrants. Voters of extreme right wing or populist parties generally fall into two categories. Some are not yet economically threatened but feel vulnerable and deeply insecure because of rapid cultural and social change. Others are actually disadvantaged and are unable to identify with the policies of democratic parties. The socially declassified are particularly open to political movements, which supposedly have 'simple answers'. These groups aim to soothe the identity crises of those who feel excluded and disadvantaged by economic and social developments. Their activities contributed to increased xenophobia and hostility towards foreigners in 2001.

2.1.12 The challenge of making policy

A comprehensive immigration, integration and minorities policy is crucial if we are to react appropriately to the situation we face and responsibly tackle this complex and contradictory issue. We must consider all of the facets of the problem when seeking new solutions. We will not find a patent remedy or provide any definite, simple answers. Active, forward-looking policies can, however, positively influence, directly and indirectly, many of the problem areas described. Cooperation between the different players can thus improve the quality of political leverage.

We must devise short-term, mid-term and long-term concepts and strategies in order to

1. influence population movements and people's reasons for fleeing their homelands, and to manage immigration;
2. promote immigrant integration and establish ways of defusing, as far as possible, conflicts and tensions between the native majority and immigrant minorities;
3. facilitate the integration of immigrant minorities into political, legal, social and cultural life in Europe as equal members of society and assist them to acquire independence.

Immigration and social harmony are core issues for our society and important challenges for our governments. Addressing the issue responsibly involves developing holistic solutions and avoiding polarisation, explaining positive approaches and acknowledging problems, directing social institutions and striving for consensus. If society is open to far-reaching debate we can establish basic principles for harmony within a unified, enlarging Europe. This is a promising perspective for our future together.

We also need a broad social debate, which strives to establish a general consensus on the issue of immigration and social harmony. We should, above all, avoid constantly pointing the finger at any particular institution such as "the government", "the media" or "the schools". Governments, for example, can often only inch forward, partly because they continually have to

reconcile conflicting interests. They have often been overtaxed in recent years. They cannot possibly live up to demands to “sort everything out”, yet they are expected to be able to find all the solutions on their own. Civil society and NGOs must be willing to assume a new role. Important political developments have often been initiated “from below”. The environmental movement is one example and the contribution of the NGOs, of the people involved in the field could not be over estimated: it had been crucial for the positive development in recent years. The debate on “immigration in Europe and getting along with minorities” has only just begun. The discussion concerning the importance of the participation with equal rights of minorities in different social areas, such as the Employment Sector, has also only just begun.

3 THE SITUATION IN THE EMPLOYMENT SECTOR

3.1 INTRODUCTION

In its report on trends and prospect for the employment in Europe, the European Commission states the many positive and promising trends that have taken place in the last five years⁴. There has been a steady rise in employment rates and decreasing unemployment figures in the last five years; 1.5 million jobs were created in the high-tech sector; women have to an increasing number joined the labour force and the real wages have increased, etc. However not the whole labour force has had such a positive development. Migrants and minorities are to a higher extent unemployed or employed in low skilled, low paid jobs, as we will show in the following.

The labour market and the employment sector have been considered priority areas for combating racial/ethnic discrimination since the mid 1990s by the European Union. A well-developed diversity in the labour market and the employment sector, where migrants and minorities are to a high extent integrated and equally treated is an important way of preventing racism and discrimination. With Article 13 of the EC Treaty, the European Community acquired for the first time the power to take legislative action to combat racial discrimination.

The Council Directive 2000/43/EC on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin was adopted 29 June 2000. The Directive regards equal treatment in employment and occupation, i.e. access to employment, self-employment and all the professions, including selection criteria and recruitment conditions, at every level of the professional hierarchy, including promotion; access to vocational guidance and to the various professions; employment and working conditions, including redundancy and remuneration; membership of professional organizations or trade unions.

The Race Directive is supported by the Council Directive 2000/78/EC of 27 November 2000; a general framework for equal treatment in employment and occupation, and the Council Decision 2000/750/EC of 27 November 2000 for the establishment of Community Action programme.

Discrimination on racial/ethnic ground in the labour market had already been recognised as a problem in those Member States with a high number of immigrants or migrant workers. Governments in four of the EU Member States; Belgium (Centre for Equality of Opportunities and Opposition to Racism, CEOFAR), the Netherlands (the National Bureau against Racial Discrimination, LBR plus), Sweden (the Ombudsman against Ethnic Discrimination, DO) and the United Kingdom (the Commission for Racial Equality, CRE) installed specialised bodies or institutions to record complaints about discrimination and to monitor the application of the law on anti-discrimination, which includes legal support in court for individuals encountering

⁴ Employment in Europe 2001, Recent Trends and Prospects. Manuscript completed in July 2001 by the European Commission, Directorate-General for Employment

discrimination on racial or ethnic grounds. In Ireland a specialised body of this kind was established in 2000, (Equality Authority).

Institutions of other remits have lately also been established in Denmark (the Board for Ethnic Equality plus the Documentation and Advisory Centre on Racial Discrimination, DRC); in Germany (the offices of the federal and local Commissioners for Foreigner's Affairs collect, analyse and record cases of ethnic and religious discrimination), in Greece (Ombudsman against discrimination); and in France (Departmental Commissions for Access to Citizenship, CODAC, plus GELD, Groupe d'étude et de lutte contre les discriminations).

However to present the current situation in the Member States with regard to discrimination in the labour market and the employment sector it is not only the acts of discrimination that are of interest, but also official statistics on employment, documents on legislation and other preventive initiatives from different sources.

The chapter gives for all the 15 EU Member States information on four main perspectives. The first perspective is the situation in the labour market and the employment sector for migrants, minorities and non-nationals in relation to the majority population. Figures and facts are presented regarding the labour force in the 15 EU Member States with information on developments and trends. The second perspective focuses on integration of migrants and minorities in the labour market and employment sector.

The third perspective deals with the extent and different forms of racial and ethnic discrimination that is recorded and taken to courts. A special interest is given to records of complaints for 2001 in relation to the previous years. Not all Member States keep records, and for those countries information from non-governmental organisations or other sources is given.

The fourth and last perspective deals with good practice in the labour market and the employment sector. Governments in the Member States are aware of the necessity to take measures and to monitor the situation in the labour market and in the employment sector. The chapter gives an overview of the recent initiatives taken by Governments and other key players to improve integration, equal treatment and equal opportunities for all, as well as initiatives to combat discrimination in the labour market and to develop diversity.

After the country-by-country presentation, there is a chapter presenting five examples of good practice in the labour market/employment sector, which has been implemented successfully.

The following chapter presents the 15 EU Member States individually, and the information has been collected via the RAXEN National Focal Points in the 15 EU Member States.

3.2 BELGIUM

3.2.1 Migrants and minorities in the employment sector

Belgium has a total population of 10.2 million (1 January 2001)⁵ of whom 897,110 (8.7%) are foreigners (non nationals). Over the past two decades their number has remained at about 9% of the whole population. Most of the immigrants are from EU countries. The largest non-European immigrant group comes from Morocco followed by Turkey. Naturalised immigrants are not included in the statistics⁶.

The labour force comprises 4.3 million people of whom 9% are foreigners. Between 1989 and 1998 the foreign labour force increased by 28,9% (compared to 3,5% for the Belgian population). This increase comprised an increase of people with jobs, of self-employed, and of unemployed. In 1998, foreigners accounted for 18% of the total of 505,282 unemployed workers. In 2000, the overall number of unemployed went up to 583,403 and to 542,038 in 2001.

According to a study of Albert Martens⁷ there is a high number of foreign male wage earners in the metal industry and a low representation in the sectors of transport, communication, finances and other services. Immigrant women work mostly in the horeca (hotels, restaurants and cafés) and in the cleaning services.

Foreigners make up almost 7% of the self-employed, but only 1.4% of them are non-EU migrants. There is a strong concentration in the horeca (hotel, restaurants and cafés) and especially in the restaurant sector, above all in Brussels. It is noteworthy that the real number of non-EU migrant entrepreneurs is higher given the relatively high rate of naturalisation among certain immigrant groups such as the Chinese and Pakistani entrepreneurs.

According to the Federal Service of Labour the number of unemployed increased in 2001 by 2.74% and reached an average of 618,617 in the last term of 2001. Although self-employment could be a way to avoid the risks of unemployment in precarious sectors such as horeca, building, and industrial cleaning, unemployment is more than twice as high in the foreign than in the Belgian population (approx. 24% and 11%).

3.2.2 Policies for integration of migrants in the employment sector

In 2001 there were no changes in the Belgian legislation concerning integration in the labour market. The decree of 4 July 1996 concerning the integration of people of foreign nationality and/or of foreign descent has led to the establishment of six regional integration centres in the Walloon Region whose task it is to promote the professional integration of foreigners and of people of foreign descent and to combat discrimination at all stages including, selection, recruitment, outplacement, interim jobs.

⁵ Eurostat. Statistics in focus. Population and social conditions. European Communities. 2001

⁶ Since 1985 between 22,000 and 34,000 foreigners have obtained Belgian citizenship per year

⁷ A. Martens, Zelfde zweet, ander bord. Onderzoek naar de arbeidsmarktpositie van Belgen en migranten op twee lokale arbeidsmarkten: Antwerpen en Gent

3.2.3 Acts of racial/ethnic discrimination in the employment sector

In the area of employment a significant increase of racism complaints has been registered at the CEOOR in recent years.

In 2001 the CEOOR instituted civil proceedings in a case involving a black floor manager who had been the victim of racist insults transmitted over the company microphone. The Magistrate Court of Brussels, on 27 November 2001 decided that the expression, 'sale nègre' violated the 1981 law against incitement to racial hatred, whereas the verbal attacks of the other perpetrators, including the Portuguese worker, were not found to be violating this law because of lack of evidence proving their guilt.

Discrimination exists in the three regions of the country. In applying for semi-skilled jobs, candidates of Moroccan descent have significantly more difficulties than their Belgian counterparts. Discrimination can be identified as follows:

- in the sectors of the horeca (hotels, restaurants and cafés) in the three regions, in the non profit sector in the Brussels Region and in the service industry of the Flemish Region
- for the functions of representatives, waiters and workers in the Brussels Region and in applications to advertisements in the Flemish Region
- for oral, written and face-to-face applications in the Brussels Region
- in municipalities of the Brussels Region with a foreign population of more than 25%.

Discrimination on grounds of foreign descent is higher when the applicant of Moroccan descent is applying in:

- the Flemish Region for a position, which requires face-to-face contact with the customer
- the Brussels and Flemish Regions for certain labour sectors
- the Brussels Region and Flanders for specific functions.

Indirect discrimination is clearly evident in Brussels and the Walloon Region. In the Brussels Region it is known that specific behaviour results in falsification of the procedure vis-à-vis Moroccan candidates such as dual language requirement and the establishment of a recruitment reservoir.

3.2.4 Good practice for supporting diversity

Research⁸ has shown that native Belgian applicants and Belgian applicants of Moroccan descent with equal qualifications (diploma and experience) during the application procedure are treated differently. These findings have prompted a series of awareness-raising campaigns, seminars and conferences.

On 1 July 2001 the 'Colourful enterprising' unit was set up within the Federal Ministry of Labour to inform, sensitise and support the services of the Ministry of Labour and of the private sector with relation to ethnic discrimination and the concomitant unequal access to the labour market and employment.

⁸ Discrimination during recruitment: Belgian contribution to the international comparative research of the International Labour Office (1997)

At regional government level the employment policy of the Flemish government strives to promote proportional participation and anti-discrimination. In order to embed this policy structurally in the labour policy measures, the government works together with social partners, intermediaries and professionals. This policy applies to both the public and private sector, targeting both immigrants and ethnic-cultural minorities and newcomers.

Also in Flanders the TRIVISI pioneering group 'Diversity' was set up in order to implement a policy of non-discrimination, equitable participation and diversity. The VESOC (Flemish Economic and Social Committee) agreement 'employment of immigrants', which came into being in 2000 but which became effective in 2001 aims to achieve equitable labour participation in the private and public labour market. In 2001 more than 300 Flemish companies have started a positive action plan. The outcome of this working group includes: a model action plan, a check list with exercises, communication strategies and an annotated overview of products, brochures, training sets and books concerning a diversity policy. Three publications 'entry and promotion', 'product integration' and 'good practices concerning diversity management' were issued in 2001 and disseminated to companies, intermediaries and labour organisations.

In the Brussels Region the focus is to combat discrimination at the recruitment level. The two organisations fostering employment and providing support to job seekers, ORBEM-BGDA and Bruxelles-Formation, in collaboration with local organisations, are active in the area of training and of social and professional integration of job seekers. Furthermore, the working group set up within the framework of the Territorial Pact of Employment devises strategies and tools to combat discrimination and the successful integration of job seekers of foreign nationality and/or descent. It has issued a publication 'La non discrimination à l'embauche'⁹

In Wallonia FOREM has initiated different projects concerning professional integration of people of foreign nationality and of foreign descent. It has published a booklet containing guidelines on how to promote their integration in the labour market and started a campaign 'Donnez des chances à l'égalité' to generate awareness of discrimination on grounds of 'race', nationality, foreign descent but also handicap, sexual orientation, age, health and gender. The creation of a 'espace international' (international space) promotes international mobility and the valorisation of interculturalism in international professions such as import-export, logistics, cultural co-operation and promotion.

3.3 DENMARK

3.3.1 Migrants and minorities in the employment sector

Denmark has a total population of 5.3 million inhabitants (1 January 2001). On 1 January 2001, there were 258,629¹⁰ (4.9%) foreigners living in Denmark, of whom a large majority came from countries outside Scandinavia, the EU, and North America. Immigrants from Turkey (35,232) are the largest group, followed by former Yugoslavia, (34, 954). The number of immigrants and their descendants has more than doubled since 1980 and gone up to 378,162 (7.1%). The relatively small proportion of descendants shows the recent character of inward migration for Denmark.

⁹ *ibid.*

¹⁰ Danmarks Statistik 2002 (Denmark's central statistical office), www.dst.dk

Statistical information as of 1 January 2000 indicates that the age group 16-66 totals 3.6 million individuals, of whom 184,697 (5.1%) are immigrants or descendants of immigrants from third countries and 80,779 (2.3%) are from other EU countries, other Nordic countries, and North America.

As of 1 January 2001, the rate of employment was 45% for immigrants from third countries and their descendants, 67% for immigrants from other EU and Nordic countries as well as from North America, and 79% for the rest of the population. The rate of unemployment for the same groups was 14%, 6%, and 4% respectively.

Disparities between different groups of immigrants from third countries can also be quite significant as well as disparities between men and women. For example Somalis have the highest rate of unemployment, the men are four times as likely to be unemployed as the Polish (28% and 7%) and so are the women (36% and 9%). The Lebanese, however, are twice as likely to be unemployed as the Pakistanis (22% and 11% for the men and 37% and 18% for the women). Here the differential between Lebanese men and women is even higher. Among immigrants from third countries, only the Chilean women stand out as an exception: Their unemployment rate is 7% compared to 13% for Chilean men.

3.3.2 Policies for integration of migrants in the employment sector

No new legislation regarding immigration and the integration of immigrants was passed in 2001, although in November a new government was formed as the result of the coalition of two old liberal parties, *Venstre* and *Konservativ Folkeparti*. They had campaigned on strengthening legislation pertaining to immigration and integration and, for parliamentary support, had to rely on the highly nationalist *Dansk Folkeparti*, who wants to put an end to immigration. The new minister for immigration and integration announced that new legislation would be proposed at the beginning of 2002, which would be more restrictive for asylum seekers and permission for family reunification.

Furthermore, to improve the employment rate, more emphasis would be placed on better Danish language classes, education and training as well as on more adequate evaluation and recognition of school and other qualifications that immigrants bring in from their countries of origin.

3.3.3 Acts of racial/ethnic discrimination in the employment sector

A few cases of racial discrimination in the labour market brought to the courts were settled in 2000. Some of the cases were settled by negotiation between the parties. Some were not pursued because the victims were afraid of difficulties in finding new employment. Six cases from 2001 are still pending. These cases concern three cases of discrimination based on language skills, two cases concern discrimination in relation to headscarves and one racial harassment¹¹. Prohibition in Denmark to register ethnic origin makes it impossible to produce statistically based evidence on discriminatory practices in the work place. It also does not allow the

¹¹ Information obtained from The Documentation and Advisory Centre on Racial Discrimination, Copenhagen.

assessment of positive effects of initiatives that were introduced to combat ethnic discrimination¹².

In the context of the few cases of racial discrimination brought to court, reference to the EUMC's Annual Report 2000 might be noteworthy¹³. Denmark had been criticised by the Documentation and Advisory Centre on Racial Discrimination for not responding to cases of racial discrimination due to insufficiency and/or neglect in the investigation process by the police. It was also criticised by the UN Human Rights Committee because of continuous racial discrimination against ethnic minorities in the labour market. Not only do the few cases of reported discrimination in the labour market not match the criticism of the UN Human Rights Committee, administrative services do not refrain from discriminatory practices themselves. As reported by the National Focal Point in Denmark, a lower rate of social benefits for newly arrived immigrants was introduced in 1999, and was used during 2001, on the ground that lower rates would encourage immigrants and refugees to seek employment more eagerly. Another case in point is the dismantling of the Documentation and Advisory Centre on Racial Discrimination. In 2001 this NGO recorded several complaints of discrimination in employment and used to advise victims of discrimination at the workplace, whose ignorance of the customs or of language were taken advantage of.

The Documentation and Advisory Centre on Racial Discrimination also identified a large number of job advertisements that specified what seemed to be highly unnecessary standards of Danish language ability for the jobs on offer. Adverts for jobs of service workers or bus drivers regularly stipulated "perfect written and spoken Danish", "fluent Danish", and "must understand 100% written and spoken Danish". One advertisement said that the applicant "must be Danish or Swedish". Suspicions that these requirements were unnecessary were particularly strong in the case of cleaning jobs. The cleaning assistant advertisements contained phrases such as "must speak and write perfect Danish" or "must speak and understand fluent Danish." One cleaning job advert stated that the applicant "must have Danish citizenship".

There was no research evidence on employment discrimination published during 2001, apart from a study on Muslim women's experiences of discrimination in Denmark that showed that women who wore a scarf experienced far more discrimination, open hostility and harassment than those who did not¹⁴. As further documented in this study, Muslim women who do not work resent the view of them as oppressed by their husbands and by their religion, and to not identify with such a view. A previous study carried out for a leading newspaper, in February 2000, with 200 personnel managers, revealed that 8% of them admitted that they discriminated and rejected applicants of third countries origin. Only 12% of the companies had a management policy of ethnic equality. 47% felt that inadequate Danish was a potential problem in their own firm and 76% stated that they believed that inadequate language ability was a general barrier to the employment of people from third countries. 9% believed that resistance to immigrants of their own employees was a barrier to employing them and 41% thought that this was a problem in general. In 2000, according to a survey of 1200 private employers¹⁵, 25% replied that they

¹² Hansen, Niels-Erik (2001) *Retlig beskyttelse mod racediskrimination på det danske arbejdsmarked*. Esbjerg : Danish Center for Migration and Ethnic Studies, Sydjysk Universitetsforlag.

¹³ Diversity and equality for Europe. Annual Report 2000. Vienna : European Monitoring Centre on Racism and Xenophobia, pp. 32-3.

¹⁴ Cakmak, Metin; Arabac, Jiyan A. (2001) Multi-level discrimination against Muslim women in Denmark in: Blaschke, J. (ed) *Multi-level Discrimination of Muslim Women in Europe* Berlin : edition Parabolis

¹⁵ The survey was conducted by the Ministry of Labour.

would not, under any circumstances, hire a refugee or an immigrant to work in their firm¹⁶. The study confirmed a previous study of 1998 on perceived discrimination that showed that 12% of the respondents of Turkish origin had felt victim of discrimination and had asked for assistance from their union, or a lawyer¹⁷. No scientific measurement of the rate of discrimination in relation to job seeking has been carried out since 1997, when a study had shown that discrimination took place in one out of three cases, when a person applied for a job.¹⁸

3.3.4 Good practice for supporting diversity

Denmark is getting close to full employment and in need of more highly skilled labour, and the *Danish Employers' Confederation (DA)* and the employers' organisation *Danish Industry (DI)* urge for increased employment of foreign labour on a "green card" basis as well as for the abandonment of discriminatory practices. Some Unions have been active in promoting ethnic equality within their own organisation and diversity initiatives in companies. In 2001, the Danish union of commercial and clerical employees *HK* organised conferences with ethnic equality on the agenda and promoted apprenticeships for young people of immigrant origin. The union commissioned a survey of 1000 immigrants in Danish workplaces, from seven different countries of origin. The results showed that companies with more inclusive "diversity management" practices were more likely to have their ethnic minority workers recommend the company to other immigrants. About 30% of all "New Danes" in 2001 chose to apply for work at a given company, because they had heard about it through their social network¹⁹.

Human resource managers from several large Danish businesses have created *Foreningen Nydansker*²⁰, a non-governmental organisation that addresses the improvement of the New Danes' employment integration and highlights the potential and qualifications of immigrants and ethnic minorities in Denmark. More than 150 public and private sector companies and organisations have signed up as members. In 2001 the organisation produced a report²¹ with examples of good practice from companies and organisations in Denmark, to serve as models for others.

Also in 2001 a major Danish pharmaceutical company developed a strategy to integrate equal opportunity issues into its daily business. In order to identify the barriers to equal participation of ethnic minority representation in the company, an external consultant conducted a series of interviews with ethnic minority employees and set as a target for each affiliate the development of an action plan to encourage equal opportunity. In its 2001 report the company acknowledged the challenge to promote awareness of the value of other cultures within the company.

The State supported various activities to combat discrimination and promote the employment of persons of immigrant origin, including economic support for activities to propagate information

16 Copenhagen Post 3 – 9 March 2000

17 Møller, Birgit; Tøgeby, Lise (1999) Oplevet diskrimination – En undersøgelse blandt etniske minoriteter. København : Nævnet for Etnisk Ligestilling..

18 Hjarnø, Jan; Jensen, Torben (1997) Diskrimination af unge med undvanderbaggrund ved jobsøgning, Esbjerg : Danish Centre for Migration and Ethnic Studies.

19 Integrationsstatus, 4. kvartal 2001, Indvandringen i et historisk perspektiv, Aktiveringsindsatsen, Jobsøgning og Rekruttering, written by CATINÉT in January-March 2002

20 The full title is Foreningen til integration af nydanskere på arbejdsmarkedet meaning the association for the integration of new Danes (immigrants) into the labour market.

21 Foreningen af Integration for Nydanskere på Arbejdsmarkedet (2001) Ledelse af mangfoldige ressourcer – integration of nydanskere på arbejdspladsen, København .

and mutual understanding and combat racial discrimination. In 2001 the State collaborated with the United Nations Association in relation to the UN year on combating racism and promoting tolerance. With regard to the labour market the State financially supported various types of schemes for promoting the employment of immigrants. The ministry governing the public labour exchanges had schemes involving consultants on ethnic equality, who coordinated efforts on the employment of immigrants. One activity, the “icebreaker” scheme, tried to find suitable employment for unemployed immigrants, subsidising the employers’ labour costs. There was also the “bridge building” initiative, which had similar aims of promoting employment. The exact effects of these various initiatives are not yet known.

In relation to the integration in the public sector, especially positions in the state, the Ministry of Finance launched a two year-campaign from 2000 led by ethnic minority campaign leaders directed at a change of attitude in governmental institutions. Moreover, there is funding in the Finance Law for job-related education in Danish for bilingual workers. The number of ethnic minorities from third world countries in the government is steadily increasing. The goal is for 3.5% of the government employees to be immigrants or descendants from Third World countries. Concerning the general effort towards employment different initiatives and projects for recruiting ethnic minorities are being carried out. The Integration Ministry informs that there is special focus on employment, social viability and integration in specific urban and housing areas.

3.4 GERMANY

3.4.1 Migrants and minorities in the employment sector

Germany has a total population of almost 82.2 million inhabitants of whom 7 million (8.9%) are foreigners including 1.5 million children of second and third generation immigrants. The largest immigrant group comes from Turkey, representing nearly 30% of the foreign population, 2.0 million persons. The second largest group is immigrants from former Yugoslavia, 1.1 million persons.²²

More than 200,000 Turkish nationals have been granted German citizenship over the last 10 years, following amendments of the nationality law in 1993, allowing children of immigrants, who were born in Germany, to claim German citizenship. This is one reason for the decreasing percentage of foreigners from Turkey in relation to an increasing percentage of migrants from Eastern Europe.

In 2001, 1.05 million work permits were issued for non-German labour (2000: 1.08 million work permits). More than one third of them were granted to workers with Polish nationality (especially for seasonal work). Other main nationalities were other East European countries (Czech Republic, Hungary, Romania), Turkey and the succession states of former Yugoslavia. Up to the end of December 2001, a total of 10,750 work and residence permits (“green cards”) was granted to non-German IT specialists, mostly from India, Romania and Russia.

²² Deutschland, Bundesministerium des Inneren (Federal Ministry of the Interior) 2001, Bericht der unabhängigen Kommission „Zuwanderung“, pp.1, 54.

The labour force participation rate²³ of German nationals has generally increased, whereas the labour force participation rate of non-Germans has decreased. Between 1982 and 2000 access to the labour market of non-Germans has decreased by 8% (about 9% for Turkish nationals). At the same time the employment rate²⁴ has, for German residents, increased by 4%. For non-German residents, and Turkish nationals in particular, figures have decreased by 12%. In consequence, less than half of all Turks between 15 and 65 years (working age population) are currently employed or self-employed. It should be emphasised, however, that the absolute number of employed persons has increased for all ethnic groups.

In 1974, almost 80% of all non-German workers (compared to the average number of approx. 56%) were working in the secondary sector (construction, mining). In 2001, figures had decreased to 43% (compared to the average number of 35%). Figures for employment in the service industry have greatly increased. In 2001, 56% of the non-German employees were working in this sector (or 64% of all employees). Whereas German employees have mostly found employment in high-quality jobs (e.g. company-related services), non-German employees tend to have unskilled jobs with unfavourable working conditions (e.g. domestic services such as laundry and cleaning).

The number of self-employed non-Germans has more than doubled since 1982. In 1998, the rate of self-employment reached a level of 8.8% approaching the German rate of 10.1%. The business of self-employed immigrants from the former guest worker countries were mainly in restaurant and retail trade.

Foreign women generally show smaller participation rates in the legal and registered labour market. The increasing participation of migrants in the service sector, however, is mainly due to young foreign women entering the sector, whereas foreign men usually remain in the blue-collar sector (Seifert 2001)²⁵.

Since 1980 the gap between unemployment rates for Germans and non-Germans has widened. The unemployment rate of non-Germans has been nearly twice that of the overall rate (and highest among Turkish nationals) due to increased demand for highly qualified employees, and the generally insufficient qualification levels of non-German labour (low qualification levels are still more than twice as high as for German workers). In 2001, 17.4% (2000: 17.3%) of non-German workers were unemployed, in comparison to an overall rate of 9.4% (2000: 9.6%). Unemployment is highest among Turkish labour, with about 21.3% in September 2001. Unemployment rates for labour from Spain, Portugal, and the former Yugoslavia amount to 11.8%, 11.6% or 12.9% respectively; approaching the overall rate. Rates for labour from Greece and Italy are about 15%.

In 2001, 50,743 proceedings because of illegal employment of foreign nationals have been initiated (2000: 64,351). Of these, 23,615 (2000: 29,517) were against employees. 12,591 (2000: 17,445) of the cases resulted in cautions or fines, and 5,411 cases (2000: 5,165) were submitted to the public prosecutor (criminal charges).

²³ The labour force participation rate is measured as the percentage of employed + unemployed persons, in relation to the working age population in Germany (15 to 65 years of age).

²⁴ The employment rate is the percentage of working age people (between 15 and 65 years of age) who have jobs.

²⁵ Seifert, W. (2001): Berufliche Integration von Zuwanderern in Deutschland (vocational integration of immigrants in Germany), Gutachten für die Unabhängigen Kommission "Zuwanderung", Düsseldorf

3.4.2 Policies for integration of migrants in the employment sector

A change in the Work Permit Decree of 8 December 2000 resulted in the annulment of the directive, which prevented asylum seekers, refugees from civil wars and tolerated foreigners who entered Germany after 15 May 1997 from entering the job market. It is possible now for them to obtain a work permit after one year on the condition that no German or foreigner holding the same rights as a German citizen is available for this position (*Vorrangsprüfung*). The period of one year (instead of the previous four years) also applies to spouses or children of foreigners, who are in possession of a limited residence permit or the right of residence.

A further change in the Work Permit Decree of 24 July 2001 extended this right to the registered cohabitant of a foreigner provided that he or she was in possession of a limited residence permit or the right of residence. Foreigners with a residence title for exceptional purpose (*Aufenthaltsbefugnis*), such as refugees from wars or civil wars, can enter the job market without delay. The *Vorrangsprüfung* remains in place. However, employment agencies no longer need to check this requirement when extending a work permit if the job has been carried out for at least one year and is to be continued with the same employer.

A law on the reform of the Work Council Constitution Act [Gesetz zur Reform des Betriebsverfassungsgesetzes] (in force since 28.07.2001) contains passages, which actively address anti-discriminatory measures. Thus, every employer has to report on the state of integration of foreign employees in his business in a work meeting, which has to be held at least once a year; thus, there is a certain degree of justification required with regard to successful attempts at integration (§43 Section 2 Works Council Constitution Act). Furthermore, the Works Council has to take the necessary measures to combat racism and xenophobia in the workplace. It also acts as a controlling body. Thus, it can refuse employment if there is reason to fear that the prospective employee would destroy the peaceful working climate through racist or xenophobic actions.

3.4.3 Acts of racial/ethnic discrimination in the employment sector

In October 2001 the employers, members of the Bundesverband Garten-, Landschafts- und Sportplatzbau (BGL) (Federal Association for Garden, Landscape and Sports Fields), planned to introduce a low-wage group for employees “who do not have a good command of the German language.” With reference to the principle of equal treatment of the Basic Law, the Gewerkschaft Bauen-Agrar-Umwelt (IG BAU) (Union for Construction, Agriculture, Environment) was able to prevent this plan (Source: DGB-Bildungswerk 2001).

In June, the High Administrative Court (VGH) of Baden-Württemberg rejected the appeal lodged by a female teacher of Muslim faith against the Secondary School Board in Stuttgart, which has prohibited her from wearing an Islamic headscarf in classes. The VGH ruled that the headscarf was not merely an item of clothing, but rather a “religious symbol” and that she had no right to wear such a visible symbol, regardless of her good teaching record. Also a few

nurses were concerned by the prohibition of wearing a headscarf (van Suntum, Schlotböllner 2002)²⁶.

Some recent studies have dealt with the issue of discrimination in the labour market that showed that people with a migrant background subjectively experienced discrimination when searching an apprenticeship or a job. In particular people with Muslim background or of African origin are affected by discrimination in the labour market. People with a migrant background also reported that in the workplace cleaning and other menial tasks were more often assigned to them, and that they also lacked support for their careers.

3.4.4 Good practice for supporting diversity

In addition to efforts made to regulate and simplify the legal situation on the labour market, there are initiatives and projects, offered by various organisations (governmental and non-governmental, national and local) aimed at improving the integration of migrants into the labour market, and at reducing discrimination and xenophobia in the workplace.

The programme “XENOS – Diversity of living and working” (XENOS – Leben und Arbeiten in Vielfalt), administered by the Federal Government, with additional participation by the *Länder*, municipalities and other institutions, promotes measures against exclusion and discrimination in the labour market targeting mainly young people with xenophobic or extremist attitudes. The programme's objective is to promote mutual understanding as well as to support joint working and learning projects with German and non-German youths or adults. In 2001 more than 90 projects started within the XENOS programme.

At the end of November 2001, the national co-ordinating focal points KAUSA (Koordinierungsstelle Ausbildung in ausländischen Betrieben) and Pro Qualification (Pro Qualifizierung) jointly initiated the project "Integration by Qualification" which aims at showing the significance of qualification for the overall integration process. To serve that purpose, regional and local projects are presented which promote vocational training.

3.5 GREECE

3.5.1 Migrants and minorities in the employment sector

According to the latest data provided by the National Statistical Service in May 2002 based on the preliminary results of the March 2001 National Census²⁷ Greece has a total recorded population of 10.964,080, of whom 797,093 (7.3%) are foreigners. When undocumented migrants are added, the number of foreigners reaches approximately 900.000 people (8.2%). This demographic development is relatively new. Traditionally Greek labour force went abroad and immigration was practically non existing. A relatively small Muslim minority in Thrace

²⁶ Van Suntum, U. / Schlotböllner D. (2002): Arbeitsmarktintegration von Zuwanderern -Einflussfaktoren, internationale Erfahrungen und Handlungsempfehlungen (Integration of immigrants on the labour market -factors of influence, international experience and advice for actions), Gütersloh, p 185.

²⁷ National Statistical Service, Census 2001 Data (published May 2002), available at [http://www.statistics.gr/new_site/Hellenic/gr_tables/S1100_SAP_1_pinakas1b_i.HTM?code=\(12/05/2002\)](http://www.statistics.gr/new_site/Hellenic/gr_tables/S1100_SAP_1_pinakas1b_i.HTM?code=(12/05/2002))

constitutes the only officially recognised minority in Greece. It is composed of three ethnic groups, namely Turks, Pomaks and Roma, and numbers approximately 100,000 to 130,000 (0.1%). Existing research²⁸ on selected samples of the Christian Roma population indicates that their number is somewhere between 250,000 and 300,000.

The labour market has been undergoing serious restructuring especially in the past five years associated with a steady growth in the labour supply through migration, as well as a growth in the number of new jobs, particularly in the service sector. Migration into Greece started in the last decade largely as a result of the fall of the socialist regimes in the neighbouring countries and especially Albania whose nationals constitute by far the largest migrant group in Greece.

Despite the slow increase in employment opportunities, the increase in the labour supply has been rapid with more migrants entering the Greek labour market despite the introduction of registration procedures that should make their employment more expensive and consequently less attractive to employers. Following a first “regularisation process” in 1998, 371,641 migrants registered to obtain work and residence permits.

Available data indicate that the majority of these migrants are unskilled or work as unskilled workers because their qualifications are not always formally recognised. The National Institute of Labour (EIE) estimates that more than 150,000 did not register because they could not secure the necessary document or were prevented from doing so by their employer under threat of dismissal. In September 2001 the Ministry of the Interior announced that another 351,000 migrants applied for residence and work permits during the second “regularisation process” following the provisions of Law 2910/2001 regulating migration issues.

According to the two last Annual reports of the General Confederation of Labour only a small part of the foreign labour force is actually competing for jobs with Greeks given that most are employed in jobs not sought after by Greeks, i.e. dirty, seasonal, low status, low paid and physically hard jobs. The unemployment rate for Greek nationals in 2001 was 11.1%. No data are available on the overall employment and unemployment rate for non-nationals, but unemployment among registered migrants is generally considered to be very low.

A recent study provides valuable insight into the entrepreneurship of foreigners in Greece showing that a relatively small, but growing number of migrants and refugees establish successful SMEs.²⁹ A 1997 study by Fakiolas³⁰ examined Egyptians and Pakistanis in Greece who for three decades have established small firms in catering, retail trade, tourism and taxis.

There remains much margin and opportunity for non-registered employment with over 30% of the GNP being in the “informal” economy³¹. Foreign migrants generally find employment in agriculture, construction, and domestic services, in the absence of monitoring bodies and effective controlling procedures.

²⁸ “Integrated Action Plan for the Greek Roma”, EETAA, 2001.

²⁹ Mestheneos, E. (2000) EU-Care: Refugee entrepreneurs in Greece, available at http://www.gcr.gr/investigations/refug_buisseng.htm (06.06.2002) REFUGEE ENTREPRENEURS IN GREECE

³⁰ Fakiolas, R. (1997). Recent efforts to regularise undocumented immigrants. Dublin. European Foundation for the Improvement of Living and Working Conditions

³¹ Pavlopoulos P. (1987) “I Paraekonomia stin Ellada” IOBE . No.17 Athens (in Greek only) – available at: <http://www.iobe.gr>

3.5.2 Policies for integration of migrants in the employment sector

The Labour Inspectorate Body,³² supervised by the Ministry of Labour, is responsible for receiving and examining cases related to employers' abuses. In addition, this body examines on its own initiative various issues regarding the labour market. The inspections of small and medium enterprises, carried out by the Labour Inspectorate Body with the cooperation of the Social Security Foundation, are of interest as they show the state of the job market for Greek and foreign employees.

However, three important developments are expected to affect employment in the near future: Law 2910/01³³ allowed a large number of migrants to register and at the same time makes it much more difficult and expensive for employers to hire undocumented workers. In conjunction with the Labour Inspectorate Body it is expected in the future to control unregistered migrant labour more effectively.

Legislative improvements and the development of monitoring and co-ordinating mechanisms³⁴ will facilitate policy development and effective implementation of existing legislation.

3.5.3 Acts of racial/ethnic discrimination in the employment sector

There are no data available on specific acts of discrimination in the labour market.

However, of special concern is the rising unemployment and poverty among the Roma population that the migrant labour force has expelled from certain traditional occupations mainly in agriculture. This has had negative effects and constitutes an important factor for the rising criminality in that population. Young Roma have been attracted by the "easy money" that can be made through the drug trade and some of their settlements are already well known as drug trafficking and trading areas with all the negative consequences for the Roma's social image and their relations with the local population. Lack of adequate education and training intensifies these problems and drives them deeper into marginalisation.

3.5.4 Good practice for supporting diversity

The General Confederation of Workers has developed the Migrants Office³⁵ offering information and support for migrant workers in person and through the Internet.

The Foreign Women's Network³⁶, a non-profit organisation run by and for foreign women, provides information on employment and related matters informing Greek state agencies, private enterprise and NGOs of the needs, aspirations and the potential of the foreign community.

³² Ellas: Nomos (Law) 2639/98

³³ Ammended by Law 3013/2002 (Government Gazette May 1, 2002).

³⁴ The Ministry of the Interior has already made the necessary legislative arrangements (Law 3013/2002) for the establishment of the Institute of Migration with the mandate to assist the government in the monitoring, study and policy formulation of issues related to migration.

³⁵ http://www.gsee.gr/KEPEA/kepea/Greek/gpe_index.htm

³⁶ <http://www.foreign-womens-network.gr>

The Pireus Labour Centre (social partner organisation) is continuing a 1998 initiative to provide information to immigrants and help in the defence of their rights.

The large-scale projects to be carried out under the 3rd Community Support Framework, the EQUAL initiative, and other EU co-financed projects are also expected to have a significant impact in the future as their implementation will start in late 2002.

3.6 SPAIN

3.6.1 Migrants and minorities in the employment sector

Spain has a population of 39.5 million³⁷ of whom around 2.5 are immigrants. Moroccans (140,000) are the largest minority.

As of December 2000, the number of registered foreign workers was 454,438. Men were almost twice as likely to be registered than women (296,658 men and 157,780 women). According to the Ministry of Interior³⁸, these workers were mainly employed in the agriculture, construction, and services sectors. According to the National Institute of Labour (Instituto Nacional de Empleo), the number of registered foreign workers was 334,976, mainly working in restaurants and hotels, as domestic help, or in agriculture, stockbreeding, hunting, and forestry. Thus, the highest number of immigrants was concentrated in the lowest paid sectors with the worst working conditions.

For 2000, the National Institute of Labour recorded a total unemployment rate of 10.5% (7.48% for men and 15.16% for women). For migrant workers the total figure was 20.4% (16.2% for men and 26.1% for women). According to the newspaper *El País*³⁹, as of 30 November 2000, the number of unemployed migrants registered at the National Institute of Labour was 90,000.

3.6.2 Policies for integration of migrants in the employment sector

The Royal Decree of 20 February 2001 implemented a law (known as 'Ley de Extranjería') that opened up the possibility for "illegal" migrants to have their situation regularised. The Royal Decree of 20 July established that foreign workers had to prove their 'roots' in Spain in order to accede to the 'regularisation' process, which is a procedure that the already established foreign workers did not have to undergo. According to *El País*⁴⁰, in the course of this regularisation process, 68,719 migrants had seen their request denied and were forced into illegality. The International Labour Organisation⁴¹ has also criticised the law, because it contravenes international treaties signed by Spain by preventing irregular migrants to join a trade union or to enjoy their right of association, demonstration and assembly.

³⁷ Eurostat (2000), European social statistics. (population on 1.1.1999).Eurostat,.

³⁸ Espana: Delegación del Gobierno para la Extranjería y la Inmigración (Governmental Delegation of Foreigners and Immigration, Ministry of the Interior) (2001) Anuario Estadístico de Extranjería (

³⁹ *El País* (April 2002)

⁴⁰ *El País* (11 4. 2002)

⁴¹ According to *El Periódico*, 27.3.2002.

On the other hand, on 26 June 2001, the autonomous Catalan Government approved a Decree confirming the migrants' rights to work on a salaried or self-employed basis, and to have the same full access to the Catalan Public Employment Service as natives.

3.6.3 Acts of racial/ethnic discrimination in the employment sector

There are not yet any statistics on cases brought to court or on sentences. However, S.O.S. Racismo, in its draft annual report on 2001, mentions a significant increase in the number of cases of labour discrimination. The organisation received 10 times more complaints of discrimination than in 2000. 25 of the 145 complaints concerned employment. Main issues were the limited time period of validity of working permits and the dependence on pre-contracts to obtain or to renew working permits.

Furthermore, a study carried out on discrimination of immigrants⁴² according to sector of activity showed not only preferences for natives over foreigners, but also between foreigners. In the agriculture and domestic help sector, employers prefer to recruit people from Eastern Europe and South America to those of African origin, because of their higher skills and a greater proximity in cultural and religious issues. This preference is backed up by the bilateral agreements signed between the Spanish Government and a number of countries, because they put at disadvantage citizens of countries that have not signed such agreements.

3.6.4 Good practice for supporting diversity

Spanish NGOs such as the Red Cross, Cáritas, CEPAIM, ACCEM, but also trade unions such as UGT, CC.OO, and some local organisations such as the Association for Promotion and Professional Insertion (Associació per la Promoció i la Inserció Professional) have specific training and guidance programmes for migrants, some of them focusing mainly on migrants from North and Central Africa. The Sevilla Acoge organisation in Andalusia is particularly concerned with programmes to integrate populations with special difficulties, 70% of who proved to be young migrants at risk. The Spanish Romani associations have developed numerous programmes in 2001, most of them helping Roma to accede to work. More than 1,500 labour contracts were signed by Roma who benefited from these programmes.⁴³

3.7 FRANCE

3.7.1 Migrants and minorities in the employment sector

France has a total population of 58.5 million⁴⁴ (March 1999) of whom 3.3 million (5.6%) are foreigners and a total of 5.6 million (9.6%) of foreigners and people of foreign origin⁴⁵. Since 1982, when it was at 6.8%, the share of foreigners has gradually decreased, whereas over the

⁴² Cachón, L. (1997) Segregación sectorial de los inmigrantes en el mercado de trabajo España", in: Cuaderno de Relaciones Laborales, nº 10, pp. 49-73.

⁴³ Information collected by Union Romani in Spain.

⁴⁴ Census data published by the INSEE (Institut National de la Statistique et des Etudes Economiques)

⁴⁵ By adding the French by acquisition (naturalisation marriage, or declaration) to foreigners and persons of foreign origin you obtain a total of 5.6 millions.

same period, the percentage of immigrants (Foreigners born abroad and French by acquisition) has remained stable at 7.4%. Since the mid seventies, immigration from Europe has gone down from 57% to 45%. More immigrants from the Maghreb countries, Asia and Africa have filled in the gap. Immigrant from Portugal, Algeria, Morocco, and Spain are now the main groups.

The 1999 National census counted a labour force participation (LFP) in metropolitan France of 2.3 million immigrants (8.6% of the overall LFP - against 8.4% in 1990), of whom 35% were French by acquisition. The increase (+ 157,000) resulted from an increased participation of women (+ 197,000) which compensated the decrease in men. Their LFP rate went up from 41% in 1982 to 57% in 1999 (compared to the average rate of 63%), which means that more women of the immigrant female working age population have entered the labour market than ever before. However, although they constitute half of the immigrants, their share in the overall labour force (7.7%) remains still less important than that of immigrant men (9.5%).

The increase of female activity has two major causes: a change of attitude in all categories of the population⁴⁶ and the arrival on the labour market of a new generation which is globally more active than their elders⁴⁷. However, disparities between immigrant groups can be quite important. Women from countries formerly under French administration in Subsaharian Africa participate far less than the average until they are 45 years old. After that, they follow the same pattern. Algerian and Turkish women work most, but less than the average, when they are between respectively 20 to 36 and 20 to 26 years old. After that their activity steadily declines. The LFP rate of immigrant men is higher than the average rate (respectively 78.6% and 74.9%). 53% of the immigrant men are blue-collar workers and, compared to the average population, are over-represented in the industry and construction sectors. 50% of the immigrant women have jobs in the domestic, restaurant, and hotel service sectors. The domestic services sector occupies one in five immigrant women compared to one out of ten on average. 30% of all immigrants do not have any qualifications compared to 17% overall. Furthermore, one out of ten jobs (civil servants not included) of temporary status (limited in time or interim contracts) are held by an immigrant. As immigrants represent 9% of the labour force, their situation is not far more precarious than that of the overall labour force. However, it affects more strongly men than women, immigrants from Algeria, Morocco, from countries formerly under French administration in Subsaharian Africa, and above all immigrants from Turkey. On the other hand, immigrants from Portugal have more stable jobs than the average labour force and those from Southeast Asia are close to average. The lower level of qualification compared to the average population explains only part of the higher unemployment rate of the immigrant population: 22% compared to the average rate 13%. At all levels of qualification, the differential is more than 8 points. A comparative analysis with the data of the 1990 census shows that their situation has far more worsened than that of the overall population. Since 1990, their number of unemployed has increased by 33% compared to 18% for the entire population. Immigrant women are more affected than immigrant men (respectively 25% and 20%). Unemployment also hits more strongly immigrants from Africa and Turkey: One third of them is out of work. Immigrants from Spain, Italy and Portugal, however, have an unemployment rate that is only 2 points below the average rate.

⁴⁶ For 100 women born between 1959 and 1969, 56 were active in 1990 compared to 68 in 1999

⁴⁷ Despite this evolution, the rate of activity of non national women remains inferior to the national average: 57,1% compared to 63,1%

3.7.2 Policies for integration of migrants in the employment sector

To combat discrimination in the workplace became a governmental priority in 1999. The legislative process initiated in spring 2000 permitted the adoption of two important laws: the *Law Relating to the Fight Against Discriminations* (Loi relative à la lutte contre les discriminations) was adopted 16 November 2001, followed, on 17 January 2002, by the *Law on Social Modernisation* (Loi de modernisation sociale). They have both considerably modified the French Labour Code.

The legal requirements of Council Directive 2000/78/EC of 27 November 2000 set a general framework for equal treatment in employment and occupation and were, implemented in the French law as follows:

- The scope of discrimination has been extended and applies now also to direct and indirect discrimination and does not only concern recruitment, sanctions, and dismissal but also conditions of access to employment, to training, qualification, promotion, career evolution and pay.
- The scope of discrimination has been extended and applies now also to discrimination on ground of physical appearance, of one's last name, of age and of sexual orientation.
- Witnesses of discrimination are protected against sanctions and dismissal.
- The burden of proof has been alleviated. The alleged facts supposed to indicate direct or indirect discrimination have to be addressed by the respondent. He or she has to establish that the principle of equal treatment has been respected. The judge acquits or convicts on the basis of evidence given by both parties.
- The *Law on Social Modernisation* has introduced recourses against moral harassment and discrimination in access to housing.
- The Labour Unions and Associations combating racism have been given legal status to intervene in matters of discrimination before the civil courts. Regarding penalty, the associations combating racism have obtained this right since 1 July 1972 (article 2.1 du Code de procédure pénale).
- The Labour Inspection (Inspection du travail) has been given more investigating powers in matter of discrimination.
- A legal framework has been given to the "114" free telephone line. The "114" line allows alleged victims and witnesses of racial discrimination to have access to counsel, information, orientation. In addition, on the local departmental level the alleged victims and witnesses can also address the Prefectural Departmental Commission of Access to Citizenship CODAC⁴⁸

3.7.3 Acts of racial/ethnic discrimination in the employment sector

In 2001, alleged victims of discrimination in the work place have contacted the 114/CODAC assistance system to signal discrimination in the work place (808 cases or 20% of complaints), in matters of access to employment (397 cases or 9.8% of complaints) and in relation to professional training (130 cases or 3.2% of complaints).

⁴⁸ Commission Départementale d'Accès à la Citoyenneté

There is no follow up of the “114” line complaints. Criminal cases are seldom published and the judgments are barely accessible. In addition, the statistics for 2001 will only be available in 2003. The cases brought to the labour courts are equally unpublicised and difficult to access unless they are taken to appeal. Meanwhile, experts agree that cases are rare and that the technical skills of judicial actors in matters of proof of direct and indirect discrimination remain to be developed.

In France people tend to proceed by way of criminal complaint. However, the treatment of discrimination by criminal law in matters of employment is yet uncommon. Moreover, it does not admit adjudication on arguments of indirect discrimination and requires direct proof of discrimination, which is often difficult to establish. Discrimination has to be established by facts that have to be supported by witnesses, testimonials, documents (letters, Emails, written declarations, written employment offers) or recordings. The sanctions are limited to very low fines or suspended prison sentences. When civil servants, bailiffs or employment services agents agree to testify, chances of condemnation are higher (CA Grenoble, April 18, 2001).

The following judgments constitute a case in point. In May 2001 the Tribunal de Grande Instance de Paris fined a director of a clinic € 3048 for racial discrimination because he advertised for a surgeon, but indicated that foreigners should not apply. In April 2001 the Criminal Court of Versailles fined an employee for racial discrimination because she sent an email to her subordinates asking them not to hire minority origin personnel for delivery of catalogues, because people might refuse to open their doors.

3.7.4 Good practice for supporting diversity

The experience of the 114/Codac system shows that the enforcement of legal norms stumbles over the difficulty to prove discrimination when brought to court.

The National Consultative Human Rights Commission and the High Council of Integration have both alerted public authorities regarding the gravity and complexity of racial discrimination. This alert has triggered since 1998 the construction of the National Public Policy on Discrimination and the reinforcement of all the measures concerning the work place and intermediaries involved in accompanying access to employment.

In 2001 State intervention in matters related to racial discrimination in the workplace concentrated also on:

- national information campaigns coupled with official institutional collaborations offering individual support systems to foster access to employment; and
- departmental working groups and initiatives coordinated by the local CODAC.

The State has intensified a collaborative network involving public and private actors to focus on training, public awareness and initiatives to combat racial discrimination in the work place. These partnerships involve government departments, associations, foundations, the National Agency for Employment, temporary employment agencies, the Guild Chambers, major Supermarket chains, and builders and contractors⁴⁹.

⁴⁹ Direction de la Population et des Migrations, Direction Générale de l’Emploi et de la Formation Professionnelle, Délégation Interministérielle à la Ville, Fonds D’Action et de Soutien pour l’Intégration

On a departmental level organisms such as the CODAC have set up working groups on racial discrimination in the workplace to elaborate of a common local action plan involving all partners of the CODAC. The actions generated by these working groups in 2001 have given rise to three types of initiatives:

- Increasing local data on the issue of racial discrimination by ordering specific studies by University research centres.
- Information campaigns concerning employment support, related programmes targeting youths of foreign origin.
- The initiation of local partnerships to implement local conventions promoting good practices to combat discrimination in the workplace.

Sponsoring is another way to help young people to find employment. The programme TRACE (Employment access track) focuses on young people aged 18 to 25. Various agreements were signed in 2001 to develop and diversify the structures supporting these networks⁵⁰ and others.

3.8 IRELAND

3.8.1 Migrants and minorities in the employment sector

Ireland has a total population of 3.7 million⁵¹ of whom 114,000 (3%) are non-nationals. The largest minority group is composed of about 30,000 “Irish Travellers⁵² - an indigenous, nomadic ethnic group. Traditionally a country of emigration, Ireland has become a country of immigration with the growing economy in the late 1990s.

There are no reliable figures on the number of European Economic Area EEA nationals in Ireland because firstly not all EEA nationals inform the Department of Justice, Equality and Law Reform of their presence, as they are under no obligation to collect such figures from companies who have already unsuccessfully advertised vacancies nationally. In addition, the Census of 1996 did not ask about nationality or ethnicity. There is almost no data on the demography of the new minority groups. Some indication of the changing national and ethnic profile of the labour force can, however, be gleaned from the statistics on non-EEA workers.

Ireland enjoys high employment levels. Because of skills and labour shortages in Ireland, Irish businesses and employers have been actively recruiting outside the EEA in recent years. Work permits are issued to companies, who can then recruit workers from any country they wish. In 1999 there were 6,000 work permits issued, in 2000 there were 18,000⁵³ issued and in 2001 this figure had increased to 36,000.⁵⁴

et la Lutte contre les Discriminations (FASILD), l'Agence Nationale pour l'Emploi, l'Assemblée Permanente des Chambres de Métiers, chaînes de supermarchés et constructeurs dans le bâtiment.

⁵⁰ Fondation contre l'exclusion FACE, Fédération nationale des clubs régionaux d'entreprises pépinières d'insertion, l'Association pour faciliter l'insertion professionnelle des jeunes diplômés.

⁵¹ Eurostat (2000), European social statistics. (population on 1.1.1999).

⁵² O'Connell, J. (1997) Travellers, gypsies, Roma. Pavee Point Fact Sheet.

⁵³ European Commission against Racism and Intolerance ECRI(2002). Second Report on Ireland. Adopted on June 2001. Strasbourg: Council of Europe, p. 19.

⁵⁴ A significant proportion of the 36,000 permits in 2001 were from migrants renewing their work permits.

Almost 40% of migrant workers coming to Ireland in 2001 were from EU accession countries, such as Poland, Latvia and the Czech Republic. Other countries include the USA and the Philippines. Most migrant workers in 2000 were employed in the service sector (37%), hotel and catering (22%), agriculture and fisheries (17%), industrial (10%) and the medical and nursing sector (8%).

The Traveller Community is excluded to a large extent from the labour market, with a rate of around 90% unemployment (compared to an average rate of 4.2%). This can partly be explained by the decline of traditional areas of economic activity and employment, such as scrap metal recycling, horse-trading and market trading. Travellers have not, however, found easy access to the general labour market despite the economic boom mentioned above. There remains strong evidence of Travellers' being marginalised from the mainstream workplace for a range of factors including discrimination, the need to support the Traveller economy and to further upgrade education and training provision, and access to enterprise supports. Another barrier to Traveller employment, which has been mentioned, is the possible loss of the medical card (entitlement to free medical care) upon entry into employment, and a possible consequence net cost of unemployment to the individual, which acts as a major disincentive to Travellers seeking employment⁵⁵.

3.8.2 Policies for integration of migrants in the employment sector

The Employment Equality Act 1998, which came into force in October 1999, prohibits discrimination in the workplace on nine distinct grounds: gender, marital status, family status, sexual orientation, religious belief, age, disability, race, colour, nationality or ethnic or national origins). It covers discrimination in relation to access to employment, conditions of employment, equal pay for work of equal value, training, promotion and work experience. Ireland also ratified in 1999 the ILO Convention No 111 concerning Discrimination in Respect of Employment and Occupation, as was recommended in ECRI's first report⁵⁶.

The government has recently announced that it will revise current immigration and residence legislation and will place work permits and work visas on a statutory basis. In June 2001 the Department of Justice, Equality and Law Reform announced a public consultation process to revise immigration and residence policy.

Within the EU, the Schengen Agreement, which predates the Amsterdam Treaty, provides for an area of free movement and for common immigration and visa procedures among participating states. Ireland has opted out of this agreement for security reasons and to preserve the Common Travel Area with the UK, which has also opted out of Schengen.

The review of immigration policy in Ireland coincides with the increasing harmonisation of Migration policy at EU level and even with the opt out option, the development of EU migration policy will inevitably influence Irish policy in respect of:

⁵⁵ European Commission against Racism and Intolerance ECRI(2002). Second Report on Ireland. Adopted on June 2001. Strasbourg: Council of Europe, p. 24.

⁵⁶ *ibid*, p 12.

- The conditions and entry of third country nationals and the procedures for issuing visas and residence permits.
- Entitlements of non-EU nationals to family reunification, employment, social protection, housing, education and training.
- Measures related to the harmonisation of refugee and asylum policy across the European Union.

3.8.3 Acts of racial/ethnic discrimination in the employment sector

The annual report for 2001 of the ODEI – the equality tribunal- indicates that during 2001, 27 claims (23.2% of total claims) were referred to that office on the race ground under the Employment Equality Act 1998⁵⁷. Three claims (1% of total claims) were referred under the 1998 Act on the Traveller community ground.

The Labour Court Annual Report for 2001 indicates that 13 referrals during 2001 (23.2% of total referrals) under the Employment Equal Act 1998 cited race as a discriminatory ground in complaints of dismissal. Two referrals (3.6% of total referrals) under the 1998 Act cited the Traveller community as a discriminatory ground.

Because the Equality legislation is relatively new, there have been few cases falling under the ‘race’ and ‘Traveller community’ provisions in respect of employment in 2001. However there are indications in the forthcoming report of the ODEI that this is beginning to change.

Some problems have been signalled as regards the current immigration procedures. For example, it has been reported that border police, who are empowered to refuse entry even to persons with valid visas (the Irish visa system entitles the holder only to present him or herself at the frontiers of the State to seek leave to enter Ireland), have detained and then sent back persons with valid work permits and visas on the grounds that their employment offer no longer existed or that they had insufficient funds to support themselves⁵⁸.

3.8.4 Good practice for supporting diversity

The Equality Authority is an independent body established in October 1999 under the Employment Equality Act 1998. The Equality Authority has taken several initiatives to raise awareness of issues of racism and discrimination and of the new legislative framework. Anti Racism in the Workplace Week is a joint venture between the Equality Authority, IBEC, ICTU

⁵⁷ The Employment Equality Act 1998 prohibits discrimination in relation to employment on grounds of gender, marital status, family status, sexual orientation, disability, age, religion, race and membership of Traveller community. The Equal Status Act 2000 prohibits discrimination on the same nine grounds in relation to goods, facilities and services. The ODEI provides the main locus for redress of first instance for equality cases arising under both the Employment Equality Act 1998 and the Equal Status Act 2000. Decisions of the ODEI may be appealed to the Labour Court. In addition, dismissal cases are referred in the first instance to the Labour Court. Gender cases may be referred to the Labour Court or the Circuit Court. The Labour Court is not a court of law. It operates as an industrial relations tribunal and provides a free, comprehensive service for the resolution of disputes about industrial relations, employment equality, organisation of working time and national minimum wage matters.

⁵⁸ European Commission against Racism and Intolerance ECRI(2002). Second Report on Ireland. Adopted on June 2001. Strasbourg: Council of Europe, p. 12.

and the Construction Industry Federation (CIF) and takes place for a week in November, supported by the National Anti-Racism Awareness Programme. Further initiatives include the preparation of a range of publications and videos in a variety of languages and formats to help people understand the equality legislation, and preparation of an anti-Discrimination Equality Pack for the Irish Traveller Movement.

The Irish Health Services Management Institute in partnership with the National Consultative Committee on Racism and Interculturalism NCCRI has developed a range of initiatives focussing on supporting cultural diversity and tackling racism in the health sector. These initiatives include the development of guidelines on cultural diversity in the health sector, antiracism training and awareness initiatives such as posters and seminars. The NCCRI through its training also offers anti-racism workplace training in both the public and the private sectors and has published materials to support this work.

3.9 ITALY

3.9.1 Migrants and minorities in the employment sector

Italy has a total population of 57.6 million inhabitants⁵⁹. The total population of foreign residents⁶⁰ as of 1 January 2001 is 1.46 million (792,591 males and 671,998 females), an increase of 15.3% compared to the same period in 2000. This means that foreign residents accounted for 2.5% of overall residents in the country. Italy also has a minority group of about 120,000 Roma and Sinti. 70,000 to 90,000 of who are Italian nationals, and the remaining from the Balkan region.

Immigration is a relatively new phenomenon in Italy. Net migration became positive in the mid 1970s. The immigrant population went strongly up in the 1990s and almost doubled between 1994 and 1999. Migrants of 180 different countries of origin are currently living in Italy. The composition of foreign residents in terms of area of origin are as follows: Europe 40.1%, Africa 27.8%, Asia 20%, Americas 11.9%, others 0.2%. The ten largest national groups are from Morocco (160.000), Albania (142.000), Romania (69.000), Philippines (65.000), United States (47.000), Tunisia (45.000), Yugoslavia (40.000), Sri Lanka (34.000), Peru (30.000), India (30.000) and France (26.000).

From March 2000 to March 2001, the Employment Observatory of INAIL, the national institute for insurance against incidents in the workplace, recorded a total of 110,575 new jobs for immigrants, made up of 512,580 new jobs and 402,005 terminations⁶¹. This suggests a dynamic labour market as well as a possibly high percentage of short term or seasonal jobs in which migrants are engaged.

⁵⁹ Eurostat (2000) The European social statistics, Demography,, Luxembourg: Eurostat, European Commission, p.50.

⁶⁰ ISTAT (2001): La popolazione straniera residente in Italia al 1° gennaio 2001 (Foreign population resident in Italy as at 1st January 2001; Roma 2001).

Resident foreign population is defined as the population of foreign citizenship which, like Italian citizens, is registered in the population registry of Municipalities. This includes almost all legally resident foreigners, though not all registered foreigners are migrants as people registered at birth, though born by foreign parents, are not classified as migrants.

⁶¹ Osservatorio Occupazionale dell'INAIL, referred to in: Caritas di Roma, *ibid*, p.287.

Of an overall labour work force of little more than 23.5 million, 5% are employed in the agricultural sector, 32% in the industrial sector and 63% in the services sector⁶². Immigrant workers were represented more than the majority population in the following sectors: agro-industries (10.6%), mineral extraction (9%), manufacturing (11%), construction industry, (10.6%) hotel and catering services (9%) and transport (9.6%)⁶³. Employment of immigrants is growing fastest in the less organised sectors (services and construction industries). The number of immigrant workers registered with one of the trade unions was significant (223,000), an indicator of the need felt by immigrants for the protection of their rights as workers.

A high proportion of employed immigrant workers are in the domestic services sector, where they fill in more than 50% of the officially registered jobs in that sector mainly in the urban areas of Rome and Milan⁶⁴. And many more are illegally employed. Most of them, 77.8% are from Europe from the Americas, from Asia, from Africa and recently from Eastern Europe. People from Asia remained the largest group employed in this sector with a share of 43.1% with solely the Filipinos covering 32% of foreign workers in the sector.

Unemployment rate for the entire population averaged 10.6% during the year. The northwest, north-east and central regions recorded 5.3%, 3.8% and 8.3% respectively as against 20% and 23.1% recorded in the south and islands. Unemployment rate among immigrants remained higher, averaging 11%. This amounts to 3.6% of total unemployment during the period.

Women represent 45.8% of the migrant population and 30% of the labour force.⁶⁵ When disaggregating the unemployment rate by country of origin, some countries recorded rates that are, in percentage terms, twice as high as the national average for immigrants: 25% of Algerians are unemployed 21% of Tunisians, 19% of Senegalese, 17% from Morocco, Bangladesh and Nigeria that averaged 15.2%.

A number of foreigners without legal status (“clandestini” or “irregolari”) – generally estimated around 200,000 and 300,000 persons – are also present in Italy. Irregular immigrants are made up of those who entered the country legally and later lost their legal title to stay and those who entered the country without any legal title to entry⁶⁶.

3.9.2 Policies for integration of migrants in the employment sector

Law 40/1998 (Discipline Regulating Immigration and Rules on the Status for Foreigners⁶⁷) contains civil provisions against discrimination. Article 41 of this law covers direct and indirect discrimination on the basis of race, colour, national or ethnic origin or descent and religious conviction or practices. It prohibits direct discrimination in the fields of access to employment,

⁶² Caritas (2001): Dossier Statistico Immigrazione 2001 (Immigration Statistical Reports 2001), p. 267.

⁶³ *ibid*; p.291.

⁶⁴ Ambrosini M. (2001): Employment, in: Fondazione ISMU, The Sixth Italian Report on Migrations 2000; Franco Angeli, Milan 2001; p.78.

⁶⁵ Caritas (2001): Dossier Statistico Immigrazione 2001 (Immigration Statistical Reports 2001), p.281.

⁶⁶ *ibid*, pp 87-88.

⁶⁷ Legge 6 marzo 1998, n. 40. “Disciplina dell’immigrazione e norme sulla condizione dello straniero” Gazzetta Ufficiale n. 59 del 12 marzo 1998 – Supplemento Ordinario n. 40 (Law 6th March 1998, No 40. Discipline Regulating Immigration and Provisions on the Status of Foreigners: Official Gazette No 59 of 12 March 1998: Ordinary Supplement No 40) Available at <http://gazette.comune.jesi.an.it/59/15.htm> (22/11/2002)

housing, education, training and social services and direct discrimination by public officials or persons providing public services or by whoever offers goods and services accessible to the public. It also prohibits direct and indirect discrimination by employers. Article 42 establishes that on the demand of the plaintiff, the judge can order the cessation of the discriminatory behaviour and the removal of all effects of discrimination. The judge may also decide for the payment of material and moral damage.

The Law 40/1998 also contains provisions regulating aspects such as entry of foreigners, residence permits, control of the frontiers and expulsions, family reunification, employment, education, professional activities, health, housing, social assistance and, as mentioned above, the fight against discrimination. The Law establishes a clear distinction between foreigners legally residing in Italy and those without legal status and aims at facilitating integration of the members of the former group but also at curbing illegal entries and expelling immigrants without status⁶⁸.

A government White Paper on employment and the labour market released in October 2001⁶⁹ outlined future policy and highlighted a legislative proposal to modify the existing law on immigration and to introduce a “*stay for work contract*” that could be signed by a seasonal worker for a maximum of nine months, a dependent non-seasonal worker for a maximum period of one year and a dependent worker with an indefinite contract for a maximum of two years. A non-seasonal worker who loses a job will be allowed to enrol in the unemployment list for the remaining period of validity of the contract and in any case, for at least six month after which, if still unemployed, will be required to leave the country.

The White Paper considers it as a priority to ensure access to the labour market to non-EU unemployed workers already registered in the list of public employment agencies⁷⁰. The “*stay for work contract*” proposal, which stipulates a very close link between duration of employment and duration of stay permit, has been criticised both by opposition parties, trade unions and employers organisations as being too restrictive⁷¹. Furthermore, if the proposed changes to the current immigration legislation are approved and the new type of residence permit introduced, which envisages a very close link between a work contract and duration of the residence permit (*contratto di soggiorno*), migrants will be faced with more discrimination both as a consequence of the difficulties to meet the conditions set out in order to accede to permanent residence status and also as a result of a weaker negotiating position in the labour market as against a strong position of employers.

⁶⁸ European Commission against Racism and Intolerance ECRI (2002). Second Report on Italy. Adopted on 22 June 2001. Strasbourg: Council of Europe, p.13.

⁶⁹ Italia, Ministero del Lavoro e delle Politiche Sociali (Ministry of Labour and Social Welfare) (2001): Libro Bianco sul mercato del Lavoro in Italia. Proposte per una società attiva e per un lavoro di qualità, Roma, October 2001 (White paper on the labour market in Italy. Proposals for an active society and for qualità employment), available at: <http://www.minwelfare.it/minlavoro/Download/LibroBianco.pdf> (10.05.02).

⁷⁰ Italy, Ministero del Lavoro e delle Politiche Sociali (Ministry of Labour and Social Welfare) (2001): *ibid*, p.81.

⁷¹ Artoni A. M. (2002) La sfida delle inclusioni (The challenge of inclusion); <http://www.giovanimprenditori.org/agenda/pdf/SML%202002%20-%20TESI.pdf> (22/08/02);

⁷¹ http://www.immigra.org/documenti/Italia/critiche_Cgil.pdf (22/08/02); See also: Guido B. (2002): Uno, nessuno, centomila. Due conti sull’immigrazione (One, none, a hundred thousand. Few considerations on immigration), in: ISFOL, Area Mercato del Lavoro: Il lavoro degli immigrati: programmazione dei flussi e politiche d’inserimento (The work of immigrants: programming influx and integration policy); eds.: Guido B., Carbone A. E.; Franco Angeli Milan 2002; pp.89 - 90.

ECRI strongly encourages the authorities to address the weak labour market position of foreigners in Italy. Many foreigners, even when they have been legal residents and on a regular job for some time are still employed in the underground economy. They also experience direct and indirect forms of discrimination. Measures should include the effective implementation of anti-discrimination provisions in the field of employment. In this respect, ECRI notes that the partial reversal of the burden of proof has proved an effective tool in several countries in order to counter the incidence of “racial” discrimination in employment⁷².

A nationality requirement that allowed only Italian nationals to register with the law practitioners' association was removed in the course of the year 2001⁷³. Similarly, another legal requirement that made residence in the national territory compulsory in order to practice as a dentist was removed and the sector has been opened also to qualified non-residents.

3.9.3 Acts of racial/ethnic discrimination in the employment sector

Direct and indirect discrimination have been reported both in access to employment and within the workplace⁷⁴. Even the domestic work sector which is known to employ a large number of female migrants and in general an important percentage of those without regular status, is reported to be experiencing cases of direct discrimination, particularly against some national groups, stereotypically portrayed as not being appropriate for these kinds of jobs.

Regarding discrimination in the workplace, the vulnerable position of immigrants who are often on short-term contracts and without a residence or work permit has made it difficult to gather systematic evidence of such discrimination. According to trade union sources, e.g. Ires-CGIL, an increasing number of migrant workers are reporting cases of unequal treatment of foreign workers and in many cases these unions are not able to control such information because they are not allowed to have representatives in workplaces or companies that have less than 15 workers. Indirect discrimination in the workplace is reported to occur in some cases through differential access based on nationality, to subsidized company catering services or the use of separate toilets and bathrooms for nationals and non-nationals in a given workplace.

A particular expression of indirect discrimination which is affecting many regularly resident migrants concerns the duration of employment required by under the current law and implementation circulars in order to have access to permanent residence status (*carta di soggiorno*). The problem arises because while many migrants are employed in short term jobs, one of the conditions to accede to permanent residence status requires that the applicant be employed indefinitely, as well as prove to have been continuously employed in the preceding five years. These requirements, together with the discretionary way in which the relevant legislation is being applied by the competent authorities, have made it practically impossible for

⁷² European Commission against Racism and Intolerance ECRI (2002). Second Report on Italy. Adopted on 22 June 2001. Strasbourg: Council of Europe, p.16..

⁷³ Il Sole 24 Ore (2001): Guida al diritto, n. 10, 2001, p. 111.

⁷⁴ CESTIM-MLAL (2000): Progetto “Numero Verde Schengen... una telefonata contro la discriminazione”, rapporto finale, Verona, 2000 (Schengen toll-free Number ... a phone call against discrimination, final report, Verona 2000).

thousands of migrants who qualify for permanent residence status, in terms of length of stay in the country, to obtain it⁷⁵.

When the proposed changes to the current immigration legislation are approved and the new type of residence permit introduced, which envisages a very close link between a work contract and duration of the residence permit (*contratto di soggiorno*), migrants will be faced with more discrimination both as a consequence of the difficulties to meet the conditions set out in order to accede to permanent residence status and also as a result of a weaker negotiating position in the labour market as against a strong position of employers⁷⁶.

3.9.4 Good practice for supporting diversity

Article 40 (3)⁷⁷ has established within the National Council of Economy and Labour a National Co-ordination Unit for local policies of social integration of foreign citizens. This body has the primary task of studying local initiatives and experiences of social integration of foreigners and of identifying and promoting good practices in this field. It brings together representatives of the local (municipal, provincial as well as regional) administrations, trade unions and employers associations, as well as associations working with immigration-related issues and associations of immigrants⁷⁸.

Research covering the second half of the '90s, indicates that only 7% of national contracts, 8% of local ones and 1% of factory-based contracts were found to have specific clauses taking into account the needs of migrant workers. New initiatives to promote diversity in the labour market were however recorded in 2001⁷⁹.

At different contractual levels, provisions meant to support diversity in the workplace covered aspects such as: Italian language courses paid for by employers, vocational training for employees, arrangements for grant longer holidays, special permission for religious festivities other than Christian, information in the workplace in some minority languages, improvement of employment conditions and promotion of social integration by providing for housing for employees, procedures on how to certify and inform the employer of ill-health that occurs while a migrant worker is in the country of origin etc. Trade unions and employers' organisations have been active in promoting some of these initiatives.

⁷⁵ Commissione per le Politiche di Integrazione degli Immigrati (2001): Dal permesso alla carta di soggiorno: i nodi problematici di un percorso di integrazione, rapporto di ricerca a cura di: Associazione Studi Giuridici sull'Immigrazione, Roma 2001.

⁷⁶ Guido B. (2002): *ibid*, p. 90.

⁷⁷ Legge 6 marzo 1998, *op.cit*.

⁷⁸ European Commission against Racism and Intolerance ECRI (2002). Second Report on Italy. Adopted on 22 June 2001. Strasbourg: Council of Europe.p.16.

⁷⁹ D'Aloia G., Leopardi S.: Il lavoro degli immigrati nella contrattazione collettiva e nella concertazione territoriale (Migrant Labour in collective bargaining and territorial agreements), in: *Osservatorio Ires - CGIL Nazionale: Il Rapporto sull'immigrazione: scenari, mercato del lavoro e contrattazione, Roma, giugno 2002, pp. 30 - 36 (Observatory of Ires and CGIL: Second Report on immigration: scenario, labour market and collective bargaining, Rome, June 2002; pp. 30 - 36)*. See also Aly Baba Faye: Lavoro e non solo: un bilancio dell'esperienza contrattuale per gli immigrati 1986 - 1995 (Labour and more: an overview of the contracts for immigrants 1986 - 1995), citato in: *Osservatorio Ires - CGIL Nazionale, ibid, p. 30*

A company operating in the construction sector with a total labour force of 50 workers of whom 13 are migrants, signed a collective factory agreement on differentiated factory working hours⁸⁰. The objective of the agreement was to enable immigrant workers to take part in religious festivities and rites and stay away from work during these festivities. They make up the time during week-ends at the ordinary rate. The agreement also served the purpose of creating closer links between the company and its' immigrant workforce. The agreement set the conditions for "ad personam" contracts that made provision for flexible working hours (deferred starting and closing times) to enable workers to take part in religious functions. Taking into account the cultural and religious diversity of the entire labour force and the principle of equal dignity of the different religious traditions was incorporated into the company's statute. The company has benefited from the agreement through improved relations with its migrant employees, better motivation and cooperation and a reduction in the rate of turn-over of migrant workers.

An initiative to support diversity in the labour market through increased employability of migrant workers was carried out by Formazione - Unindustria of Treviso (the training department of the local employers' organisation)⁸¹. Welders, carpenters and construction workers were offered free accommodation and meals throughout the training period and a minimum daily allowance in cash. The main beneficiaries of the project were enterprises wishing to employ unemployed migrants in the three sectors mentioned above. Among the activities carried out during the project were: monitoring of the local labour market and identification and selection of companies willing to host some trainees for a period of internship and maybe employ them after the training; organisation and management of both theoretical and practical aspects of the training; provision of accommodation and fundraising from private donors to finance the scheme. The subsidy made the training accessible to some migrants who would otherwise not have been able to take advantage of such an opportunity. Almost all the participants completed the training and the companies later employed those who had completed their internship. Employers involved in the project are reported to have overcome their fears in employing migrant workers.

In order to promote social integration and encourage experienced migrant employees to stay, a company continued a support scheme in the area of housing, which it started at the beginning of the '90s. In the early years of the scheme, the company directly rented houses for its' migrant employees but later changed to guaranteeing their rental contracts. In 2001 the company undertook the construction of a new apartment block of forty units meant for migrant workers. The rent was deducted from the workers' salaries. A major outcome of this initiative was that many of the hundred migrant workers managed to have their families join them. The result was a sharp drop in the number of migrant workers who left work and an improvement of the professional standards of such experienced workers. The company has reduced its costs of recruitment and training, and improved its efficiency by reducing late deliveries due to lack of experienced workers etc.

Good practice centred on teaching Italian to migrant workers took place from November 2000 to March 2001⁸². The programme, which was part of the recruitment contract, was meant for 74 Romanian workers employed by the same company to teach the language within the workplace by presenting various aspects of the production process in the factory and issues of security in

⁸⁰ Castelli V.; Cavalaglio S. eds. (2002): *Intemigra. Progetti oltre frontiera. L'immigrazione straniera nelle regioni adriatiche. Modelli e buone pratiche (Beyond frontiers project. Immigration of foreigners in Adriatic regions. Models and good practices); to be published in 2002.*

⁸¹ *ibid.*

⁸² *ibid.*

the workplace. Innovative aspects of the initiative, with respect to the local contexts, were: self-financing of the project by the company; language teaching within the factory; paying for the time spent doing the language course, close cooperation between the company and the NGO which provided some of the teachers; production of an Italian - Romanian glossary of relevant technical terms that describe the production process and constant monitoring of the course at all stages.

3.10 LUXEMBOURG

3.10.1 Migrants and minorities in the employment sector

Luxembourg has a population of 457,000 of whom 180,000 (39.5%) are foreigners. Some 90% of the foreign population are EU nationals. The most numerous non-EU group is from former Yugoslavia, with 8,200 people. As of March 2001, the labour force was composed of 36% of Luxembourg residents, 37% of cross-border workers and 27% of foreign residents.⁸³ In all economic sectors, except the public sector, foreigners are in the majority. In some sectors, they represent almost the entire labour force, e.g., in the horeca (hotels, restaurants, cafés) sector and the construction sector (9,479 foreigners and 1,189 Luxembourgers in the first and 23,854 foreigners and 3,493 Luxembourgers in thesecond).⁸⁴

The unemployment rate in 2001 was 2.7%; of these, 39.4% were Luxembourg nationals, 20.7% were Portuguese and 9.7% French nationals.

3.10.2 Policies for integration of migrants in the employment sector

After many years of debate, the Luxembourg Parliament decided in May 2001 to regularise the situation of people illegally in Luxembourg. The regularisation was operated without legal base or official text. 1,554 files were introduced, for a total of 2,850 people. In November 2001, 291 files were regularised. The main groups of people who asked to be regularised were originally from ex-Yugoslavia and Cap-Vert.⁸⁵

3.10.3 Acts of racial/ethnic discrimination in the employment sector

The employment sector in Luxembourg lacks statistics on discrimination in the workplace. In the absence of a body or institution collecting such information, this situation is likely to continue.

In Luxembourg non-Europeans married to a EU nationals had to wait for a certain period of time before obtaining a work permit. The case of a couple was brought to the administrative

⁸³ SeSoPI-Centre Intercommunautaire (2001) Chiffres clés sur la population du Luxembourg (Key figures on Luxembourgish population), No. X/01

⁸⁴ SeSoPI-Centre-Intercommunautaire (2001) Chiffres clés sur la population du Luxembourg (Key figures on Luxembourgish population)

⁸⁵ <http://www.gouvernement.lu/gouv/fr/doss/sanspapiers/sanspapiers.html>

court, and in June 2001 the couple won the case making jurisprudence. It is now possible for the non-European partner of a EU citizen to have free access to the labour market with no delay and no need for a work permit.

Foreigners are still not allowed to hold public employment and asylum-seekers in Luxembourg do not have the right to work while they wait for the decision concerning their request. The processing of their request can take several years. In March 2001, the Consultative Commission for Human Rights suggested that asylum-seekers, for the sake of human dignity, should be allowed to work. In the same month Luxembourg's Parliament adopted a motion inviting the Government to create a legal frame allowing asylum-seekers access to employment.

Despite some movements in favour of non-nationals (regularisation of illegal immigrants, legislation regarding non-Europeans married to Europeans) and the debate on the necessary increase of the population, there is still much to be done. For example, the work permit system could be simplified. The complexity of the current system and the difficulty to meet the conditions to get a work permit creates contributes to the development of illegal labour force, and the exploitation and discrimination of vulnerable people.

3.10.4 Good practice for supporting diversity

Two European projects, EQUAL and FER, encouraging diversity in the employment sector were initiated in Luxembourg in 2001. EQUAL aims at developing the refugees' skills to work in a multinational and intercultural environment, and to encourage the professional sectors to consider asylum-seekers as a resource. FER gives individual support to find employment, to the recognition of diplomas, to write a curriculum vitae, to training, etc..

3.11 NETHERLANDS

3.11.1 Migrants and minorities in the employment sector

The Netherlands has a population of 16.1⁸⁶ million of whom 1.48 million⁸⁷ (9.3%) are non-western migrants. The main non-Dutch group are from the former colonies of Surinam (308,825) and the Antilles and Aruba (117,090) and immigrants from Turkey (319,000) and Morocco (272,750). These four main groups comprise together 63% of all classified as "ethnic minority", the others being mostly asylum-seekers and refugees from a variety of origins.

The total number of persons with a foreign background (first and second generation) has risen from 2.49 million in 1996 to 2.87 million in 2001. Of these, non-Western minorities have risen from 1.17 million in 1996 to 1.48 million in 2001.

Figures compiled by the Central Bureau of Statistics (CBS) show that people from ethnic minority groups participate less in the labour market than the native Dutch population, and also less than migrants from Western countries.

⁸⁶ Figures are from 2000 Centraal Bureau voor de Statistiek, CBS

⁸⁷ Figures are from 2001 Centraal Bureau voor de Statistiek, CBS

Labour participation of all groups has increased over recent years, and the participation of non-Western ethnic minorities has increased more than that of other groups: from 37% in 1995 to 48% in 2000, whereas native Dutch labour participation grew by 7% in the same period⁸⁸. On the whole, more men work than women (77% and 52%). Of the various ethnic minority groups, women of Turkish and Moroccan background are least active in the labour market (26% and 19%), whereas women of Surinam origin participate more than native Dutch women (55% and 54%).

According to the same source, the overall unemployment rate was 4%. Women in general had a higher unemployment rate than men (5% and 3%). Unemployment figures have fallen in recent years, and ethnic minorities have profited relatively more than the native Dutch. In 1995, almost 25% of the ethnic minority groups were unemployed; by 2000 this figure had fallen to 11%. However, unemployment rates were still more than three times higher for them than for the native Dutch (11% and 3%) but the differences were far more pronounced for men (10% and 2%) than for women (12% and 5%).

Among ethnic minorities, a noticeable difference in unemployment exists between the first and the second generation. Of the first generation, 11% are unemployed, as opposed to 8% of the second generation. Ethnic minorities are employed more frequently in flexible and temporary jobs than native Dutch workers. This results in less job security and they are the first to lose their job. A lower level of education, a lack of command of the language, and their strategies to look for work also hampers their participation in the labour force. They tend to look for work only in intermediary organisations such as the Centres for Work and Income, which are under-used by employers. Furthermore, employers' prejudice about educational and linguistic disadvantages among certain groups influence their choice in hiring staff.

3.11.2 Policies for integration of migrants in the employment sector

The most comprehensive legal tool to bring about proportional representation of ethnic minorities in the labour market is the Act on the Stimulation of Participation of Minorities in the labour market (*Wet SAMEN*). The Act requires labour organisations, both public and private, to build up their labour force in such a way that it reflects the ethnic composition of society in the region. It is compulsory to register the ethnic background of the employees and to send an annual report to the Regional Labour Authority describing the situation in the company. The Act does not provide for sanctions, and a number of companies do not comply with the requirements. 25% of the organisations complied with the obligations under the Act in 2001 (cf 72% in 2000). An analysis of the submitted reports shows that those companies which do comply with the SAMEN requirements have taken measures in the field of recruitment and selection (46%), analysis and research (17%), career development policies (11%) and codes of conduct (11%). Actual proportional representation is reached in only a few cases.

In 2000, the Aliens Employment Act (*Wet Arbeid Vreemdelingen*) was adapted in order to increase the opportunities for asylum seekers to work while they await a decision on their application. So far, people, during their application procedure are allowed to do paid work for a maximum of 12 weeks per year, but employment is restricted to horticulture and the catering sector. The restrictions regarding the sectors may be lifted in mid-2002, when the Aliens Employment Decree, an Annex to the Act, is due to come in force.

⁸⁸ Source on net labour participation 15 –64 years in 2000: CBS, *Allochtonen in Nederland*, 2001.

The Aliens Act 2000 stipulates that refugees with refugee status are only allowed to work with a work permit for a period of three years.

3.11.3 Acts of racial/ethnic discrimination in the employment sector

The National Federation of Anti Discrimination Agencies takes stock of all complaints that are filed with the 27 local agencies. In their annual report on 2001, the Federation reports that 16% of the complaints concerned employment, down from 20% for the previous year. The reported problems vary from recruitment and selection to harassment.

In 2001, the Equal Treatment Commission, which specialises in discrimination, issued more than 30 rulings on complaints regarding racial discrimination in employment. In around half these cases, the employer was found to have violated the equal treatment law. The cases ranged from unequal pay and unequal treatment during the recruitment process to harassment on the shop floor.

Even when education and the command of the Dutch language are equal to those of Dutch job seekers, ethnic minorities are less likely to be hired by an employer. Unequal treatment in recruitment and selection is the rule, despite the Equal Treatment Act that forbids discrimination, and offers redress for victims. The procedure at the Equal Treatment Commission seems to be under-used.

3.11.4 Good practice for supporting diversity

The Ministry of Social Affairs, together with the Minister for Urban and Integration Policies, has initiated a number of projects intended to create more employment opportunities for ethnic minorities. Under the title 'Headway for Minorities' (*Ruim baan voor Minderheden*), an agency was established that supports the various projects being carried out. The cornerstone of the policy consisted of the covenants that were signed in 2000 with a number of companies. These covenants targeted multicultural staff policy, influx and the promotion of ethnic minorities. The MKB covenant was successful: by the end of 2001, the enterprises in the sector had submitted 50,000 vacancies, of which ethnic minorities filled 30,000.

At the local level, multicultural employment policies were supported by the project 'Entrepreneurs achieve more' (*Ondernemers Doen Meer*). The Anne Frank House and the Federation of Employers (VNO) organised nearly 30 meetings with local mayors and employers where agreements were reached on intercultural staff policies.

In 1999 the Taskforce on Minorities and Employment, a mixed initiative of the social partners and the Ministry of Social Affairs, began the project 'KOM' – 'Powerful enterprises with minorities'. Over a number of years, efforts were made in the Security, Catering and Transport sectors to increase the influx of long-term unemployed persons from ethnic minorities. A number of pilot projects were successfully concluded in 2001.

In order to increase the participation in the workforce of women from ethnic minority groups, the government installed the AVEM-Commission in 2001. Its main aim was to find out what were the chances and impediments for entering the labour market and to look into the existing policies and activities for women from ethnic minorities.

3.12 AUSTRIA

3.12.1 Migrants and minorities in the employment sector

Austria has a total population of 8.1 million⁸⁹, of whom 730,000 (9.1%) are non-Austrian nationals; mainly migrants of third country origin. 45% of alien population come from ex-Yugoslavia, the second largest group from Turkey.

In 2001 10.5%⁹⁰ of the 3.1 million workforce were of foreign origin, almost 75%⁹¹ of them were migrant workers of third country origin and 10%⁹² came from the EU/EEA. The overall employment of foreigners rose by 3%, whereas the number of migrant workers fell by nearly 1% compared to 2000. This decrease was partly due to the 1.7% rise in unemployment among third country nationals. Agriculture and forestry (+9.6%) as well as hotels and restaurants (+5.7%) were an exception to this downward trend. The reason for these increases is the introduction of a new quota for reapers and harvesters⁹³ as well as the raising of the quota for seasonal workers⁹⁴.

Most of the permits were granted to workers from abroad and not the resident migrants. About 40% of the migrant workforce was employed in industries either subject to increased competition from countries of Central and Eastern Europe like textiles, clothing and leather or to strong seasonal fluctuations like agriculture and forestry, hotels and restaurants as well as construction. Their share in these industries was between 16 and 36%, whereas their overall share in the workforce amounted to 7.6%.

For work permits granted to migrant workers, two tendencies can be observed. First, the inflow of seasonal workers, harvesters and pickers has led to an increase in initial work permits (granted to the employer for a specific employee and workplace for one year) by 18.4% in 2001. Second, 75% of foreigners have a permanent license (issued to the employee for five years after five years of legal employment), which is the most secure permit a migrant worker can obtain. This means that a more stable integration into the long-term residence labour is taking place, although a permanent license can still be lost due to sickness and long-term unemployment, which forces migrants to re-enter the labour market via an initial work permit. The argument that migrants having lost their permanent license can easily obtain an initial work permits, is not a totally advantageous one, as initial work permits include worse legal framework conditions for migrants than permanent licenses. Progressive residence security should exclude the worsening of legal framework conditions in the employment sector for permanent residents. On the other side, this trend towards integration is jeopardised by the intake of new short-term labour according to the "principle of rotation", as especially the less qualified new migrants compete with resident migrants for certain jobs.

⁸⁹ All numbers in this paragraph are taken from: Statistik Austria (2002), Volkszählung 2001: Ausländer in Österreich (Census 2001: Aliens in Austria), in: Statistik Austria (ed.), Statistische Nachrichten 1/2002, pp. 8.

⁹⁰ Numbers concerning all foreigners in the whole report were taken from or calculated on the basis of data for 2001 from Statistik Austria, Statistische Übersichten, Kurzfristindikatoren, available at: <http://www.statistik.at/>, (10.05.02).

⁹¹ Numbers concerning foreigners subject to Alien Employment Legislation in the whole report were taken from or calculated on the basis of data for 2001 from the Arbeitsmarkt Service Österreich.

⁹² Biffi, G. (2001) SOPEMI Report on Labour Migration: Austria 2000-2001, Wien, available at: http://www.wifo.ac.at/bibliothek/archiv/sopemi_2000-2001.pdf, (08.05.02), p. 3 states that by 2001 34.500 EU-citizens will be employed in Austria.

⁹³ Österreich, BGBl I 34/2000, (30.06.2000).

⁹⁴ Österreich, BGBl II 96/2001, (28.02.2001).

The share of migrant women in total employment was 36.3%, 8% lower than among the overall female workforce in 2001⁹⁵, but compared to 1999 with 34.5% and 2000 with 35.2% their share is gradually rising. Migrant women work in similar industries as men, which are also exposed to seasonal fluctuations. Their overall share in the female work force was 6.2% in 2001, but about 25% of the female work force in agriculture and forestry as well as in hotels and restaurants, 14% in household services and 11% in business oriented services were of alien origin. Business oriented services include temporary work agencies that offer all types of skills and occupations and especially employ foreign women as cleaning personnel. Whereas 80% of the employed migrant men had a permanent license, this was only true for 70% of the women, partly because the quota system of family-reunification does not combine family-reunification with immediate access to the labour market. Over recent years, several measures have been taken by the Federal Ministry of Economics and Labour to facilitate access to the labour market for family members of foreign workers, who have lived in Austria for a longer period of time (“integration package” of 1997) and for specific groups of foreigners, in particular women (“integration decree” of June 2000).

The overall unemployment rate for migrant workers was 11.3%, 5.2% higher than that of the overall population. In 2001, it rose by 1.7% compared to a rise of 0.3% in the overall workforce. The unemployment rate of migrant women was 10.7%, which is 1% lower than for men.

3.12.2 Policies for integration of migrants in the employment sector

The “integration decree” of the coalition government meant to favour integration over new immigration and to make access to the labour market easier for specific groups of long-term residence. However, the higher quotas for highly skilled and for seasonal workers to attract new labour from abroad contradicted this idea. The quota for highly skilled workers was increased by almost 60% compared to 2000 and clearly indicated that highly qualified people had a better chance of obtaining work permits in Austria than unskilled workers. This trend was further emphasised by a decree⁹⁶ of the Ministry of Economics and Labour in August 2000 that opened the Austrian labour market to IT-specialists from abroad. The quota for seasonal workers was raised by 45.5% compared to the year of its introduction, in 2001, of a new quota for reapers and harvesters was fixed at 7,000. Both measures fit the “principle of rotation” and jeopardise the government’s concept of “integration” for 1999 and 2000 by preferring workers from abroad to creating job opportunities for resident migrants.⁹⁷

In August 2001, the coalition government presented their “new immigration concept”⁹⁸ as a basis for an Act amending the Alien Act, the Alien Employment Act and the Asylum Act. It stresses the preference for highly qualified people, seasonal workers and lowly qualified short-term agricultural workers. Seasonal work will no longer be restricted to agriculture and tourism. The Act also includes measures for “integration” that are specified under the headline “integration agreement”. This “agreement” obliges third country nationals that have settled in Austria since January 1998 and immigrants that will arrive after December 31, 2002 to attend

⁹⁵ 51,4 % of the overall population were women, whereas only 47 % of the alien population were female.

⁹⁶ The decree was not published, but it was sent to the Focal Point on our request by the Ministry of Economics and Labour.

⁹⁷ Compare Biffl 2001, SOPEMI Report on Labour Migration: Austria 2000-2001, Wien, p. 46 available at: http://www.wifo.ac.at/bibliothek/archiv/sopemi_2000-2001.pdf, (08.05.02).

⁹⁸ Compare Der Standard, (14.08.2001).

German language courses. Experts⁹⁹, express worries that the increased inflow of seasonal workers and the legal sanctioning of lacking language competency might encourage racist and xenophobic attitudes in society.

3.12.3 Acts of racial/ethnic discrimination in the employment sector

One major act of discrimination is the general exclusion of third country nationals from eligibility in work council and Chamber of Labour elections. On 2 March 2001¹⁰⁰ the Constitutional Court brought a case to the European Court of Justice. The legal question at stake was to know if the Austrian Chamber of Labour Act was in accordance with the Association Agreement between the EU and Turkey. The Act indicates that Turkish labourers are not eligible for Chamber of Labour functions.

3.12.4 Good practice for supporting diversity

A positive example to be mentioned is the atmosphere in which the public discussion on migrants and their access to the labour market has taken in 2001.

3.13 PORTUGAL

3.13.1 Migrants and minorities in the employment sector

According to the National Statistics Bureau, Portugal, in 2001, had a population of 10.36 million. The total number of foreigners was 341,270 (3.3 %). In 2000 the percentage of immigrant women was 43%, and the percentage of immigrant men 57%. Immigrants are mainly from the PALOP (African Countries Having Portuguese as their Official Language), from Europe, and from South America. Gypsies constitute an “ethnic minority” with a presence in Portugal that goes back to the 15th century.

Portugal acts simultaneously as a country of emigration and immigration. Immigration to Portugal is associated with the process of decolonisation of the former Portuguese colonies in Africa after the 1974 Revolution and the arrival of “ethnic minorities”. The origins of the immigrants diversified in the 1980s with the arrival of South Americans, mainly Brazilians, and Asians (mainly Chinese).

The employment market is clearly polarised with EU nationals, who work in highly qualified professional sectors as executives and in scientific, technical and administrative professions, on the one side and members of ethnic minorities from the PALOP (African Countries Having Portuguese as their Official Language) who work in the domestic help, industry and construction sectors on the other side. The exception is Brazilians, who work in both the high and low skill sectors. All data points to the pattern observed in previous years: a segmentation

⁹⁹ Compare Biffl 2001, SOPEMI Report on Labour Migration: Austria 2000-2001, Wien, p 63 available at: http://www.wifo.ac.at/bibliothek/archiv/sopemi_2000-2001.pdf, (08.05.02); Caritas (2002), Stellungnahme der Caritas Österreich zum Entwurf des Bundesgesetzes, mit dem das Fremden-gesetz 1997 und das Asylgesetz und das Ausländerbeschäftigungsgesetz geändert werden (Opinion of the Caritas Austria on the draft legislation amending the Alien Act and the Asylum Act and the Alien Employment Act), Wien, p 3 available at: http://www.parlinkom.gv.at/archiv/XXI.pdf/ME/00/01/000144_33e.pdf, (09.05.02)

¹⁰⁰ Österreich: VfGH, WI-14/99 (02.03.2001).

of the labour market for immigrants with those from African origin and more recently the ones from Eastern Europe (Ukraine, Romania, and Moldavia) occupying the low-skilled end of the professional spectrum¹⁰¹.

Data produced by SEF (Borders and Aliens Service), up to December 2000, shows that of a total of 150,000 who have demanded resident status (which excludes those in an illegal situation), around 75,000 was active, while 50,000 were non-active¹⁰².

According to the Borders and Aliens Service SEF, the “informal economy” has been absorbing a large amount of illegal workers coming from Eastern Europe, who enter the Schengen area with short-term tourist visas and then integrate, through clandestine work networks, the Portuguese “informal economy”.

At the end of 2001, the overall unemployment rate, according to the National Statistics Bureau, was 4.1%. The last reliable figure for the unemployment rate for foreigners goes back to 1997 and was at the level of 5.3% at a time when the overall unemployment rate was 8.7%.

The majority of migrants are concentrated in low-skill/low-payment jobs. There is no official information on working conditions, but the media portray particular cases of employer abuse relating to overwork and lower wages than their Portuguese counterparts. The construction, the hotel and bars sectors, in which immigrant work concentrates are not only the lowest in terms of skill but are also subject to fluctuations and seasonal variations with great risk of unemployment.

3.13.2 Policies for integration of migrants in the employment sector

Portugal only recently adopted specifically anti-racist legislation. There are several legal instruments devised to punish racism and discriminatory acts, which span different realms, including the labour market and the workplace. Legislation regulates the Law that punishes discrimination on the basis of race, colour, ancestry or national or ethnic origin (Law 134/99, August 28th). Art. 4 from Law 134/99 provides a non-exhaustive list of discriminatory practices that, if confirmed, are considered felonies and punishable by means of fines and sanctions. The actual regime makes it very difficult to condemn anyone for racist attitudes and practices, because testimonial proofs have no great value, and these are many times the only ones available in inquiries and trials. This holds particularly for racist attitudes in the workplace, for example verbal injuries, dismissal, the denial of promotion or access to specific jobs are often not recognised as proofs of discrimination. This is most probably why in 1999, 2000 and 2001 no sentence was pronounced by the labour court or by the Supreme Court regarding racial discrimination. The victims usually prefer not to file a complaint on these grounds, since the probability of a favourable outcome is very small. General and specific laws deal with the

¹⁰¹ SEF (Borders and Aliens Service) (2000), *Que Imigração Para o Novo Milénio (What Immigration for the Next Millennium)*

¹⁰² Alto Comissário para a Imigração e Minorias Étnicas (High Commissioner for Integration and Ethnic Minorities), SEF Serviço de Estrangeiros e Fronteiras (SEF Borders and Aliens Service , IGT (Inspeção Geral do Trabalho), (IDICT Institute for the Development and Monitoring of Work Conditions) (2002), *Relatório sobre a evolução da fenómeno migratório (Report on the evolution of migratory phenomena)* available at <http://www.idict.gov.pt/>

various aspects of discrimination in the workplace, from recruitment to dismissal, e.g., the anti-discrimination law, labour laws that specify that the cessation of a work contract cannot be on the grounds of race or religion. The absence of any court decision regarding racism in matters of employment, which mirrors the absence of complaints, is a serious obstacle to an accurate assessment of the most discriminated ethnic groups in the Portuguese employment sector, since it prevents the production of reliable statistics.

Equal treatment for foreigners and nationals is guaranteed by the law and extends to social benefits such as the minimum income, unemployment benefits and retirement pensions. There is, however, no available data on the number of immigrants receiving unemployment and retirement related incomes, since the statistics do not include nationality as a category. There is, however, some data concerning the minimum income, though only for immigrants from PALOP (African Countries Having Portuguese as their Official Language). 43% of those who benefit from the minimum income are one-parent families where the head of the family is a woman. Nine percent are single women¹⁰³.

The law that regulates the conditions of entry and residence has a major impact on immigrant work, since the granting of a residence permit (a new legal requirement) is dependent on the possession of a work contract or a work proposal. Furthermore, the number of permits issued is dependent on an evaluation of the labour market needs for each year (to be determined by the Government, based on a recommendation by the Institute for Employment and Professional Training together with Employers and Trade Union Associations). Each residence permit is valid for one year, and its renewal is also subject to the presentation of a work contract. The application of the new law gave way to an extraordinary legalisation process.

3.13.3 Acts of racial/ethnic discrimination in the employment sector

The non-existence of statistics regarding discrimination in the several areas of the labour market does not allow to have a clear picture of racial discrimination in the employment sector. However, complaints from alleged victims and media coverage indicates that this absence of racial discrimination in the employment sector from the courts may not be an accurate reflection of reality.

3.13.4 Good practice for supporting diversity

Diversity management is not practised in corporations, and is only slowly entering some university curricula. Very little has been done to promote diversity in the labour market, mainly concerning the integration of migrants. The main activists in this field are the trade unions, who have organised conferences on related subjects and awareness raising campaigns, for example, CGTP's "Solidários, Unidos e Organizados" campaign in 2000 to inform immigrants about the latest legalisation procedures. The accompanying brochure was available in Portuguese, Russian, French and English, the most common languages in the Portuguese labour market, and enhanced the usefulness of this campaign.

¹⁰³ Comissão do Rendimento Mínimo Garantido (Minimum Guaranteed Income Commission) (2001), 4 Anos de Rendimento Mínimo Garantido em Portugal 1997-2001 (4 years of minimum guaranteed income in Portugal 1997-2001)

This confederation also organised a conference, in 1998, directed specifically at the problem of racism in the workplace. In addition, the High Commissioner for the Immigration and Ethnic Minorities (ACIME) provided advice on procedures and distributed a leaflet (also in several languages) where the required steps toward legalisation were clearly stated. Furthermore the Construction and Public Works Industrial Association intend to create a permanent centre for monitoring the integration of foreign workers in the labour market, to which other associations, such as S.O.S Racismo, were invited.

3.14 FINLAND

3.14.1 Migrants and minorities in the employment sector

Finland has a total population of 5.2 million¹⁰⁴, of whom 98,577 or 1.89 % are foreigners¹⁰⁵. The largest groups are immigrants from the former Soviet Union (37,000), from Estonia (11,000), and refugees from Somalia (5,000). The Sami and the Roma people (15,000) are minority groups with an official status that gives them linguistic and cultural rights.

Finland has historically been a country of emigration, mainly to Sweden. There has been a significant rise in the number of immigrants in recent years from around 18,000 in 1987 to the over 90,000 today¹⁰⁶. After 1989 immigrants and asylum-seekers arrived from former Soviet-Union countries and refugees and asylum-seekers from Somalia came around 1991. Therefore, most immigrants have settled during the last ten years and a majority of them have entered the country for reasons other than work.

The labour force participation (LFP) rate for the whole population is 80% for men, and 79% for women, for foreigners it is only 64% for men and 57% for women. In several nationality groups, the LFP rate for women is less than 30%. Immigrants are over-represented in the 'secondary segment' of the labour markets. Most typical professions for immigrants are catering and cleaning (30% of non-nationals)¹⁰⁷.

The unemployment rates for foreigners have declined during the 1990s, consistent with general unemployment trends in Finland, although the average unemployment rate for foreigners has remained around 3.5 times higher than the unemployment rate for the whole population. The unemployment rate for immigrants in 2001 was 31.6% according to the Ministry of Labour. For the same period, the overall Finnish unemployment rate was 9.1%. Unemployment rate was the lowest for British, French, German and US citizens (10 – 11%) and the highest for citizens of Iraq, Somalia, Iran and Vietnam (60 – 76%).

¹⁰⁴ Statistics Finland available at <http://www.mol.fi> (06.06.2002)

¹⁰⁵ Foreign citizens only. These figures include only those foreign citizens, who have been registered in Finland. Foreigners who have residence permit or asylum application/appeal pending are for example excluded.

¹⁰⁶ European Commission against Racism and Intolerance ECRI (2002). Second Report on Finland. Adopted on 14 December 2001. Strasbourg: Council of Europe. p.11.

¹⁰⁷ Forsander, A, Alitolppa-Niitamo, A. (2000) Maahanmuuttajien työllistyminen ja työhallinto - keitä, miten ja minne?, Helsinki: Työministeriö, available at <http://www.mol.fi/migration/wraportit.html> (06.06.2002)

For the refugee groups where the unemployment rate is the highest, the rate has not decreased with this downward trend, and for some groups, the absolute unemployment rate has actually increased during this period.

The most important factors of the labour market status of immigrants are the length of time they have been in Finland, Finnish work experience, reason for migration (for example refugee status / direct recruitment from abroad), education level, country of origin (western degrees are more appreciated than others), and discriminative recruitment practices.¹⁰⁸

3.14.2 Policies for integration of migrants in the employment sector

During 2001, there was no new legislation concerning migrants in the employment sector. The work permit policy is based on the Alien's Act, but several statutes include important regulations as well. The revision of the Integration Act concerning all newcomers (immigrants and refugees) as well as the evaluation of its implementation was initiated in 2001 and in spring 2002, the Parliament was given the Government's Report on the Implementation of the Integration Act.

The new Employment Contracts Act (55/2001) contains provisions on the principle of non-discrimination and equal treatment. According to Chapter 2, section 2 of this Act, the employer may not without acceptable reason place workers in a different position on account of national or ethnic origin, language, religion, family relations other comparable grounds.¹⁰⁹

The report of the Aliens Act working group (Ministry of the Interior 2001) is being prepared. The report recommends that the work permit procedure should be developed as a part of labour politics, and that the label of 'work permit' should be removed. The present practice, in which a work permit application that meets basic criteria is normally approved, should be changed in such a way that the whole process is better co-ordinated.

108 Forsander, A, Alitolppa-Niitamo, A. (2000) Maahanmuuttajien työllistyminen ja työhallinto - keitä, miten ja minne?, Helsinki: Työministeriö, available at <http://www.mol.fi/migration/wraportit.html> (06.06.2002); Forsander, A. (2000) Immigrants in the Finnish Labour market : is there ethnic segmentation?,

in: Heikkilä, E. (ed.) Muuttoliikkeet vuosisadan vaihtuessa - halutaanko niitä ohjata?

Muuttoliikesymposium :Turku , pp 240 – 266 ; Paananen, S. (1999) Suomalaisuuden armoilla.

Ulkomaalaisten työnhakijoiden luokittelu. (At the mercy of Finnishness - Classification of foreign labour market recruits) , Helsinki : Tilastokeskus ; Jaakkola, Timo (2000) Maahanmuuttajat ja etniset

vähemmistöt työhönnotossa ja työelämässä / osa II (Immigrants and ethnic minorities in recruitment and

working life / part II), Helsinki : Työministeriö ; Joronen, T. Ali Abdullahi A (2000).Maahanmuuttajien

yritystoiminta Suomessa 1990-luvulla (Immigrants' entrepreneurship in Finland in the 1990s), in: Trux, M.

L. (ed.) (2000) Aukeavat ovet - kulttuurien moninaisuus Suomen elinkeinoelämässä, Helsinki : WSOY,

pp. 204-260 ; Jasinskaja-Lathi I. Liebkind, K (1997). Maahanmuuttajien sopeutuminen

pääkaupunkiseudulla, in: Helsinkiin kaupungin tietokeskuksen tutkimuksia ; 1997 , 9

¹⁰⁹ European Commission against Racism and Intolerance ECRI (2002). Second Report on Finland. Adopted on 14 December 2001. Strasbourg: Council of Europe. p.8.

3.14.3 Acts of racial/ethnic discrimination in the employment sector

Chapter 47 section 3 of the Criminal Code penalises employers who put job seekers or employees in an inferior position on the grounds of race, national or ethnic origin, colour, language, and religion. However, these provisions are under-used, despite the fact that discrimination of minority groups, particularly the Roma and minority groups of immigrant origin in fields such as employment is reported as a problem in Finland. Victims of discrimination often do not bring complaints to the police, in part because of their low expectation of achieving redress, because de police do not always follow up complaints that are brought, and because the burden of proof makes cases hard to win.¹¹⁰ Two recent studies (Paananen¹¹¹, and Jasinskaja-Lahti et al.¹¹²) show that discrimination is common. A majority of immigrants say they have been discriminated against in recruitment situations because of their ethnic background¹¹³. Immigrants feel that discrimination has taken place such as exaggerated requirements of Finnish language skills. While applicants feel that there are understandable reasons for employers to require a certain level of skill in the Finnish language, they also feel that this requirement is being used as a transparent tool for discrimination.

Eleven regional bodies of Occupational Safety and Health Inspectorates in Finland are responsible for equality and non-discrimination at work place. The inspectorates can take initiatives and press charges.

In addition the Ombudsman for Minorities was founded in 2001. The Ombudsman is an independent body and the tasks include promoting good ethnic relations, monitoring and improving the status and rights of ethnic minorities. In addition the Advisory Board for Ethnic Relations (with several sub-committees e.g. Working Life Sub-committee), the Advisory Board for Roma Affairs and the Saami Parliament in Finland, are monitoring racial/ethnic discrimination in the employment sector and the economic, social and cultural circumstances of migrants, refugees and Roma.

¹¹⁰ European Commission against Racism and Intolerance ECRI (2002). Second Report on Finland. Adopted on 14 December 2001. Strasbourg: Council of Europe. p.7.

¹¹¹ Paananen, S. (1999) Suomalaisuuden armoilla. Ulkomaalaisten työnhakijoiden luokittelu. (At the mercy of Finnishness - Classification of foreign labour market recruits), Helsinki : Tilastokeskus ;

¹¹² Jasinskaja-Lahti, I. Liebkind, K. Vesala, Tiina (2002) Rasismi ja syrjintä Suomessa : maahanmuuttajien kokemuksia, Hki : Gaudeamus

¹¹³ see also: Jaakkola, Timo (2000) Maahanmuuttajat ja etniset vähemmistöt työhönotossa ja työelämässä / osa II (Immigrants and ethnic minorities in recruitment and working life / part II), Helsinki : Työministeriö ; Koistinen, Leena (1997) Polkuja perille, Turun seudun maahanmuuttajien työvoimapalvelut ja työllistyminen 1994-1996 (Paths to employment. Labour admisnistration servicesof the Turku area and employment 1994-1996), Helsinki : Työministeriö.; Pitkänen, Maarit (1997) Matkalla menestykseen? Maahanmuuttajien työ- ja koulutusprojektin loppuraportti (Towards success? Final report of the immigrants employment and education project), Helsinki: Työministeriö ; Forsander, A, Alitolppa-Niitamo, A. (2000) Maahanmuuttajien työllistyminen ja työhallinto - keitä, miten ja minne?, Helsinki: Työministeriö, available at <http://www.mol.fi/migration/wraportit.html> (06.06.2002)

3.14.4 Good practice for supporting diversity

Labour administration has organised several special projects that have produced innovative and effective practices concerning immigrant education and their employment. For example, deepening co-operation with the private sector and recruitment education in companies.

As for the private sector, multi-cultural practices and diversity seem to be become more common, in the sense of cooperation through teamwork, by individual workers and working groups and processes of daily negotiation at the grass-root level.

Initiatives for supporting diversity have been prepared both by public and private organisations. In 2001 the Government Action Plan to Combat Racism and Xenophobia was executed on sector basis and on cross-administrative levels. National authorities are co-ordinating two large-scale anti-discrimination projects, which started in 2001. The first is an EC co-funding a project (Finland, Germany, Ireland) called *Join – Joint Promotion of Anti-discrimination at Local Level*¹¹⁴. The second is a national awareness raising project; called *Seis – Suomi Eteenpain Ilman Syrjintaa/Finland Forward without Discrimination*¹¹⁵.

3.15 SWEDEN

3.15.1 Migrants and minorities in the employment sector

Sweden has a total population of 8.9million of whom about 1.03 million are foreign-born and about 397,000 are foreign citizens (Source: SCB 2001). According to the Swedish Migration Board, the number of persons who immigrated to Sweden in 2001 numbered 43,045, 48% from outside Europe, 31% from Europe, excluding the Nordic countries and 21% from the Nordic countries. In 2001 there were 23,500 asylum seekers and 12,175 emigrants. The asylum seekers came from: Iraq (6,206), the Federal Republic of Yugoslavia (3,102), Bosnia-Herzegovina (2,775), Russia (840), Iran (780), El Salvador (618), and Afghanistan (593). Of the asylum seekers 48% were women.

In 2001, the employment rate of Swedish-born¹¹⁶ was 77%, for people born in an EU/EEA (European Economic Area) country 70%, for people born in the rest of Europe 61% and for people born outside Europe 54%¹¹⁷.

According to the Swedish Integration Board¹¹⁸ immigrants in 1999 were concentrated to a few branches of business only. Immigrants from non-European countries dominated business, personnel and cultural services, the only branch of business where natives¹¹⁹ were underrepresented. Manufacturing and recycling had many immigrants from the Nordic countries and from the EU-countries. For the health and caring professions the number of employed from African countries increased considerably, mostly women but also many men. Women from European countries outside the EU and from Asian countries were also to a large extent in the caring professions.

¹¹⁴ www.join.fi

¹¹⁵ www.join.fi/englanti.shtml

¹¹⁶ People who were born as Swedish citizens

¹¹⁷ Sverige, Sveriges Regering (Swedish Government), Skrivelse 2001/02:129 p. 37

¹¹⁸ Sverige, Integrationsverket (Swedish Integration Board), Rapport Integration 2001, p.97

¹¹⁹ People born in Sweden.

According to the Swedish Integration Board, when the migrants' situation in the labour market greatly deteriorated during the early 1990s, concurrently the number of self-employed migrants increased¹²⁰. In 1999 persons of immigrant background started 20% of businesses. 13 % of these were born abroad and the rest were born in Sweden by parents of foreign origin, to a great extent of a non-European background. The main areas are small business such as merchandise, restaurants, cleaning services and barbershops.

However, in comparison with the Swedish-born, a high number of immigrants are unemployed. Official unemployment for people born in an EU or EEA country amounted from 5.3% to 9.5% for people born in the rest of Europe and to 14% for people born outside Europe. For people born in Sweden the unemployment rate was 3,3%¹²¹. Unemployment is higher for migrants from African and Asian countries than for other migrants. Here one can also see a connection with the residential time in Sweden¹²². According to the Swedish Integration Board, only 38% among the Iraqi-born migrants had occupations in 2000, while 27% were unemployed.¹²³ 20% of the Iraqi-born migrants have arrived during the last four years. However, for the Bosnian migrants that also to a great extent has arrived in the 1990's the situation has been improved radically in 2000 compared to statistics on employment and unemployment concerning 1995. 20% of the migrants who are working have time-limited jobs, compared to 12% among persons born in Sweden. Furthermore, migrants to a larger extent are self-employed.

In 1974 male immigrants had 3% less income than men born in Sweden. In 1981 the difference had increased to 8% and in 1991 the difference was 14%¹²⁴. In addition, there are wage differences between different immigrant groups, as the lowest paid are the immigrants born in Asian and African countries.¹²⁵ Furthermore, a study carried out by the Swedish Labour Market Board¹²⁶ indicated that only 40% of the foreign-born academics had a qualified job¹²⁷ compared to 90 % of the Swedish-born academics¹²⁸.

3.15.2 Policies for integration of migrants in the employment sector

The Government is undertaking a number of measures to enhance equal employment opportunities for migrants. Since 1999 Government agencies are commissioned to work out action plans for ethnic and cultural diversity among their employees as well as set a good example in their recruitment behaviour.

For several years there has been staff reinforcements at the employment service to make it possible for employment service officials to devote time to individual service and for contacts with companies. Parts of these funds are to be earmarked for strengthening the position in the labour market for people with a foreign background. Special funds have also been allocated to the National Labour Market Board (AMS) for supplementary education/training for people with

120 Sverige, Integrationsverket (Swedish Integration Board), Rapport Integration 2001, p.105

121 Sverige, Sveriges Regering (Swedish Government). Skrivelse 2001/02:129 p.37

122 *ibid* p.38

123 *ibid*, p. 84.

124 *ibid*, p.38

¹²⁵ *ibid*, p 104

126 Sverige, AMS, Katarina Berggren och Abukar Omarsson, Rätt man på fel plats (Right man in the wrong place), Ura 2001:5

127 eg. working with something he or she has qualifications for.

128 *ibid*, p.4

higher education in professions where there is prevalence of labour shortages. Furthermore AMS has been instructed to undertake measure to counteract discrimination in employment service activities, as well as prepare a strategy for how to ensure that the efforts of the employment service for refugees and others born abroad are to be prioritised during the introduction period.

In 2001 there were no changes in the Swedish legislation concerning discrimination in the labour market. However, a special investigator has been working on proposals as to how the Council directive implementing the principle of equal treatment between persons irrespective of racial or ethnic affiliation to be applied in Sweden.

In the beginning of 2001, the Swedish Government, however, presented a National Action Plan against racism, xenophobia, homophobia and discrimination¹²⁹. In the national action plan the Government presents measures taken to combat racism, xenophobia, homophobia and discrimination on the basis of ethnicity and sexual orientation. The action plan also contains the relevant legislation and new practical initiatives, for example measures promoting the use of anti-discrimination clauses in contracts awarded in public procurement.

Within the framework of the Government's Big City policy, over 2 billion SEK is being made available in the period 2000-2004 with the focus on growth, employment and language training.

3.15.3 Acts of racial/ethnic discrimination in the employment sector

In 2001 the Ombudsman against Ethnic Discrimination completed 262 cases¹³⁰. 32 of these cases were solved through conciliation. In two cases in 2001 the Ombudsman applied for a summons to the Swedish Labour Court, in one of them conciliation could be reached. That case concerned an engineer of Iraqi background who was subject to ethnic harassment by his colleagues. Furthermore, he suffered wage discrimination. In addition, he was later unfairly dismissed. The Ombudsman sued the employer and the victim finally received 150 000 SEK in damages from the employer. This was the first case concerning ethnic harassment to be brought to the Swedish Labour Court¹³¹.

3.15.4 Good practice for supporting diversity

In 2001 the Swedish Integration Board launched a campaign addressing the employers' willingness to employ people of a foreign background. Furthermore, they have promoted the diversity work of the municipalities in the country. The Integration Board has made evaluations of how a number of employees work with diversity issues and how they have carried through their diversity plans.

Another initiative coming from the Swedish authorities is a diversity project that the Ministry of Industry, Employment and Communications has carried out, which resulted in the report *Alla*

129 Sverige, Sveriges Regering (Swedish Government), Skrivelse 2000/2001:59

130 Sverige, DO, Ombudsman mot etnisk diskriminering (Ombudsman against Ethnic Discrimination), årsrapport for 2001, p.10

131 Sverige, Svenska arbetsdomstolen, fall nr.. A 35/01

*lika olika – mångfald i arbetslivet (All equally different – diversity in working life)*¹³². The aim of the project was to map and describe how variables such as gender, age, class, ethnicity, sexual orientation and physical disability can affect work opportunities.

Among the most successful are the matching projects carried out by the Confederation of Swedish Enterprise. The main aims of these projects were to develop and show the employment offices that migrants who have been unemployed for a long time can obtain qualified jobs.

Africans in Sweden constitute one of the groups most subjected to ethnic discrimination in the Swedish labour market, according to many surveys and studies. In 2001 the Afro-Swedes' National Association initiated a one-year long project concerning the Africans' situation in the Swedish labour market. The main aim is to carry out a survey in order to identify possible long-term strategies for eliminating obstacles and improving the situation for the group as a whole in the labour market. The project will be completed with a conference and a report in 2002.

Yet another initiative to support and promote migrants in the labour market that started in 2001 is the campaign "*Immigrant women – a potential resource*", which was launched by the Kvinnor Kan (Women know) Foundation. The purpose of this campaign is firstly educational, e.g. to give girls of foreign background additional possibilities to obtain higher education by using mentors. Secondly, it is to offer migrant women qualified counselling in order to increase their possibilities in finding their occupational roles in the labour market.

3.16 UNITED KINGDOM

3.16.1 Migrants and minorities in the employment sector

The United Kingdom has a population of 59.75 million¹³³. The estimated size of the ethnic minority population in Great Britain was 4 million in 2000 – 7.1% of the total population. Half of the minority ethnic population (49%) were born in the United Kingdom; among those aged under 15 the proportion was nine out of ten¹³⁴.

The overall employment rate in the UK in 2000 was 74.7% - for men the rate was 79.5% and for women it was 69.5%. The ILO unemployment rate for spring 2000 was 5.5% (6.1% for men and 4.8% for women) and for the same quarter in 2001 it was 4.8% (5.3% for men, 4.2% for women)¹³⁵.

132 Sverige, Arbetsmarknadsdepartementets (Ministry of Industry, Employment and Communications), Skrivelse Ds 2000:69

¹³³ Population at mid 2000, United Kingdom, Office for National Statistics, General Register Office for Scotland and Northern Ireland Statistics and Research Agency. Available at <http://www.statistics.gov.uk/statbase/ssdataset.asp?vlnk=4166&B4.x=41&B4.y=14> (05.06.02)

134 Scott, A et al, (2001), The sizes and characteristics of the minority ethnic populations of Great Britain – latest estimates, in: Population Trends no. 105 (Autumn 2001) pp 6-15. Available at http://www.statistics.gov.uk/downloads/theme_population/PT105_v5.pdf (05.06.02)

135 United Kingdom, United Kingdom, Office of National Statistics Social Trends, Labour Market, 2002, vol 32 See website:

http://www.statistics.gov.uk/downloads/theme_social/Social_Trends32/Social_Trends32.pdf

With regard to ethnic minorities, the employment rate for spring 2001 was 57% (compared to 76% for the white population) and the unemployment rate for the same quarter was 11% (compared to 4% for the white population). For ethnic minority men the respective rates for spring 2001 were 66% employment and 12% ILO unemployment whereas for ethnic minority women they were 49% and 10%¹³⁶.

In the UK official data on ethnicity are collected on the basis of headline categories: White, Mixed, Asian, Black, Chinese and other. The Labour Force Survey of spring 2001¹³⁷ showed clear disparity in unemployment rates between the white population and ethnic minorities as a whole. It also showed that disparities between these ethnic categories can be considerable. For example, Hindus are almost twice as likely to be employed than Sikhs and Indian Muslims, and more than three times as likely to be employed than Pakistani and Bangladeshi Muslims. Minority groups from Indian ethnic origin are represented more consistently across all grades, those from Black Caribbean origin were significantly underrepresented at managerial and professional levels. Bangladeshis in particular appear significantly underrepresented at all levels¹³⁸.

27% of black workers and 18% of Asian workers are concentrated in lower managerial and professional roles¹³⁹. A study commissioned by the Runnymede Trust¹⁴⁰ revealed the extent to which ethnic minorities are limited to such roles, and are seriously under-represented in leadership positions. Reviewing 27 FTSE 100 companies employing 860,000 employees in the UK - 5.4% of employees were from ethnic minorities, compared to an estimated 6.4% in the population as a whole. However, only 3.2% of junior and middle managers come from ethnic minorities and there is an even lower representation (1%) in senior management.

Different ethnic groups are economically integrated to varying extents and unequally concentrated in certain types of occupation. According to the Labour Force Survey, Asian workers have experienced the greatest degree of economic integration as measured by occupational progression than other ethnic minority groups. They are more likely than any other group to occupy higher managerial and professional positions (17%), in comparison to white workers (13%) and the black labour force (11%)¹⁴¹. One in twenty Indian men are doctors compared to 1 in 200 white men¹⁴². Sixty per cent of Chinese men and 50% of Chinese women work in distribution, with both genders are slightly over represented in insurance, banking and business services¹⁴³. On the whole Asian workers tend to occupy high managerial positions because they are more likely to be self-employed or own account workers (12%), than the white work force (8%)¹⁴⁴.

136 United Kingdom, Office of National Statistics Labour Market Trends (March 2002), p.105 – see website: http://www.statistics.gov.uk/downloads/theme_labour/LMT_March02.pdf (20.05.02)

137 Ibid

138 Runnymede Trust (2000), *Moving on Up?* Summary available at: <http://www.runnymedetrust.org/publications/movingup.PDF> (15.05.02).

139 United Kingdom, Office of National Statistics Labour Force Survey (2001)

140 The study is entitled *Moving on Up? Racial Equality and Corporate Agenda*

141 United Kingdom, Office of National Statistics Labour Force Survey (2001).

142 United Kingdom, Cabinet Office (2002), *Ethnic Minorities And The Labour Market: Interim Analytical Report*.

143 Ibid, p. 36.

144 United Kingdom, Office of National Statistics Labour Force Survey (2001)

A recent published research report¹⁴⁵ stress that Pakistani and Bangladeshi workers are greatly over represented in the catering and textile industries. Fifty-two per cent of male Bangladeshi employees and self-employed workers are in the restaurant industry, compared to 1% of white men. Nine per cent of Bangladeshi men and 10% of Pakistani men are employed in the textiles and clothing industry. Nearly 20% Indian and Pakistani women are employed in the textile trade¹⁴⁶.

Black workers are more likely to be in semi routine occupations (18%), than Asian workers (17%) or white workers (14%) and feature largely in the transport, communication, public and voluntary sectors¹⁴⁷. Eighteen per cent of black male workers are in transport and communications compared with 9% of all men. Black people make up 10% of those employed in the voluntary sector and 6% of the public sector workforce (this sector includes the NHS, the civil service, the armed forces and local government)¹⁴⁸. White workers are more likely to be in lower supervisory and technical jobs (12%), in comparison to black workers (9%) and Asian workers (8%)¹⁴⁹.

All ethnic minorities have lower rates of activity for women than for men. White women have the highest rates of employment (70%). Black Caribbean women are an economic success story, with employment at 62%. They are followed by Indian women (56%) and Chinese women (56%)¹⁵⁰. Pakistani (32%) and Bangladeshi women (21%) are the worst off in the employment market¹⁵¹. Pakistani women have the highest rates of unemployment (20%), compared to black African women (18%), black Caribbean women (11%), Indian women (9%) and white women (5%)¹⁵².

The presence of qualifications makes a great difference to women from Pakistani and Bangladeshi ethnic origin as to whether or not they are in employment, 69% of those with a higher qualification were in employment compared with only 7% of those with no qualification¹⁵³.

The TUC report also noted that the difference in average weekly earnings of ethnic minority male workers in comparison to white male workers does not apply to their female counterparts. The average weekly earnings of black Caribbean women are £30 higher than white women, while African women earn on average £19 a week more, and Indian women £14 a week more than white women. However, in contrast Pakistani and Bangladeshi women earn £34 less a week than white women¹⁵⁴.

145 TUC (2000) Black and underpaid available, at <http://www.tuc.org.uk/equality/tuc-4653-f0.cfm> (06.06.2002).

146 Ibid, p. 2.

147 United Kingdom, Office of National Statistics Labour Force Survey (2001)

148 As cited by TUC (2000) Black and underpaid available, at <http://www.tuc.org.uk/equality/tuc-4653-f0.cfm> (06.06.2002).

149 United Kingdom, Office of National Statistics Labour Force Survey (2001).

150 Social Exclusion Unit (1998) Jobs for All, Department for Work and Pensions

151 Labour Market Trends (2001), p.429.

152 Social Exclusion Unit (1998), Jobs for All, Department for Work and Pensions

153 United Kingdom, Office of National Statistics Social Trends, Labour Market, 2002, vol 32, p.74, available at http://www.statistics.gov.uk/downloads/theme_social/Social_Trends32/Social_Trends32.pdf (20.05.02)

154 Ibid, p. 2.

3.16.2 Policies for integration of migrants in the employment sector

The most important change to the UK's legislation to promote racial equality in employment during 2001 was the entry into force of the new positive duties under the Race Relations Act 1976 (amended in 2000). The duties, which came into force on 2 April 2001, require specified public bodies (in effect almost all public sector organisations) to have due regard to the need 'to eliminate unlawful discrimination and to promote equality of opportunity between persons of different racial groups'¹⁵⁵.

While this general duty is not limited to employment, supplementary specific duties for certain public authorities¹⁵⁶ were introduced by regulation and came into effect on 3 December 2001. These duties require the affected bodies to monitor, by ethnic group, their existing staff, and applicants for jobs, promotion and training and to publish the results of this monitoring annually. Authorities with at least 150 full-time staff must also monitor grievances, disciplinary action, performance appraisals, training and dismissals. The Commission for Racial Equality will enforce compliance with these duties working in partnership with existing inspection bodies. The CRE has also produced guidance on ethnic monitoring based on the ethnicity questions used in the 2001 national census.

As the UK's current anti-discrimination legislation has been in place since 1976, the relevant case law is already well developed and so the jurisprudence which has emerged from the higher courts recently tends to be on specific technical issues such as which groups qualify for protection under the Race Relations Act. The 2000 amendment to the Race Relations Act is too recent to have generated any case law.

3.16.3 Acts of racial/ethnic discrimination in the employment sector

In each ethnic group - for both men and women - recruitment rates are much higher amongst those with qualifications than among those with none and are higher according to the level of qualifications attained. In comparison to white graduates with the same qualifications, ethnic minority graduates are up to five times more likely to get rejected in job searches¹⁵⁷.

Outcomes for ethnic minority people on Work Based Training for Young People are lower than for white people. Bangladeshi (37%), black African (37%) and Pakistani (39%) young people are least likely to be recruited compared to 63% of white participants¹⁵⁸. Similarly, ethnic minority people on Modern Apprenticeships (MA) are more successful in getting jobs than those on other training, but are less likely than whites to be in employment after training. 70% of black young people and 73% of Asians, gained employment compared to 84% of white MA leavers¹⁵⁹.

155 Section 71, Race Relations Act 1976 as amended

156 These are Government departments, local government, police, health, regulatory bodies, advice agencies, commissions, and non-departmental public bodies. Further and higher education institutions have a similar duty

157 United Kingdom, Cabinet Office (2002), *Ethnic Minorities And The Labour Market: Interim Analytical Report*.

158 Pathak, S (2002) *Race Research for the Future Ethnicity in Education, Training and the Labour Market*, Research Topic Paper, p.1.

159 Ibid

Britain's black workers continue to face inequality in pay, the overall difference between the average weekly earnings of white and black men is £97¹⁶⁰. Only Indian men are near the average weekly earnings of white men with a negative differential of £5. The largest gap is between the earnings of Pakistani and Bangladeshi men and white men, which is £150 per week¹⁶¹.

According to the Runnymede Trust all ethnic minority respondents reported occasions when they had felt excluded by colleagues or not supported by managers, and many had felt it was necessary to move companies to get on¹⁶².

According to the ILO the unemployment rate for ethnic minorities stood at 13% in spring 1999, two points higher than it was at the equivalent point in the economic cycle a decade previously. (Ethnic Minorities and the Labour Market: Interim Analytical Report, p.44).

While the existence of both direct and indirect racial discrimination in the UK labour market is not in dispute, it would be misleading to conclude that all differentials in achievement between white and non-white groups are the straightforward result of discriminatory practices. The fact that these differentials can be even greater between different minority ethnic groups, even between those closely related such as people of Indian, Pakistani and Bangladeshi origin, illustrates the complex interplay of factors behind the figures.

The Performance and Innovation Unit's Interim Analytical Report on ethnic minorities in the labour market¹⁶³ aims to assess the influence of structural factors on labour market achievement with reference to the experience of ethnic minorities based on available evidence. These structural factors include geographical distribution, gender balance, religion, age, and family structure¹⁶⁴ – in each of these areas the profile of minority ethnic populations differs from that of the majority population. The report also compares the levels of 'human capital' in different ethnic populations with particular emphasis on educational achievement.

3.16.4 Good practice for supporting diversity

The Government's Performance and Innovation Unit (PIU) has undertaken a study of ethnic minority participation in the labour market¹⁶⁵ across public, private and voluntary sectors. The interim findings of this study are discussed in section 6. Appendix K of the Interim Analytical Report lists some good practice examples in the voluntary sector¹⁶⁶.

The Trades Union Congress (TUC) has also been active in this area and has carried out work and published a number of reports on the experiences of ethnic minorities in the labour market.

¹⁶⁰ TUC (2000) Black and underpaid available, at <http://www.tuc.org.uk/equality/tuc-4653-f0.cfm>
161 *ibid*

¹⁶² Runnymede Trust (2000), Moving on Up? Summary available at:
<http://www.runnymedetrust.org/publications/movingup.PDF> (15.05.02).

¹⁶³ United Kingdom, Cabinet Office (2002), Ethnic Minorities And The Labour Market: Interim Analytical Report

¹⁶⁴ *Ibid*, p. 19

¹⁶⁵ For more information see website: <http://www.cabinet-office.gov.uk/innovation/2001/ethnicity/about.html> (10.05.02)

¹⁶⁶ Cabinet Office (2002), Ethnic Minorities And The Labour Market: Interim Analytical Report, p. 221. Available at: <http://www.piu.gov.uk/2001/ethnicity/interim.pdf> (15.05.02)

This work has covered areas such as racist abuse¹⁶⁷, racial discrimination more generally¹⁶⁸, the effectiveness of policy responses¹⁶⁹ and, most recently, pay differentials between ethnic groups¹⁷⁰.

Focusing on the private sector, Business in the Community's Race for Opportunity¹⁷¹ campaign works through a national network of 170 organisations in the UK to promote race and diversity as a business agenda. Supporters include major companies, the main high street banks and financial institutions, and major retailers. The Race for Opportunity website provides some interesting case study examples.

A global management and human resources consulting firm, has organised comprising over 30 UK private sector companies with recognised expertise in the field of equal opportunities. This Group seeks to develop best practice and engages with Government on behalf of its members¹⁷².

The CRE has also convened a Business Advisory Group with representatives of a number of the UK's major corporations. The CRE's Leadership Challenge standard, which was first launched in 1997, is currently being revised and will be targeted at leveraging good practice into private sector organisations.

There is a relative lack of hard information on equal opportunities and ethnic diversity in the private sector – those organisations, which do monitor their employees' ethnicity tend not to publish their results. The Runnymede Trust¹⁷³, looked at the representation of ethnic minorities in the senior ranks of the FTSE 100 companies with reference to best practice policies and potential barriers to advancement. This was followed up 18 months later with further research whose findings are summarised in the Widening the Talent Pool briefing paper¹⁷⁴.

3.17 OTHER INITIATIVES WHICH MAY LEAD TO GOOD PRACTICE IN EMPLOYMENT

3.17.1 Denmark: The Jobinterview.dk (Jobsamtalen.dk)

The Board for Ethnic Equality has established a new nationwide project in co-operation with the organisation "Foreningen Nydansker" (The Association for Integration of New Danes on the Labour Market). The project consists of the development of a web site - www.jobamtalen.dk.

¹⁶⁷ Root out Racism hotline. Report available TUC (2000), Exposing Racism at Work. Available at: <http://www.tuc.org.uk/equality/tuc-761-f0.cfm> (15.05.02)

¹⁶⁸ TUC (2000), Qualifying for Racism. Available at: <http://www.tuc.org.uk/equality/tuc-389-f0.cfm> (15.05.02)

¹⁶⁹ TUC (2001), Black Workers Deserve Better. Available at: <http://www.tuc.org.uk/equality/tuc-3060-f0.cfm> (15.05.02)

¹⁷⁰ TUC (2002), Black and underpaid. Available at: <http://www.tuc.org.uk/equality/tuc-4653-f0.cfm> (15.05.02)

¹⁷¹ For more information see website: <http://www.raceforopportunity.org.uk/index.html> (12.05.02)

¹⁷² For more information see website: http://www.orcinc.co.uk/networks_eo_vanguard.htm# (14.05.02)

¹⁷³ Runnymede Trust (2000), Moving on Up? Summary available at: <http://www.runnymedetrust.org/publications/movingup.PDF> (15.05.02)

¹⁷⁴ Runnymede Trust (2002), Widening the Talent Pool. Not available currently on line.

The web site communicates knowledge on the interaction between ethnic minorities and employers when they "meet" in the course of employment.

The objective is to make the inclusion of ethnic minorities on the labour market easier by increasing both employers' and ethnic minorities' understanding and knowledge of the job interview. The web site contains descriptions of concrete experiences and tips to both job applicants and managers of the secretariats of recruitment. Thus, the project has an agenda to support the self-organisation of the groups it supports. The goal is to give job applicants from the ethnic minorities the opportunity to present their skills at a job interview. Jobsamtalen.dk assists in turning the interview into a doorway instead of a barrier for ethnic minorities.

Contact: Nævnet for Etnisk Ligestilling; Board for Ethnic Equality, Frederiksborggade 15 / 3 ; 1360 Copenhagen K, Denmark, Tel: +45 33 95 67 00, Fax: +45 33 95 67 08, Email: nel@inm.dk, website: <http://www.inm.dk>

Foreningen til Integration af Nydanskere på Arbejdsmarkedet, The Association for integration of New Danes on the Labour Market, Rådhusstræde 4A, 1466 Copenhagen K, Denmark, Tel: +45 33 93 43 83, Fax: +45 33 93 43 42, E-mail: pk@foreningen-nydansker.dk, website: <http://www.foreningen-nydansker.dk>

3.17.2 Germany: “Focal Point for Vocational Qualification of Migrants”

(“Initiativstelle Berufliche Qualifizierung von Migrantinnen und Migranten”) (IBQM) The “Focal Point for Vocational Qualification of Migrants” which is affiliated to the Bundesinstitut für Berufsbildung (The Federal Institute for Vocational Training) is part of the federal programme “Kompetenzen fördern – Berufliche Qualifizierung von Zielgruppen mit besonderem Förderbedarf” (Promoting competences – Vocational qualification of target groups with special requirements). The aim of the focal point is to improve the vocational qualification of immigrants. It helps young immigrants in the fields of professional orientation and training. IBQM also supports the setting up of local and regional advice centres for young working immigrants.

Contact: Bundesinstitut für Berufsbildung Bonn, Initiativstelle Berufliche Qualifizierung von Migrantinnen und Migranten; BIBB - Bundesinstitut für Berufsbildung Hermann-Ehlers-Str. 10 - 53113 Bonn ; Germany, Tel: +49 (0)228 107 0, Fax: +49 (0)228 107 29 77, Email: ibqm@bibb.de, website: <http://www.bibb.de>

3.17.3 Netherlands: Wet Samen

The most comprehensive legal tool to bring about proportional representation of ethnic minorities in the labour market is the Act on the Stimulation of Participation of Minorities in the labour market (*Wet stimulerend arbeidsdeelname minderheden - Wet SAMEN*), which came into force in January 1998. The Act requires labour organisations, both public and private, to build up their labour force in such a way that it reflects the ethnic composition of society in the region. It is compulsory to register the ethnic background of the employees and to send an annual report to the Regional Labour Authority describing the situation in the company. The Act does not provide for sanctions, and a number of companies do not comply with the requirements but an estimated 72% of the organisations complied with the obligations under the Act in 2001. An analysis of the submitted reports shows that those companies which do comply with the SAMEN requirements have taken measures in the field of recruitment and selection

(46%), analysis and research (17%), career development policies (11%) and codes of conduct (11%). Actual proportional representation is reached in only a few cases.

Wet SAMEN can be seen as an update of the 1994 *Wet Bevordering Evenredige Arbeidsdeelname Alloctonen (WBEAA)* (Fair Employment of Ethnic Minorities Act 1994). The Act aimed at encouraging individual employers to employ more ethnic minorities in their workforces. Employers with more than 35 employees had to strive for equal representation of persons from ethnic minorities within the company. The percentage of ethnic minorities should be equivalent to the percentage of ethnic minorities in the workforce of the specific region. For the area of each *Regionale besturen arbeidsvoorziening (RBA)* (Regional Employment Office) a proportionality rate was stipulated and broken down by hierarchical levels. The Act obliged the employers - including government departments - a) to register ethnic minorities separately within the workforce; b) to draw up a written report on the representation of ethnic minorities within the company's workforce; and c) to set up a plan to improve the participation of ethnic minorities at all levels of the workforce. The main target groups of this Act were ethnic minorities from Surinam, Morocco, Turkey, Vietnam, Somalia, Ethiopia, Iran and Iraq.

Different evaluations of the *WBEAA* indicated that only about 14% of the employers have complied with the entire Act, although around 50 per cent of all employers have started to register their ethnic work force separately (cf. Berkhout et al. 1996). Due to the relatively small success of the law and the pressures from the private economy the Dutch government decided in 1996 to amend the law.

The main aim of the new Act is to improve the labour market position of ethnic minorities, by the means of changing the sectoral infrastructure. The agreement also emphasises the role of work councils in education and training policy and in combating racial discrimination in general as it affects access to employment.

More information: <http://www.lbr.nl/internationaal/antidiscclaw.html> , <http://www.wetsamen.nl/>

Contact: National Bureau against Racial Discrimination (LBR), Schaatsbaan 51, 3013 AR Rotterdam, Netherlands, Tel: +31 (0) 10 201 02 01, Fax: +31 (0) 10 201 02 22, E-mail: info@lbr.nl, website: <http://www.lbr.nl>

3.17.4 Portugal: e.plus – Mediation for equality in the employment sector

e.plus aims by offering mediation to different organisations working with social excluded groups, e.g. police, local authorities, NGOs, to create innovative tools to promote the professional inclusion of underprivileged target groups. These may be used, among others, by experts in the private and public sectors involved in the demand and supply dynamics of the employment sector.

Therefore, the target groups are human resources departments in private firms, experts in social security services and in Employment Centres, as well as teachers and other school members, Town Hall experts and NGO experts.

The target groups that will benefit indirectly with this project will be: long-term unemployed, those on minimum income and ethnic minorities and women.

The expected results are a sustained and progressive integration of inclusive practices in the field of socio-professional intermediation. Another specific result that is sought is the reduction

of discrimination practices, still transmitted by many public and private agents. The results will be disseminated through advertising campaigns, papers, Internet.

Other expected outcomes are the creation of a toolbox, in Video and CD-Rom, on interculturality and inclusive practices and on forms of enabling the recruitment of groups that are usually targets of discrimination by employers.

Contact: INDE – Cooperative Organisation for the Intercooperation and Development I
1700-213 Lissabon, Portugal, Tel: +35 1 21 843 58 70, Fax: +35 1 21 843 58 71, Email:
inde@inde.pt Website: <http://www.inde.pt>

3.17.5 Sweden: Ombudsman against Ethnic Discrimination in Employment

The Ombudsman against Ethnic Discrimination (DO) was established in 1986. The Ombudsman covers a broad target group including all individuals and agencies in the working life. The specific Civil Law concerning measures against ethnic discrimination in working life not only includes anti-discrimination elements but also measures of awareness raising. Employers and other institutions are directly asked to implement measures promoting cultural diversity at the work place. Thus the law has a strong focus on prevention of discrimination rather than only reacting to discrimination when it happens. The DO, who is responsible for monitoring the law and registering all complaints brought, secures accountability and regular evaluation of the impacts of the law. To this end a specific reporting system has been created. The reports are published, thus guaranteeing high transparency. The predominant role of the DO in the implementation and monitoring of the law has also supported its high visibility and publicity. However besides the efforts of the DO to ensure that the law is known across the labour market, e.g. by publishing regular information brochures on the law, there are still businesses and sectors of the labour market, which are not informed about the law. Although the law has had its greatest impact in the public sector because of strong support by higher-level management, it is also aimed at other sectors. Finally there is a high potential for mainstreaming: similar laws could be used in other areas of society, regarding other fields besides the work place concerning ethnic or other forms of discrimination. Indeed there is the idea to develop a common law for different forms of discrimination regarding the labour market as well as setting up a comprehensive overall anti-discrimination law. This is supported by the idea to appoint a special Ombudsman responsible for all forms of discrimination outlined in Article 13 of the Amsterdam Treaty.

More Information: Sveriges rikes lag. Norstedts Juridik AB, Kundservice, 106 47 Stockholm, Sweden. E-mail: kundservice.njab@liber.se, order: fritzes@liber.se. Lagtexter finns även på <http://www.do.se>

Contact: The Ombudsman against ethnic discrimination, Katarina Bangata 79, 11642 Stockholm, Sweden, Tel: +46 (0)8 556 095 00, Fax: +46 (0)8 556 095 01, E-mail: mail@do.se, website: <http://www.do.se>

3.17.6 Diversity Management – urgently needed good practice on the work place

One of the most promising new developments in management concepts and practices that are at the same time urgently needed is “Diversity Management”. As a report published recently by

the Swedish National Institute for Working Life states; this new branch of management practice stresses the necessity for recognising cultural differences between groups of employees, and making practical allowances for such differences in organisational policies¹⁷⁵. It is characteristically different from previous equal opportunity and affirmative action approaches, as it is primarily a strategy for improving organisational competitiveness and efficiency, driven by business purpose and market advantage. The idea is that encouraging an environment of cultural diversity where peoples' differences are valued enables people to work to their full potential in a richer, more creative and more productive work environment.

The main stimulus for diversity management has been the demographic changes facing the US and Western Europe, in the context of globalisation and the increasing internationalisation of trade and markets. In the previous era, homogeneity in large corporations was seen as normal and desirable. Now, in the context of globalisation and a shift towards "knowledge based" economic activity, diversity in workforces becomes a positive advantage. Creativity, innovation, the exchange of new ideas and entrepreneurship are all promoted by diversity. Probably the single most important and evident benefit of diversity management is that it makes recruitment and retention of labour easier at times of labour and skill shortages. The costs of recruitment have been shown to be significantly reduced, along with the costs of excessive labour turnover and absenteeism. A survey of organisations in the UK has shown that the retention of staff and the creation of an organisational culture, which improves morale are the most frequently cited benefits of a diversity policy. There are cases where companies, even small ones, who have moved to a more ethnically diverse workforce, have seen the benefits in terms of increased sales to an increasingly ethnically diverse customer base, and a diverse workforce can be a real benefit in accessing new international markets. Furthermore, European manufacturers are finding that their corporate clients in the US increasingly expect their European suppliers to have a diversity management policy in place. A lack of awareness here can put major orders at risk.

European organisations such as the European Business Network for Social Cohesion, or the Centre for Business and Diversity in London, work to disseminate good practice across Europe on 'diversity issues' and promote the key contribution of diversity management to business and organisational development.

3.18 GENERAL CONCLUSIONS

One major conclusion to be drawn from the reports in the 15 EU Member States is that the situation for migrants and minorities demands a lot more attention and remedial action. The fact that migrants experience poorer incomes, lower levels of labour force participation and greater risks of unemployment than the majority population is not new, but continues to be of great concern. The national reports also provide evidence that the high unemployment rates of migrants are not only an indication of general problems of discrimination but also with specific discrimination during different stages of the recruitment procedures in a number of Member States.

¹⁷⁵ Wrench, J. "Diversity Management, Discrimination and Ethnic Minorities in Europe: Clarifications, Critiques and Research Agendas", National Institute for Working Life, Stockholm (forthcoming 2002).

Specialised bodies record increasing numbers of complaints on ethnic discrimination. One reason is the fact that such institutions are becoming more and more established and are becoming known to the public. The EUMC underlines that one of the most important issues for migrants and minorities in the EU is to have institutions that will help people claim their right for equal treatment. Such institutions are urgently needed in all EU Member States. However, to establish institutions is not enough, clear policies must be developed and harmonized and enough resources given in order for them to perform their tasks effectively.

Another major conclusion to be drawn from the national reports is the fact that there is an impressive amount of on-going activities to improve the situation in the labour market and the employment sector. Many good practices have been identified. The EUMC welcome this and will continue collecting and disseminating best practice to all.

The following observations need to be further investigated and examined by the EUMC:

- The connection between unemployment and ethnic/racial discrimination
- Discrimination in different sectors of the labour market and the employment sector
- The traces of the ethnic groups with a positive development
- Successful court cases
- Specific minority and migrant risk groups
- The connection between ethnicity/ "race" and other individual variables, such as age, gender, class, religious and cultural belonging and risks of discrimination
- The growing competition between old and new migrants
- The impact on the growing numbers of undocumented migrants in the informal economy.
- Recognition of professional qualifications of immigrants
- Attitudes towards migrants and minorities in the Labour unions and their members
- The consequences of increasing immigration from the Eastern European countries

The EUMC included them in its the work programme for 2002 further work on the Labour market and the Employment sector.

4 ANNEX

THE EUMC DATABASE

4.1. The EUMC database

Website: <http://lars.eumc.at/LARS/HTML/start.htm>

The construction of the EUMC database was started in 2001 and is now open to the public. The database uses information collected by the RAXEN National Focal Points. The first activity for the RAXEN National Focal Points was to identify and document the already existing “infrastructure” (= what is known, where and by whom, and what activities have been done or are ongoing) in the field of combating and researching racism, xenophobia and anti-Semitism in each Member State since 1995.

The database is divided into four subsets:

- The first is **Mapping Organisations** and contains general information on organisations involved in activities against racism, xenophobia and anti-Semitism in all Member States. You will find the name, acronym, address and all the coordinates to contact them, and also a short description of what they are doing. It is also convenient to directly send e-mails to them or visit their homepage by just one mouse click.
- The second is **Mapping Activities**, which contains information about “good practices” and other activities, such as fieldwork projects, campaigns, studies etc. carried out by each organisation of since 1995.
- The third subset **Mapping Data** gives information about databases available, such as statistics, interviews, videos, etc. collected by each organisation in the course of its activities.
- The fourth subset **Mapping Publications** contains references of publications including brochures, articles and information material produced by each organisation since 1995.

The scene is constantly changing and the “mapping” has an evolving character. The National Focal Points are currently engaged to continue and update the data collection within the Mapping Exercise.

In 2001 the database did not enable the user to jump between the subsets (there was no relational structure), but for the second half of 2002 new data management software will be available. With the new software all types of data (organisations, activities, data and publications) will be linked to each other and one can search for all types of information in one database.

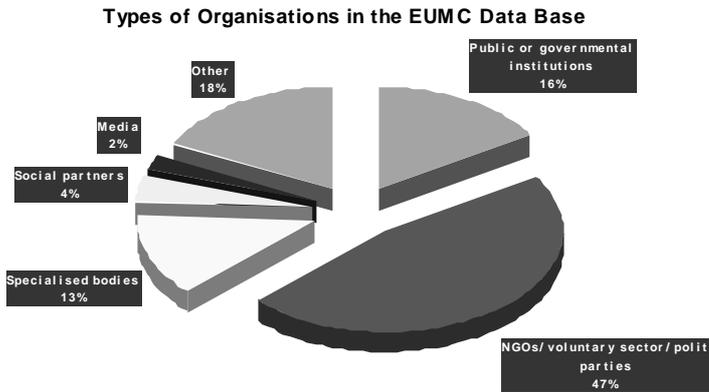
Further information about the RAXEN network and the Mapping Exercises can be found on the website of the EUMC.

General description of RAXEN: <http://eumc.eu.int/projects/raxen/raxen.htm>

Mapping Exercise: <http://eumc.eu.int/projects/raxen/outcome/mapping-details.htm>

4.2 Organisations and their activities

There are 1,364 organisations identified by the RAXEN National Focal Points in the Community and its Member States active in the struggle against racism, xenophobia, anti-Semitism and discrimination. Graph 1 describes the proportions of active organisations in the EU divided into types of organisations. The non-governmental organisations, including the political parties, is the major category, making about half of the total active organisations identified.

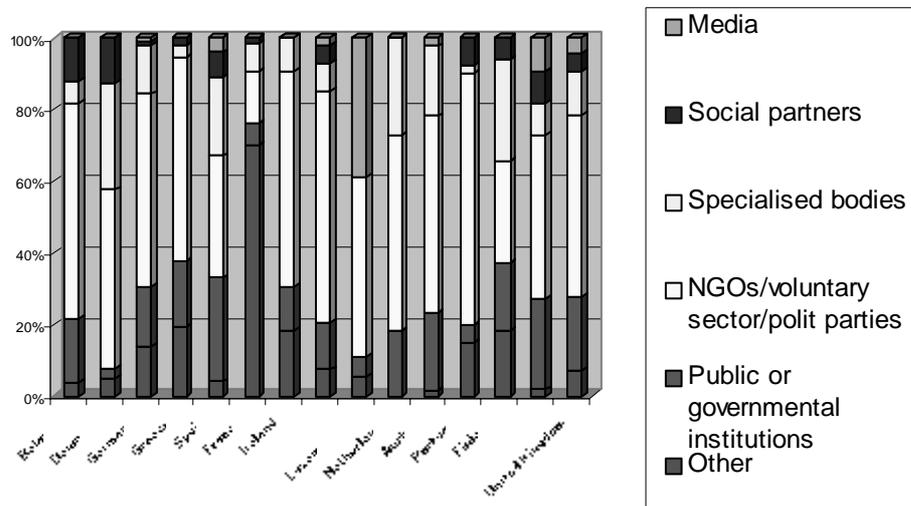


Graph 1 Organisations active in combating racism and xenophobia in the EU Member States, by category.

The struggle against racism and xenophobia in 15 EU Member States engages a variety of organisations. In some countries specialised bodies play an important role while in other countries the role of the public or governmental institutions are more apparent. However the category that plays the major role is the non-governmental organisations in all of the 15 EU Member States, which is illustrated in graph 2¹⁷⁶.

¹⁷⁶ The large amount of “other organizations” for France is to be further specified.

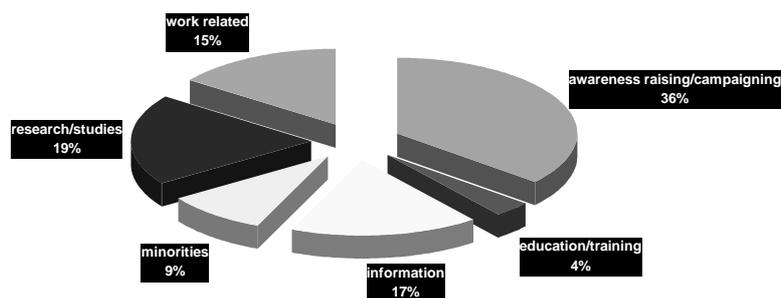
EUMC Data Base: Composition of organisations reported by country



Graph 2. Organisations active in combating racism and xenophobia in the EU Member States, by category and by country.

The struggle against racism and xenophobia in the EU Member States takes different forms. Many organisations are engaged in several parallel activities. In graph 3 the most frequent types of activities are presented, showing that about one third of all activities used in the struggle is awareness raising and campaigning, and that research makes up one fifth of the activities.

Most frequent types of activities (overlapping)



Graph 3 Types of activities combating racism and xenophobia in the EU Member States.

Part II

Activities of the European Monitoring Centre on Racism and Xenophobia

1 MAJOR OPERATIONAL EVENTS

1.1 RAXEN

1.1.1 Developments in 2001 (RAXEN2 phase)

In 2001 the EUMC completed the establishment of the RAXEN network to include 15 National Focal Points, one in each Member State. The key steps in the process were:

- Launch of a call for tender to establish National Focal Points (NFPs) in all 15 EU Member States to perform the data collection in the fields of Racial Violence, Employment, Education and Legislation and of the “mapping exercise”
- Establishment of NFPs in 15 countries
- Carry out of data collection and “mapping exercise”
- Rapid response activity on Islamophobia in the EU
- Preparation of the RAXEN3 phase (year 2002).

Launch of a call for tender to establish National Focal Points in all Member States to perform the data collection and the “mapping exercise”

The call for tender, which described in detail the role and tasks of an NFP, was launched in February 2001 for all 15 EU Member States.

The NFPs are the entry points for the EUMC at national level regarding data collection. They are required to set up a national information network, which includes cooperation with the main actors in the field, being either governmental institutions, NGOs, research bodies, specialised bodies or social partners. In this way the NFPs are the national coordinators for data collection. The call for tender required that the NFPs have good knowledge and experience in the field and that they are able to fulfil the role as recognised partners in the national context.

Following call for tender the EUMC received 21 applications from all Member States. A selection committee of experts in the field, representatives from the European Commission and staff of the EUMC met in April 2001 and evaluated the applications according to predefined criteria.

Establishment of the 15 National Focal Points

The selected 15 National Focal Points were contracted in June 2001 (one year contracts, renewable up to three years). They represented very different types of organisations: in some countries a public research institution or a specialized body was the main partner, whereas in others an NGO was the leading organisation. These are the selected NFPs:

BELGIUM:	Centre pour l'égalité des chances et la lutte contre le racisme / Centrum voor gelijkheid van kansen en voor racismebestrijding (CEOOR)
DENMARK:	Centre for Equal Opportunities and Opposition to Racism Nævnet for Etnisk Ligestilling (NEL) The Danish Board for Ethnic Equality
GERMANY:	Europäisches Forum für Migrationsstudien (efms) European Forum for Migration Studies
GREECE:	Information Centre for Racism, Ecology, Peace and Non-Violence (Infocenter)
SPAIN:	Movimiento por la paz, el desarme y la libertad (MPDL) Movement for peace, disarmament and liberty
FRANCE:	Agence pour le développement des relations interculturelles (ADRI) Agency for the development of intercultural relations
IRELAND:	National Consultative Committee on Racism and Interculturalism (NCCRI) and Equality Authority (EA)
ITALY:	Cooperazione per lo sviluppo dei paesi emergenti (COSPE) Co-operation for the Development of Emerging Countries
LUXEMBOURG:	Association de soutien aux travailleurs immigrés (ASTI) Association for the support of immigrant workers
THE NETHERLANDS:	Dutch Monitoring Centre on Racism and Xenophobia (DUMC)
AUSTRIA:	Research Center "Discourse, Politics, Identity" (DPI), (located at the Austrian Academy of Sciences (ÖAW) in cooperation with the Institut für Konfliktforschung (IKF) and Ludwig Boltzmann Institut für Menschenrechte (BIM)
PORTUGAL:	NUMENA – Centro de Investigação em Ciências Sociais e Humanas NUMENA - Research centre on human and social sciences
FINLAND:	Ihmisoikeusliitto Ry Finnish League for Human Rights
SWEDEN:	EXPO – Foundation
UNITED KINGDOM:	Commission for Racial Equality (CRE)

Data collection activity and “mapping exercise”

The tasks of the 15 NFPs for 2001 consisted of data collection and (for the eight countries where this was not done in the year 2000) the “mapping exercise”.

The purpose of the **data collection** is to identify the key aspects of racism, xenophobia, anti-Semitism, and direct and indirect discrimination, and to show their development trends. Its aim is not to gather every piece of information available on racism, xenophobia and anti-Semitism, but rather to document and collect the most essential and interesting data from a monitoring perspective. In 2001 the data collection focused on four priority areas:

- Racial violence
- Employment Sector
- Education
- Legislation

In each area the NFPs collected three kinds of data relating to the whole of 2000 and as much of the year 2001 as allowed by data availability:

- statistical data,
- descriptive and analytical (mainly textual) information: findings from research activities, opinion polls and other enquiries, and
- information on conferences, campaigns, events.

The data collection activity took place according to guidelines produced by the EUMC, which foresaw a two-layered approach. According to the type of the collected material, the reporting and transmission methods could be:

- templates (Excel datasheets): which were used to report the sources and give a short description of statistical data sets, descriptive and analytical information and other material;
- full text (original documents): which was material rated of the highest importance or quality, whether statistics, descriptive and analytical information and other material. This material was sent in electronic format or in hard copy to the EUMC.

The EUMC received the results of the data collection by the end of 2001.

Apart from the data collection a “**mapping exercise**” was carried out in the eight countries where no mapping exercise had taken place in 2000.

The objective of the “mapping exercise” is to identify and document what is known, where and by whom, and what activities have been or are going on in the field of combating racism, xenophobia and anti-Semitism in each Member State since 1995. It provides an overview of the national organisations or bodies, both public and non-governmental, involved in the fight against racism, xenophobia and anti-Semitism, their activities, their data archive and publications in all EU countries.

The NFPs were asked to provide the EUMC with the following information:

- Contact data for organisations active in the field of racism, xenophobia and anti-Semitism, and general information on their objectives and field of activity;

- What activities each organisation has carried out since 1995, with a focus on "best practices"?
- What data have been collected by each organisation in the course of its activities?
- What publications have been produced by the organisations?

The work of the NFPs was guided by a set of questionnaires, developed by the EUMC. The "mapping exercise" is intended to be used as a working tool for anyone involved or simply interested in the field of combating racism, xenophobia and anti-Semitism in the EU. It can be used to help identify, for example, what organisations work in a certain area, what projects have been conducted on a certain topic, what data or publications are available on a certain issue, etc. The results of the "mapping exercise" in the 15 Member States, which were delivered to the EUMC by the end of 2001, are available on the EUMC website. These can be accessed either by downloading the complete Excel sheets containing all data country by country from the web page:

<http://eumc.eu.int/projects/raxen/outcome/mapping/>

Or carrying out a result search using keywords on the web page:

<http://eumc.eu.int/projects/raxen/outcome/mapping/mapping-lars.htm>

A user-friendly presentation of the data collection and "mapping exercise" results is under development.

Rapid response activity on Islamophobia in the EU

Following the 11 September 2001 terrorist attacks in the USA the EUMC asked the NFPs to prepare at short notice a report on the situation of the minority communities (and in particular the Islamic community) in their respective country, in particular regarding the three following points:

- acts of violence or aggression and changes in the attitude of the EU population towards ethnic, cultural, religious minorities, especially Muslim/Islamic communities but also other vulnerable groups or new types of victims, related to the recent terrorist attacks in the USA
- good practices for reducing prejudice, violence and aggression
- reactions by politicians and other opinion leaders including initiatives to reduce polarization and counteract negative national trends.

A summary report, showing an increase in both verbal and physical attacks against Muslims in some countries, was produced and distributed to the public together with a press release on 4 October 2001.

The NFPs have been further asked produce two more monthly reports in 2001 (end of October and end of November) and a summarising report on the whole period 11 September – 31 December. The first of these reports was published on 28 November 2001.

All country reports and a comparative study on the results are available on the web page: <http://eumc.eu.int/publications/terror-report/index.htm>

Preparation of the RAXEN3 phase (year 2002)

In November and December 2001 the EUMC worked on the preparation of new guidelines for the tasks to be performed by the NFPs during RAXEN3 (year 2002). The draft guidelines were

discussed with the NFPs at the November and December 2001 meetings and further modified in view of a final discussion at the NFP March 2002 meeting.

Before the end of 2001 the EUMC informed the NFPs of its intention to renew the RAXEN contract for the year 2002. At the same time the EUMC launched a peer review of the RAXEN2 (2001) results with the aim of producing recommendations for the improvement of the NFP work during RAXEN3 (2002).

1.2 ROUND TABLES

In addition to the National Round Table Conferences outlined below, three special Round Table events were held in 2001:

- The European Round Table Conference on 20-21 September 2001, in Vienna
- A Workshop for Round Tables on the Key Issue “Intercultural Competence” on 26-27 April 2001, in Vienna
- The first bi-lateral Round Table Conference: the French-German Round Table on 11 June 2001, in Freiburg, Germany

1.2.1 National Round Table Meetings in 2001

Belgium hosts regular Round Table and Experts’ meetings on a regular basis organized by the “*Center for Equal Opportunities and the Fight Against Racism*” in Brussels several times per year. Cooperation with EUMC on the agenda and input for these meetings will be strengthened next year.

Denmark held its annual *Baton Conference* for more than 900 participants (to include participants from other Baltic States and international guests) on 26 March 2001 in Aarhus, Denmark. The tradition of integration and tolerance in the city of Aarhus was highlighted. “*Racism in the Media*” was discussed as a special topic in one of the workshops.

Germany hosted two Round Table meetings on 20 March 2001 in Frankfurt/Main and on 4 December 2001, in Berlin, in addition to the bi-lateral German-French Round Table. The two national meetings focused on, among other subjects, new integration policy, the follow-up of the World Conference on Racism, anti-Muslim reactions after the terrorist attacks and the process of implementation of EU anti-discrimination legislation.

Greece held its second Round Table meeting on 13 October 2001, in Athens with representatives from the national Media and specialized organizations.

France: continuously convenes a monthly Round Table on issues of national interest under the auspices of the Subcommission on Human Rights. Among the focus areas were the implementation of anti-discrimination legislation and the preparation of the first French-German bi-lateral Round Table.

Ireland hosted its fourth National Round Table on 6 November 2001, in Newry, N.I., convening the relevant organizations and experts from the Republic of Ireland and Northern Ireland in order to develop a joint action plan against racism and discrimination. This joint Irish

conference provided a good opportunity for cooperation and developing a common agenda for Ireland on the basis of the Irish Equality Act and anti-discrimination legislation. In addition, a regional conference was held in the Republic of Ireland.

The Netherlands convened a National Round Table on 12 December 2001, in Leiden.

Emphasis was put on the rise of popularity for right-wing parties and how to encounter this tendency in the Netherlands and in Europe. Other issues included anti-discrimination legislation, registration of xenophobic violence and racist incidents, and the follow-up of the World Conference on Racism.

Austria hosted a Round Table Meeting on 19 October 2001, in Vienna and initiated a new network of cooperation for information exchange. A platform was created for specialized working groups on key issues.

Portugal held its second Round Table Meeting on 4-5 July 2001, in Porto. Representatives from the Government, NGOs, the academic community and specialized organizations discussed measures to combat racism and xenophobia.

Finland held its second Round Table meeting with the title “New challenges in the fight against Racism and Discrimination” on 10 December 2001, in Hanasaari featuring a number of top-ranking representatives from the National Government. It addressed the concerns arising from terrorist attacks and a follow-up on the World Conference on Racism.

The **United Kingdom** held its fourth Round Table meeting in Cardiff on 17 July 2001, focusing on regional initiatives and their involvement in anti-discrimination activities. It also addressed WCAR issues. The fifth National Round Table meeting was held on 3 December 2001, in London. This meeting covered the status of implementation of EU-legislation, immigration and asylum policies and community cohesion. This meeting also constituted the second formal collaboration between the UK Secretariat of the EUMC and ECRI.

French-German bi-lateral Round Table Conference

The first bi-lateral Round Table meeting between EU Member States took place on 11 June 2001, in Freiburg, Germany in the context of the 77th Franco-German Heads of State Summit.

This conference provided an exemplary signal on the importance of the issue and the fight against intolerance and discrimination both on the national and the European level.

It was considered an example of “good practice” by the European Round Table Conference and recommended joint action by other Member States.

Key representatives from Governments, NGOs, specialized bodies, social partners, the academic communities, migrant’s/minority organisations, representatives of religious denominations and civil society participated in this conference which featured three workshops in the following areas:

- Prevention – Models of Intercultural Education for Democracy and Tolerance
- Support for Victims (legal advice and representation, and psychological support)
- Combating discrimination (access to housing, employment opportunities, education and public services)

The next French-German Round Table meeting will be hosted in France at the end of 2002.

1.2.2 European Round Table Conference 2001

The second European Round Table Conference took place on 20-21 September 2002 in Vienna. Representatives of national Round Table organisations from all EU Member States participated in the Conference. Workshops focused on the following four areas:

- Possibilities of Cooperation between NGOs, National Round Tables and Private Foundations
- The European Network Against Racism and Xenophobia (RAXEN) and its interaction with national Round Table Organizations
- European Measures Against Racism and Xenophobia: The Race Directive in accordance with Article 13, Treaty of Amsterdam and the process of implementation
- The Charter of Political Parties Against Racism and Xenophobia

Conclusions and recommendations of conference - on the theme of Creating a Platform for a Joint Strategy and Action Agenda of Round Table Organisations - were to:

- Strengthen the consultative aspect of national Round Tables with regard to the National level and with the EUMC
- Establish “minimum requirements” for the structure of national Round Tables, such as the inclusion of at least one European issue in the Round Table discussions;
- Cooperate on key-issues
- Establish working groups on key issues that are open to a wide range of participants and report back to EU and national Roundtables;
- Encourage the establishment of other EUMC Secretariats (as in the U.K. and the Netherlands)
- Include European issues in the national Round Tables by active participation of the EUMC
- Initiate a new approach via the National Governments and the Management Board Members to strengthen support for Round Table organisations
- Encourage multi-lateral Round Table meetings (like the French-German bi-lateral Round Table)
- Facilitate the participation of minorities in the national Round Tables and the creation of working groups for key issues.

1.2.3 Workshop for Round Tables on Intercultural Competence

During the European Round Table Conference 2000 “Intercultural Education” was identified as a key issue. EUMC, therefore, organized this workshop for delegates and experts from the National Round Table organisations on 26-27 April, 2001, in Vienna.

The purpose was to facilitate the exchange of good practice in the area of intercultural competence and diversity training.

During special presentations models of intercultural competence were introduced and discussed and an exchange of “good practice” in this field was facilitated.

1.3 DOCUMENTATION AND LIBRARY

In 2001 the EUMC built up the first elements of its documentation centre and archive. The first step was the implementation of two searchable databases on the EUMC website. The first is available to the general public and the second to EUMC staff only.

The EUMC Mapping Exercise database covers the results of the Mapping Exercises done by the first seven National Focal Points (Germany, Greece, Ireland, Netherlands, Austria, Finland and the United Kingdom) in 2000. The Mapping Exercise resulted in a collection of data about who is doing what and where in fighting or researching racism and xenophobia. (See also 1.1.1)

This database is divided into four subsets.

- First, Mapping Organisations. This contains general information on organisations involved in activities against racism, xenophobia and anti-Semitism in all Member States. In most cases the user can directly send an e-mail or can visit the website of the organization identified by only one mouse click.
- Second, the database Mapping Activities provides information on “good practices” and activities, such as fieldwork projects, campaigns, studies etc. carried out by each organisation since 1995.
- Third, Mapping Data provides information about databases available, such as statistics, interviews, videos, etc. collected by each organization in the course of its activities.
- Finally, “Mapping Publications”. This contains references of publications including brochures, articles and information material produced by each organisation since 1995.

The EUMC has also made available a bibliography of the Vienna Integration Fund. All these databases use LARS, a software frequently applied in libraries of universities and smaller research institutions. As the LARS software does not allow relational structures of data accessible via the Internet, the EUMC has decided to further its development of a modern user friendly database. This involves the setting up of an electronic archive system and a web server accessible via the Intranet for EUMC documents, and also providing maintenance and upgrading services of the archive system and website.

In 2001 the EUMC started to build up a small reference library. The library is not open to the public, it is foreseen for the internal staff only. The collection contains mainly reference books, standard literature on the fields of racism and xenophobia, publications recommended by the National Focal Points and some relevant journals.

1.4 EUMC RESEARCH PROJECTS

In addition to establishing networks and collecting existing data, the EUMC initiates research projects to study and analyse the extent, causes and consequences of the phenomena and manifestations of racism, xenophobia and anti-Semitism, as well as examining examples of good practice in dealing with them. In 2001 the EUMC initiated three new projects, which will be finalised in 2002. The results will be published and available direct from the EUMC or on its website (<http://eumc.eu.int>).

1.4.1 Migrants' experiences of racism and discrimination

The project has two aims. First, to study empirically the migrant and minority populations' experiences of racism and discrimination in the 15 EU Member States; and second, to develop comparability of data, by using a methodology developed in Denmark, Finland and Sweden as the model for the other 12 EU Member States. In 2001 two studies, one in Italy and one in the Netherlands, were initiated to provide comparable information on four to five major migrant or minority groups. In the coming years the project will continue by adding new research results until all 15 Member States have been covered.

1.4.2 Racism in Rural Areas

The aim of the study is to describe, analyse and compare the situation with regard to racism and discrimination in rural areas– as opposed to urban and metropolitan areas - in the European Community and its Member States. By starting with an inventory of research findings, the study will elaborate the concept of rural racism, describe and analyse vulnerable groups, the different forms of racism and discrimination, their causes and consequences and the political situation with regard to migrants/ minorities living and working in the rural areas of the EU. The study will give examples of Government initiatives to combat racism and discrimination in rural areas.

1.4.3 Intercultural competence training

The aim of the study is to explore successful ways for intercultural competence training via the Internet. The study starts with an inventory study of existing Internet websites and a typology of available websites in the English language, aimed at children and young people (aged between 5 and 21), and teachers and trainers in primary and secondary schools. From interviews with children in selected multicultural environments, websites are evaluated and analysed. The EUMC aims to continue the project in the coming years with other languages of the EU.

1.5 EUMC WORKSHOPS

By initiating workshops, the EUMC opens the door to discussion and debate by external experts of issues of concern of the EUMC in its developments of projects, methodology, strategies and recommendations. In 2001 the EUMC arranged in total ten workshops on different perspectives, of which five were related to the RAXEN data collection. The minutes and information about the workshops are available on the EUMC web site (<http://eumc.eu.int>).

1.5.1 EUMC Annual Report

In January 2001, the EUMC arranged a workshop for discussing and developing strategies for the future EUMC annual reports. Among several valuable recommendations the participants encouraged the EUMC to include more analytical perspectives on racism, xenophobia and discrimination in addition to the descriptive observations.

1.5.2 Designing the EUMC archive

In February 2001, the EUMC held a two-day workshop with experts in the field of documentation centres and libraries to discuss the development of the EUMC documentation archive. As a result of the workshop the EUMC received valuable practical technological and organisational information in addition to making new contacts and future collaboration partners.

1.5.3 Objectivity, Reliability and Comparability of Data

Also in February 2001, the EUMC invited researchers in different fields of relevance to the ongoing work of the EUMC to discuss the difficulties in achieving objective and reliable data across the 15 Member States. The participants also formulated recommendations for achieving comparability of survey data in the future.

1.5.4 Intercultural Competence and Diversity Training

In April 2001, the EUMC held a workshop with experts in the field of education. The participants presented several interesting projects and concrete teaching practices in addition to providing an overview of educational programmes in the EC. And the EUMC received valuable examples of good practice and recommendations for follow-ups.

1.5.5 RAXEN National Focal Point meeting

In June 2001, the EUMC held its first meeting with the 15 RAXEN National Focal Points. The meeting discussed the data collection work and related issues of definitions, objectivity and comparability of data as well as questions on data security and IT. As a result of the workshop a special working group was set up to deal with the foreseeable difficulties in achieving comparable data in the Member States.

1.5.6 Decreasing Racial Violence

In July 2001, the EUMC organised a two-day workshop with experts – practitioners and researchers - who are concerned with methods of decreasing racial violence. The focus of the workshop was on skinheads and other right-wing extremist youth groups. The aim was to identify and to support the distribution and implementation of good practices, and to organise future knowledge transfer.

1.5.7 Racial Violence Statistics

In September 2001, the EUMC held a workshop with the Swedish National Council of Crime Prevention. The workshop took as its starting point the non-existing comparable records of racial violence and crimes. The workshop participants, among other recommendations, encouraged the EUMC to initiate national comparative surveys of victims' experiences.

1.5.8 Key Issues

In October 2001, the EUMC arranged the second workshop on Key Issues of concern for the EUMC and for the Community in its struggle against racism and for cultural diversity (the first workshop was held in 1999). The workshop focused on Integration Policy Models and the discussion took as its starting point the events of 11 September 2001, raising questions on

Integration models for avoiding ethnic conflicts in general and in particular anti-Islamic reactions.

1.5.9 Data collection methodology

In November 2001, the EUMC organised a workshop on data collection as a follow up of the RAXEN working group set up at the June meeting 2001. At the workshop theoretical perspectives were merged with the practical experiences in data collection in the four priority areas of RAXEN: Employment, Education, Racial Violence and Legislation. It became evident that the discussion on clear and common definitions and indicators must continue in parallel with the data collection.

1.5.10 Second RAXEN National Focal Point meeting

In December 2001, the EUMC organised a second meeting with the RAXEN network of National Focal Points. The aim of the workshop was to discuss the advancement of the data collection and “mapping exercise” activities by the National Focal Points, and the rapid response reports on Islamophobia in the EU; further, the foreseen tasks for the RAXEN network for the coming year were introduced and debated.

1.6 CO-OPERATION WITH EU INSTITUTIONS AND INTERNATIONAL ORGANISATIONS

1.6.1 Cooperation with the EU Institutions

Cooperation with the European Commission

On 7 March 2001, the EUMC participated in a public hearing concerning the communication of the Commission to the Council on the creation of a safer information society (COM 890/2000). The purpose of the contribution of the EUMC was to draw attention to the issue of racist propaganda on the Internet and to call for a strategy to counter these tendencies.

In June 2001, the EUMC participated in a workshop of the Commission concerning the future of the Safer Internet Action Plan of the European Union. The Safer Internet Action Plan focuses on the development of technology for filtering software, awareness campaigns and systems of hotlines for the reporting of illegal or harmful content on the Internet. A consequence of the workshop was that the Safer Internet Action Plan will change its priorities in the future: the Safer Internet Action Plan will not only concentrate on child pornography on the internet, but also on racist propaganda.

In June 2001, the Commission also invited the EUMC to contribute its expertise to the preparation of a proposal of the Commission for a framework decision on combating racism and xenophobia. The purpose of the proposal is to define minimum standards concerning the definition and punishment of racist offences such as public incitement to violence or public denial of crimes of humanity. Later the EUMC continued its efforts to contribute expert advice to the committee of the European Parliament dealing with the proposal.

A Memorandum of Understanding (MOU) between the European Commission and the EUMC was signed at the beginning of the year. The MOU sets a framework for direct contacts and identifies areas of concrete cooperation with the Directorate Generals (DGs) of the European Commission. Timely and more comprehensive exchange of information, support in respective areas of expertise and continuing participation in common activities were the principal areas identified for cooperation.

Several meetings were held throughout the year to follow up the MOU. The DGs involved were mainly Employment and Social Affairs, Justice and Home Affairs, Education and Culture, Research, Enlargement and External Relations.

In support of the Council adopted Article 13 package, the EUMC will concentrate on analysis and evaluation and awareness raising activities. The EUMC participated in two meetings of the Programme Committee of the Community action programme to combat racism and xenophobia. At one of the meetings the EUMC made a presentation on its data collection activities and the work it was doing on the comparability of data. At the other meeting the EUMC presented the draft reports from its study on the comparison of national legislation in the Member States with the article 13 directives.

The EUMC participated at the meeting of the European Commission's Inter-services Group "Mainstreaming Anti-racism" and the preparatory meeting for the World Conference Against Racism. The EUMC also gave a presentation of its activities at a DG Enlargement meeting of contact points for Roma issues.

The EUMC participated in a number of conferences organised by DG Research Unit on Improving the socio-economic base, in particular the conference on "Racism and xenophobia: Key issues, mechanisms and Policy opportunities". Furthermore first steps for the participation of the EUMC in some of DG Research programmes, in particular in the 5th framework programme, were initiated.

Cooperation with the European Parliament

The EUMC participated in various meetings and hearings of EP committees, in particular the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, and also in other committees and political groups at the request of the European Parliament and the EUMC. The EUMC presented its Annual Report to the European Parliament, to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs.

The EUMC contributed to the 2000 EP report on "The Situation of fundamental Rights in the EU", prepared by the Committee of Citizens' Freedoms and Rights, Justice and Home Affairs.

Cooperation with the Committee of the Regions

Some members of the Committee of the Regions (CoR) visited the EUMC in Vienna, as part of the drafting of a report on the activities of the EUMC. Since then the cooperation with the CoR has increased consistently. The EUMC has included regional and local authorities within the scope of its activities such that information is both disseminated to, and collected from, regional and local authorities.

The EUMC presented to the Committee of the Regions the results of its study on the "Situation of Islamic Communities in five European Cities". This was an example of common activities, as

encouraged in the opinion of the Committee of the Regions. The study also highlighted the importance of the work being done throughout Europe at the local level.

Relations with Governments of EU Member States

The EUMC requested EU Governments to nominate Government Liaison Officers with the aim of improving cooperation and information exchange between EU Governments and the EUMC. In particular, cooperation will assist with the establishment of the Raxen network and its work at national level, provide a forum to discuss areas such as comparability of data, help improve the sharing of good practice among the Member States and deal with requests, and to improve general coordination and exchange of information during the EUMC's Annual Report process. By the end of the year the EUMC had received the nominations from EU Governments and will host the first meeting with the Government Liaison Officers in early 2002.

1.6.2 Cooperation with International organisations

Cooperation with European Commission Against Racism and Intolerance (ECRI), Council of Europe

The EUMC and ECRI, Council of Europe, held a joint meeting in Vienna to review and assess its cooperation and to identify further complementary activities based on the medium to long term perspective. The meeting took stock of developments between the organisations and outlined ways to enhance cooperation. Among the issues discussed were enlargement of the European Union (EU), political developments within the broader Council of Europe area with particular emphasis on the 15 EU Member States and candidate countries, and forthcoming projects.

Amongst the main activities identified for enhanced cooperation are: organisation of common EUMC/ECRI Round Tables, participation of ECRI in the EUMC Round Tables and participation of EUMC to Round Tables organised by ECRI, in particular in the candidate countries; participation in specific thematic workshops, identification of complementary work programmes. It was also decided to increase the cooperation at operational level and was agreed that the staff of both organisations should meet at operational level once a year.

Finally, a EUMC/ECRI Round Table was organised in Greece on the topic of the Charter of the Political Parties for a non-racist society.

Council of Europe and Organisation for Security and Cooperation in Europe (OSCE) – Roma Project

The common project on Roma Women and Access to Healthcare continues to be the main focus of cooperation between the EUMC, the Council of Europe and the OSCE. Meetings were held during the year to finalise the project proposal and begin activities associated with the project. The project identified 15 countries to visit. The visits were aimed at information collection and contact with Roma groups and organisations working with Roma. The countries selected ensured a balance between EU Member States and the broader Council of Europe/OSCE area. By the end of the year the round of country visits had been completed.

The EUMC also participated in the Spring meeting of the Council of Europe's Specialist Group on Roma/Gypsies. Cooperation with the OSCE continued with an EUMC presentation at the "Supplementary Human" dimension meeting Promoting tolerance and non-discrimination.

Work with the United Nations (UN)

The EUMC participated at the two preparatory meetings and the meeting of the inter-sessional open-ended working group for the UN World Conference Against Racism throughout the year in Geneva. At the World Conference itself in Durban, South Africa, two members of the EUMC participated as part of the European Community delegation. The EUMC's role was to provide expert support in the areas of its activities to the European Community and its Member States during the negotiation process. The EUMC had highlighted the following areas of particular focus - the need for improved data collection, enhanced regional cooperation, the setting up of institutional mechanisms to monitor racism and better coordination among the international organisations to ensure that racism and its contemporary manifestations are effectively addressed.

The EUMC participated in the UN International Consultative Conference on Freedom of Religion and Non-Discrimination in Madrid. The Conference was jointly hosted by the UN's Special Rapporteur on religious intolerance and the Government of Spain.

The EUMC also began to cooperate with the UN Committee for the Elimination of Racial Discrimination (CERD) responding to its request for information and documentation that the EUMC was producing.

1.7 INFORMATION, PUBLIC RELATIONS AND MEDIA

During 2001, the EUMC further developed its visibility among key target groups and the general public. The media coverage on the activities of the EUMC was considerable throughout the year and the high public interest was also reflected in a significant increase of visitors to the EUMC website.

1.7.1 Interest of the media

The work and the activities of the EUMC had a consistently high interest of the media during the year. Many journalists have listed the EUMC as an important source of data and information on racism, xenophobia and related intolerance, and in 2001 EUMC staff were in contact with more than 300 journalists by telephone, by visits at the centre, at media conferences and at different events throughout Europe. Overall, more than 1000 articles referring to information from the EUMC were published in newspapers, magazines, bulletins and on websites, mainly in the EU Member States. The EUMC also featured in around 100 interviews on radio and TV stations throughout Europe.

Five major media conferences covered the launches of the Eurobarometer survey (in Brussels and Berlin), a joint publication on "Funding Minorities and Multiculturalism in Europe" together with the European Foundation Centre (Stockholm) and the Annual Report 2000 (in Brussels and in Vienna). In addition, the EUMC issued 16 press releases during the year. These dealt mainly with information on the activities and results of the work of the EUMC and raised awareness of the need for vigilance and tolerance in Europe on issues of racism and xenophobia.

1.7.2 Participation in conferences

The EUMC sought to be present as an active partner or participant in several relevant conferences dealing with racism and xenophobia. To highlight a few examples, representatives of the EUMC attended the Stockholm International Forum Combating Intolerance in January, the Annual General Assembly of Foundations for Europe in May, the Franco-German Summit in June, the FIFA World Conference against Racism in July, the UN World Conference against Racism in September, the first European Conference of B'nai Brith in November, the media conference CivisEurope in November and events and conferences organized by the Swedish and the Belgian Presidencies during 2001.

Furthermore, the EUMC staff was present at about 110 conferences, meetings, seminars and hearings with NGOs and at universities and institutions with socio-political relevance, underlining the EUMC's role as a networking organisation as well as driving force in combating racism and xenophobia.

Also 840 guests from political parties, public authorities, universities, international institutions and schools visited the EUMC's Centre in Vienna to get information on the objectives and the activities of the EUMC.

1.7.3 Annual Report

The third Annual Report (covering the year 2000) from the EUMC was launched by the Director in the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs in the European Parliament on 18 December 2001. The Annual Report was welcomed by the Committee and the MEPs had a discussion on the conclusions, which were published at a media conference at the EU Commission the same day. The conclusions were presented to the media by the EUMC Chairman Bob Purkiss, MEP and Chairman of the CFR Committee, Graham Watson, and the Director.

1.7.4 Other publications

During 2001 the EUMC launched a number of publications including:

- The Annual Report 2000
- Attitudes towards minority groups in Europe (Eurobarometer survey)
- Funding minorities and Multiculturalism in Europe: Directory on combating racism and xenophobia (joint publication with the EFC)
- Tackling intercultural conflicts: Finding approaches to solutions
- Anti-Islamic reactions within the EU after 11 September 2001 (Issue 1 and 2)
- Situation of Islamic Communities in five European Cities
- Report on French-German Round Table

Equal Voices

In 2001, the EUMC relaunched its magazine Equal Voices in a new format and a circulation of 5000 copies. In 32 pages the quarterly magazine informed about current events and developments, results of research and concepts of good practice in the Member States.

EUMC News

The newsletter EUMC News was launched in February 2001 in order to publish quick and accurate information and news about initiatives taken by the EUMC. It also provides information on developments within the field of discrimination, racism and xenophobia at a European level and within the 15 EU Member States. The newsletter is distributed to 4000 readers.

1.7.5 Website

In 2001 the EUMC Website delivered basic information about the Centre, its work and output. It has proven to be a useful tool for quick dissemination of information and a good instrument for retrieving this information. In the second half of 2001, the EUMC doubled the amount of information available online. This was available in English, with French and German translations being increasingly available. In some cases the information was made available in other official languages.

To handle this amount of new information the EUMC-Website provides a tool to its visitors enabling him or her to minimize the time needed to identify and find the latest information. The “last update page” (<http://eumc.eu.int/general/lastupdate.htm>) offers a chronological list of all information loaded onto the website. A link to the specific information provides a “come and be served” situation.

The website was visited by a daily average of 233 visitors (4096 hits) in January. In total the EUMC website in 2001 had 109,289 visitors (1,780,476 hits) against 70,998 visitors (1,011,914 hits) in 2000.

2 PERSONNEL AND ORGANISATIONAL INFORMATION OF THE EUMC

2.1 ACTIVITIES OF THE MANAGEMENT BOARD AND THE EXECUTIVE BOARD

2.1.1 Meetings

Management Board

The Management Board met three times in 2001. The main results can be summarized as follows:

9th meeting in March: With the start of their new mandate (2001-2003) the members of the Management Board elected the Chair, Vice-Chair of the MB, and the members of the EB.

The members expressed a unanimous opinion to honour the achievements of Jean Kahn, first Chair of the Management Board, for his unselfish and idealistic work for a Europe of ethnic, cultural and religious diversity.

The Management Board adopted the Work Programme 2001 and stressed that the cooperation between the EUMC and ECRI (European Commission against Racism and Intolerance) should be strengthened in the future.

10th meeting in June: The Management Board set-up a Working Group, whose tasks are to elaborate a concept for the “Jean Kahn Award”, a prize for an outstanding contribution in combating racism, xenophobia and anti-Semitism.

The Secretariat informed the Management Board that the 15 RAXEN National Focal Points have been established in the EU Member States. Their coordinators met for the first time on 25 and 26 June to discuss the framework for the future work on data collection in four priority areas (education, employment, legislation and racial violence).

11th meeting in November: The Management Board approved the Annual Report 2000. The Chair, who attended the “UN World Conference against Racism” in Durban, informed the MB that the key factor evolving from the conference was the development of National Action Plans. The UN also planned to establish an Anti-Discrimination Unit within the Office of the UN High Commissioner for Human Rights.

The EUMC invited two representatives of ENAR (European Network Against Racism) who presented the work of their organisation.

Executive Board

The Executive Board met five times in 2001 (of which two meetings were devoted to the preparation of the following meetings of the Management Board). The main results can be summarized as follows:

11th meeting in January: The main points of discussion were the Work Programme 2001 to be presented to the Management Board for its approval, the preliminary draft budget for 2002 and the Memorandum of Understanding between the EUMC and the European Commission.

12th meeting in April: The Executive Board discussed the implementation of the Work Programme and the participation of representatives of the EUMC at the “UN World Conference against Racism” in Durban.

13th meeting in June: The half-day meeting was devoted to the preparation of the 10th meeting of the Management Board.

14th meeting in September: The Executive Board discussed the first report published by the EUMC on the “Anti-Islamic reactions within the EU after the acts of terror against the USA”. The members considered in depth the Annual Report 2000 to be published by the end of the year, and the draft Work Programme 2002.

15th meeting in November: The half-day meeting was devoted to the preparation of the 11th meeting of the Management Board.

2.1.2 Members of the Boards

Management Board

- The Management Board takes decisions necessary for the operation of the EUMC.
- In particular, it is required to:
 - determine the EUMC's annual Work Programme;
 - adopt the EUMC's Annual report and its conclusions and opinions;
 - appoint the EUMC's Director;
 - adopt the EUMC's annual draft and final budgets;
 - approve the accounts of the EUMC and give the Director discharge.

The composition of the Management Board was as follows in 2001:

	Member	Deputy
Belgium	Johan LEMAN	No nomination in 2001
Denmark	Ole ESPERSEN	Morten KJAERUM
Germany	Joachim GAUCK	Barbara JOHN
Greece	Petros STANGOS	Perikles PANGALOS
Spain	Juan de Dios RAMÍREZ-HEREDIA	Joaquín ALVAREZ DE TOLEDO
France	Guy BRAIBANT	Martine VALDES-BOULOUQUE
Ireland	Seamus CULLIMORE	Anastasia CRICKLEY
Italy	Francesco MARGIOTTA BROGLIO	Diego UNGARO
Luxembourg	Victor WEITZEL	No nomination in 2001
The Netherlands	Ed VAN THIJN	Paul B. CLITEUR
Austria	Stefan KARNER	Peter J. SCHEER
Portugal	Francisca Eugénia DA SILVA DIAS VAN DUNEM	Carlos Manuel SOARES MIGUEL
Finland	Kaarina SUONIO	Tom SANDLUND
Sweden	Heléne LÖÖW	Agneta LINDELÖF
United Kingdom	Robert PURKISS	David WEAVER / Naina PATEL
European Parliament	Ludwig STEINER	Michèle LINDEPERG
Council of Europe	Joseph VOYAME	Jenö KALTENBACH
European Commission	Fay DEVONIC	Adam TYSON

Executive Board

The Executive Board is composed of the Chair and Vice-Chair of the Management Board, and a maximum of three other members of the Management Board, with the person appointed by the Council of Europe and the European Commission representative as ex-officio members. The Management Board elects the third member.

The Executive Board supervises and monitors the work of the EUMC and prepares the meetings of the MB in conjunction with the Director of the EUMC.

In addition, it deals with all matters delegated to it by the Management Board in accordance with the rules of procedure.

The composition of the Executive Board during 2001 was as follows:

Position	Name
Chair	Robert PURKISS
Vice-Chair	Petros STANGOS
Member	Helene LÖÖW
Member	Fay DEVONIC
Member	Joseph VOYAME

2.1.3 Staff Information

Administrative Information

The regulation concerning the Advisory Committee on Procurements and Contracts (ACPC) of the EUMC was amended for the second time. The ACPC is an internal body of control of the procedures before the EUMC is contracting external projects or services for an amount superior to € 46.000. The ACPC prepared its second annual report : the ACPC met 6 times in 2001 to give its opinion on the awarding of contracts of the EUMC.

The internal rules were revised and compiled to ensure their clarity and user-friendliness.

The disciplinary committee, set up in 2000, met once in 2001.

At the end of 2001, the director decided to establish a strategy cellule within the EUMC to be implemented from beginning of 2002.

On 10 May 2001, the Headquarters Agreement between the EUMC and the Republic of Austria was published.

Staff

The year 2001 was a year of consolidation. Only one post was published and filled.

At the end of year 2001, 24 posts out of total of 25 posts were filled. A detached national expert dealt with evaluation.

Recruitment of staff (Number of temporary agents)

Year	1999		2000		2001	
Month	<i>June</i>	<i>December</i>	<i>June</i>	<i>December</i>	<i>June</i>	<i>December</i>
A	2	5	7	9	9	9
B	1	5	5	8	8	9
C	1	3	5	6	6	6
D		1	1	1	1	1
Total	4	14	18	24	24	25

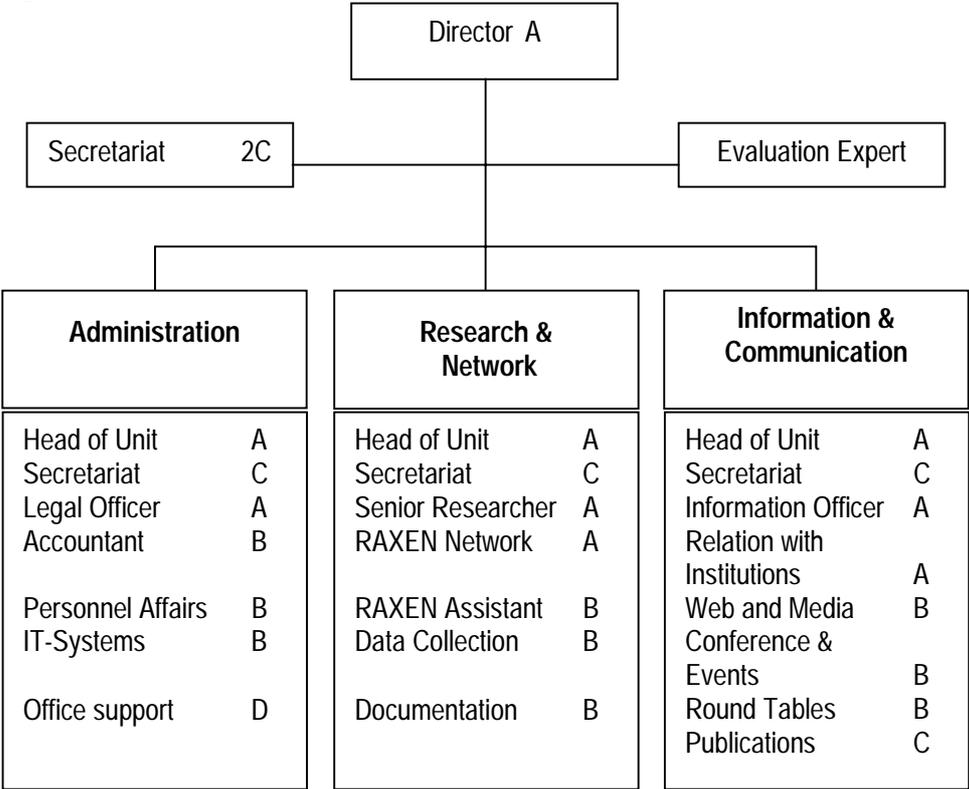
Virtually three quarters of A grade staff may be regarded at the end of 2001 as operational and contributing directly to achieving the Centre's objectives.

When all categories are taken together, 55 % of the Centre's staff could be considered operational members of staff and 45 % responsible for support activities (administration and secretarial services).

2.1.4 Internal Organisation

At the end of year 2001, the Centre was organised with three departments as follows :

Organisation Chart



2.1.5 Budget and financial Affairs

The ordinary Budget for the financial year 2001 amounted to € 5.300,000:

42.2 % for operational activities (34.6% in 2000)

16.3 % for operating expenditure, building, equipment (23% in 2000)

41.5 % for staff in active employment (42.4% in 2000)

Transfers of appropriations were made within the same titles except for one, which was submitted to the approval of the Board in June 2001.

Table 1 – Distribution by titles and transfers for 2001 and 2000

€	Budget 2001	Transfers 2001	Budget 2000	Transfer 2000
Title 1	2,200,000	0	2,078,200	0
Title 2	950,000	-87,008	1,129,800	0
Title 3	2,150,000	+87,008	1,692,000	0
Total Budget	5,300,000	0	4,900,000	0

The presentation of revenue and expenditure is as follows:

A/ Revenue

The budget for 2001 was met by a subsidy for the European Community. The Centre received also financial support from the Austrian authorities corresponding to the reimbursement of 50% of the cost of the net rent: € 71,755 for the period under examination. Bank interest amounted to € 45,649.

B/ Expenditure

1/ Title 1: Staff

In the staffing schedule adopted by the Budget Authority, 26 posts were mentioned for statutory agents. In December 2001, 24 temporary agents had a contract with the Centre. The average of present members was of 23.4 on an annual basis (21.3 in 2000). One agent took up his duties in November after another one had left the Centre in April.

Table 2 – Recruitment of the staff

Year Month	1998		1999		2000		2001											
	6	12	6	12	6	12	1	2	3	4	5	6	7	8	9	10	11	12
A	-	2	2	5	7	9	9	9	9	9	9	9	9	9	9	9	9	9
B	-	1	1	5	5	8	8	8	8	7	7	7	7	7	7	7	8	8
C	-		1	3	5	6	6	6	6	6	6	6	6	6	6	6	6	6
D	-			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Temp	-	3	4	14	18	24	24	24	24	23	23	23	23	23	23	23	24	24
Aux C	-			3.5	3.5	1	1	1										
Nat Exp					1	1	1	1	1	1	1	1	1	1	1	1	1	1
Interim C		3	4	2	-	1	1	1	1	1	1	2	2	1	2	2	2	2
Total	-	6	8	19.5	22.5	27	27	27	26	25	25	26	26	25	26	26	27	27

2/ Title 2: Functioning

With very limited arrangements in the premises expenditure was drastically reduced in 2001 in comparison with the previous exercise (-25.6%) for this title.

Only three Budget items went over 0.1 M€: Rent, Security surveillance, Data processing equipment. Due to some difficulties in joining a framework contract of the Commission, purchase of some equipment had to be postponed.

3/ Title 3: Operational activities

There was a substantial increase of operational expenditure in 2001 (+43% compared to 2000): 50% concerned the RAXEN National Focal Points, all 15 fully operational this year. The second most important item (in terms of expenditure) related to the installation of the documentation Centre, which is now in place with up to date tools. By concentrating on a limited number of top priorities, the Centre reduced the number of new projects to be able to dedicate resources to the new material received from projects launched during year 2000.

Table 3 - Balance sheet as at 31 December 2001 and at 31 December 2000					
<i>(1000 EUR)</i>					
Assets	2001	2000	Liabilities	2001	2000
Fixed assets			Fixed capital		
Fixed assets	385	325	Own capital	385	325
			Balance of the year	-8	179
Sous-total	385	325	Sous-total	377	504
Current assets			Current liabilities		
Advances on salaries and amounts to be deducted from remunerations	3	10			
Recoverable VAT	454	456	Automatic carryovers of appropriations		27
Sundry accounts receivable	2	119	Non-automatic carryovers of appropriations	1400	807
			Other creditors	318	158
			VAT / Other taxes	488	563
Sous-total	459	585	Sous-total	2206	1555
Cash accounts			Transitional accounts		
Bank account(s)	2030	1179	Re-use	291	30
Sous-total	2030	1179	Sous-total	291	30
Total assets	2874	2089	Total liabilities	2874	2089
<i>Source: Table drawn up by the Court of Auditors on the basis of data compiled by the Centre</i>					

The situation of budget implementation and financial statements is as follows:

Table 4 - Implementation of the budget for the financial year 2001 - EUMC Vienna

(Mio EUR)

Title		Appropriations (a)	Commitments (b)	Payments (c)	% (d=c/b)	Carryovers (f)	Cancellations (g=a-c-f)	% (h=g/a)
I-Staff	Budget 2001	2,2	2,1	2,1	100%	0,1	0,0	0%
	Carryovers 2000	0,1	0,1	0,1	100%		0,0	0%
	Total	2,3	2,2	2,2	100%	0,1	0,0	0%
II-Administration	Budget 2001	0,9	0,8	0,7	88%	0,1	0,1	11%
	Carryovers 2000	0,1	0,1	0,1	100%		0,0	0%
	Total	1,0	0,9	0,8	89%	0,1	0,1	10%
III-Opérations	Budget 2001	2,2	2,2	1,0	45%	1,2	0,0	0%
	Carryovers 2000	0,6	0,6	0,6	100%		0,0	0%
	Total	2,8	2,8	1,6	57%	1,2	0,0	0%
X-Reserve								
Total	Budget 2001	5,3	5,1	3,8	75%	1,4	0,1	2%
	Carryovers 2000	0,8	0,8	0,8	100%		0,0	0%
	Total	6,1	5,9	4,6	78%	1,4	0,1	2%

Table 5 - EUMC - Revenue and expenditure accounts for the financial years 2001 and 2000*(1000 EUR)*

	2001	2000
Revenue		
Commission subsidy	5.000	4.250
Miscellaneous revenue (bank interest)	46	61
Total revenue	5.046	4.311
Expenditure		
<i>Staff - Title I of the budget</i>		
Payments	2.072	1.935
Appropriations carried over	67	84
<i>Administration - Titre II of the budget</i>		
Payments	662	987
Appropriations carried over	151	106
<i>Operating expenditure - Title III of the budget</i>		
Payments	990	898
Appropriations carried over	1.181	643
Total expenditure	5.123	4.653
Outturn for the financial year	-77	-342
Outturn carried over from the previous financial year	179	737
Appropriations carried over cancelled	75	310
Re-used cancelled	0	5
Repayment to the Commission	-174	-533
Exchange rate differences / exceptional charges	-11	2
Balance for the financial year	-8	179

Source: Table drawn up by the Court of Auditors on the basis of data compiled by the Centre

Year 2001 can be considered as the transitional period for consolidations: structuring activities, tasks and methods. Concentrating on core issues, the Centre was able to prepare for future developments. With decentralised Budget management, staff have been associated in the implementation of activities very closely. Linking this with sound financial management and internal controls, the Centre has invested for the coming financial year.