Bridging the Gap
between Policy and Practice

mainstreaming of non-discrimination
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Preface

"Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

Article 13 of the Amsterdam Treaty

When the project ‘Action Now’, mainstreaming of non-discriminatory policies’ started at the end of the year 2000 our project management team was very motivated to reach the objective: developing broad based applicable, new strategies to combat all forms of discrimination in the working place. We discussed new methods to tackle discrimination and good practices of non-discriminatory policies in different countries. We tried to find new angles and ideas from the point of view of different non-dominant groups that are confronted with discrimination in the workplace.

This book amalgamates the research of the four ‘Action Now’ working groups in respectively Austria, Sweden, France and the Netherlands and the outcomes of our transnational activities and debate.

The different chapters of this book reflect the discussions about a horizontal approach and strategies for non-discriminatory policies in the workplace. In several boxes through the text the reader will find the information that formed the background of these discussions:

- facts and figures
- good practices

Suggestions (of participants) of the ‘Action Now’ project to change mentality and policies to create a non-discriminatory workplace can be find in the boxes:

- recommendations

With this publication we hope to support NGO’s, especially those of non-dominant groups, in their actions against discrimination. And we hope to inspire employers, employees, trade unions, policy makers and politicians to realise a workplace without discrimination for all. Not only on paper but also in everyday reality within corporations. And by doing so: bridging the gap between policy and practice!

We extend our gratitude to Rikki Bendahi, Assia Ghrib, Céline Lemire, Arne Kullbjer, Ingrid Nyman, Michael Reiter and Susanna Speckmayer, the members of our project management team, and Yvette den Brok for their important contribution to the project ‘Action Now’ and the accomplishment of this book, but above all for our pleasant cooperation.

Hellen Felter and Marianne Dauvellier
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1. **Introduction**

The background and purpose of the project ‘Action Now’ should be looked at from the point of view that in all European countries the most wanted employee always seems to be a white, young, healthy male. Research pointed out that the opportunities on the labour market of people that don’t fit into this picture (women, representatives of ethnic groups, people with a handicap or older people) are significantly less than of people that do compare to the image of the ‘most wanted’ employee. Even if the last person is less qualified for the job, employers tend to favorize the young, white, healthy man. In most labour organisations this form of discrimination is recognised. In most European countries attempts are made against it (for instance by positive action programs). The results of these programs differ and if successful in getting more women, people with a handicap or of different racial or ethnic origin inside, this does not mean they will stay in for a longer period. The company-culture is often not accessible for ‘new’ groups of employees.

On national and European level initiatives have been taken to change this situation. The results – if successful – seem to be temporarily. One of the reasons is that the groups of people that are discriminated (the representatives of the non-dominant groups) are scarcely involved in the development of new methods. The project ‘Action Now’ concentrates on the identification of methodologies for mainstreaming anti-discriminatory policies and practices. In order to do this it is necessary to identify forms or expressions of discrimination which create barriers for black people, immigrants, refugees, people with a handicap or based on age in the four participating countries. And to investigate existing methodologies and good practices developed by non-dominant groups in different European countries. In Austria, Sweden, France and the Netherlands workgroups have been formed to exchange knowledge, experience and expertise regarding these issues.

In February 2001 we started the project ‘Action Now’ with a seminar about mainstreaming of anti-discriminatory policies. Invited were representatives of all non-dominant group mentioned before. Together the ‘key-issues’ were pointed out and the priorities in the fight against discrimination in the field of employment on grounds of gender, race, ethnicity, handicap and age.

Conclusion regarding priorities:

- involve people who are exposed to discrimination and give them sufficient influence on new policies
- break through the silence regarding discrimination
- make discrimination visible (presentation of concrete facts and data)
- implement the policy of non-discrimination in all levels of society

With these priorities as starting point the research programme for the working groups in the four countries was specified. These working groups soon found out that it would take years to work out these priorities. For instance it is very hard to break through the silence and to make discrimination visible if concrete facts and figures
are simply not available. The working groups did find data on gender differences concerning participation on the labour market. But if this involves black women or women with a handicap is not registered in the four countries (and neither in other European countries). The first problem we did meet was the absence of figures necessary to work out our priorities.

As the next step in our search to get more profound knowledge of the position on the labour market of all non-dominant groups involved, we interviewed experts-on-own-experience or active in the field of anti-discrimination of black and other minority groups, groups discriminated on grounds of age (young or old), people discriminated because of a handicap and experts on gender discrimination. Topics in these interviews were the position in the workforce of the non-dominant groups regarding the access to employment, the level of the functions (given the same level of education and experience), the remuneration for work of equal value, working conditions, career opportunities (promotion), or training and retraining. In the interviews we also asked to identify good practices concerning preventing and combating discrimination (in recruitment, selection, access to training, work allocation, promotion and dismissal). In the interviews the differences between the position of men and women, people with different ethnic backgrounds, different ages and people with and without a handicap were discussed. And of course the interviewed persons view on new strategies to tackle discrimination. The interviews gave us a broad view of the status quo in the four countries and of de similarities and differences between the non-dominant groups (regarding their position on the labour market as well as their views and strategies). But our search was not yet completed.

Intended was to present a manual to social-partners, politicians and representatives of NGOs at the end of the first project year. The country-reports and the discussion about the strategies - applicable in at least the four participating countries - pointed out that the differences between the legislation and policies in the four countries seemed to complex to really find one strategy for all. Except from that many questions had yet to be answered before a new strategy could be found. Especially concerning the possibilities for a horizontal approach.

That’s why the project management team decided to invite experts at the Conference ‘Action Now’ on 23 November 2001. This in order to discuss our research questions and conclusions, to get more ‘good practices’ and to formulate recommendations for better policies. Better policies as well in the workplace, as on local, national and European level. The response at the Conference ‘Action Now’ was positive. Nearly sixty experts from six European countries attended the Conference. Most of them were confronted with discrimination themselves but at the same time researcher, policymaker in the field of employment or representative of social partners, political parties or NGOs. Together they completed our search for new strategies at four round tables.
2. **Equal Treatment on the Labour market**

The first part of our research concentrated on the employment rates and differences between several groups in the four participating countries. In this chapter a short review of the results.

### Facts and Figures I

**Employment Indicators**  
Austria, France, Netherlands, Sweden and Europa compared (1999)

<table>
<thead>
<tr>
<th>EMPLOYMENT INDICATORS</th>
<th>Austria</th>
<th>France</th>
<th>Netherld</th>
<th>Sweden</th>
<th>EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment Rate</td>
<td>68.2</td>
<td>60.4</td>
<td>70.9</td>
<td>72.2</td>
<td>62.2</td>
</tr>
<tr>
<td>Males</td>
<td>76.7</td>
<td>67.5</td>
<td>80.3</td>
<td>74</td>
<td>71.6</td>
</tr>
<tr>
<td>Females</td>
<td>59.7</td>
<td>53.5</td>
<td>61.3</td>
<td>70.3</td>
<td>52.9</td>
</tr>
<tr>
<td>Ages</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24</td>
<td>54.9</td>
<td>26.5</td>
<td>62.7</td>
<td>40.7</td>
<td>39</td>
</tr>
<tr>
<td>25-54</td>
<td>81.3</td>
<td>77.2</td>
<td>80.6</td>
<td>82.3</td>
<td>75.6</td>
</tr>
<tr>
<td>55-64</td>
<td>29.2</td>
<td>28.3</td>
<td>35.3</td>
<td>64.5</td>
<td>36.9</td>
</tr>
<tr>
<td>Full-time Employment rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Males</td>
<td>63</td>
<td>57</td>
<td>56.3</td>
<td>63.1</td>
<td>56.8</td>
</tr>
<tr>
<td>Females</td>
<td>75.4</td>
<td>67.5</td>
<td>73.2</td>
<td>68.4</td>
<td>69.7</td>
</tr>
<tr>
<td>Ages</td>
<td>50.8</td>
<td>47</td>
<td>39.7</td>
<td>58</td>
<td>44.2</td>
</tr>
</tbody>
</table>

| UNEMPLOYMENT INDICATERS        |         |        |          |        |      |
| Total Unemployment rate        | 3.8     | 11.3   | 3.3      | 7.2    | 9.2  |
| Males                          | 3.3     | 9.6    | 2.3      | 7.2    | 7.9  |
| Females                        | 4.5     | 13.3   | 4.7      | 7.1    | 10.8 |
| Youth Unemployment rate        | 2.9     | 8.2    | 4.8      | 6.2    | 8.5  |
| Males                          | 2.3     | 8.4    | 3.3      | 6.2    | 8.5  |
| Females                        | 3.5     | 8.1    | 6.3      | 6.3    | 8.5  |
| Long-term Unemployment rate    | 1.2     | 4.4    | 1.3      | 2.1    | 4.2  |
| Males                          | 0.9     | 3.6    | 0.9      | 2.4    | 3.5  |
| Females                        | 1.6     | 5.3    | 1.7      | 1.7    | 5    |

### Employment Related Economic Indicators:

<table>
<thead>
<tr>
<th>Economic Indicators</th>
<th>Austria</th>
<th>France</th>
<th>Netherld</th>
<th>Sweden</th>
<th>EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment Growth</td>
<td>1.4</td>
<td>1.5</td>
<td>2.5</td>
<td>2.2</td>
<td>1.4</td>
</tr>
<tr>
<td>Real GDP Growth</td>
<td>2.1</td>
<td>2.9</td>
<td>3.6</td>
<td>3.8</td>
<td>2.4</td>
</tr>
</tbody>
</table>

*Source: Eurostat*
According to these figures in all four countries the employment of men is higher than that of women. The smallest difference is 4% in Sweden and the highest 19% in the Netherlands. In the Netherlands the parttime employment of women (60%) is also the highest, as is the difference compared to parttime employment of men (27%). In Austria (49%) and France (53%) the percentage of parttime working women also is high. And except from Sweden the unemployment of women in the involved countries is higher than that of men.

Regarding ages: in all countries the category between 25-54 years shows the highest employment rate. Remarkable is that in France the employment of the youth is very low compared with the other three countries and also with the average employment rate of young people in Europe. The oldest category of workers (55-64) is very well represented at the labour market in Sweden (with 64.5% against 29% in Austria, 28% in France and 35% in the Netherlands).

During our research we found out that in all countries the amount of employment facts and figures is enormous. For instance in the Netherlands the last twenty years each day a scientific paper, article or book was published regarding 'minorities'. But these data from the four countries were not to compare because they are not presented in the same way and at the same moment. No comparative figures were found concerning:

- the employment rate of people (male and female and of different ages) with a handicap or regarding different ethnic background;
- access to employment of these groups or position/tasks in a company compared to educational level of the employees;
- promotion opportunities of the various groups
- the access to vocational training and retraining;
- working conditions of men, women or minority groups;
- facts about who is dismissed and why;
- or if there is equal pay for equal work for all groups.

These statistics are simply not available for all four countries.

The lack of this information makes it difficult to make discrimination 'visible'. To really tackle discrimination these facts and figures are indispensable. For example we now known that women all over Europe earn 20-30% less per hour than men. Whilst the working experience and education of women and men is the same. For everyone it is obviously that women are discriminated regarding remuneration and action are taken to end this inequality.

**General EU framework for equal treatment in employment and occupation**

Equal treatment between women and men and the implementation of that principle regards access to employment, vocational training and promotion, and working conditions was adopted by the Council of the EU in 1976. A quarter of a century later - on 29 June 2000 - the Council adopted Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This Directive provides protection against such discrimination in the field of
employment and occupation. On 27 November of the same year the Council adopted Directive 2000/78/EC, a general framework to combat both direct and indirect discrimination on grounds of religion or belief, disability, age or sexual orientation in the areas of work and employment. The Directive applies particularly to:

- access to employment, including selection criteria and recruitment conditions, and promotion;
- access to vocational training, advanced vocational training and retraining;
- employment and working conditions, including dismissals and pay; and
- membership of and involvement in an organisation of workers or employers.

The Directive also seeks to protect workers against dismissal or adverse treatment by employers in response to any complaint or court case related to discrimination. Like the race discrimination Directive, it provides for an adjustment to the burden of proof in cases of alleged discrimination on the grounds it covers, in line with that which applies to sex discrimination cases (as laid down in Directive 97/80/EC).

This means that in legal cases, when an employee claims his or her rights have been infringed by direct or indirect discrimination, the employer shall have to prove that the principle of equal treatment has not been violated.

As all member states do have to adopt laws, regulations and administrative provisions necessary to comply with this Directive by the end of 2003, we investigated the status quo of the legislation and the equal treatment regarding employment of the various non-dominant groups in Austria, France, the Netherlands and Sweden. ¹

**Discrimination on ground of handicap**

The Austrian Disabled Persons Employment Act involves an obligation for employers to employ a specific number of people with disabilities. Or pay compensation to the compensation levy fund. People with a handicap can register as a disabled person if they have a level of disability of at least 50%. If you do so, you can “gain” the status as a registered disabled person that guarantees protection from redundancy.

Employers have the choice either to employ people with disabilities and accept the higher protection from redundancy for registered disabled persons or to pay compensation to the levy fund.

At one of the roundtable at the Conference ‘Action Now’ was indicated that a problem is that the contribution to the levy fund is not that high, so companies can afford to rather pay than employ a disabled person. Apart from that the Austrian law discriminates; it does not cover disabled immigrants. It covers only Austrians. This way the law has transformed into a barrier itself. Integration and awareness of the public is not high. It’s used as occupational therapy. It’s hard for young people to get accepted for university studies because of the extra costs of special guidance and equipment. The labeling is bad, it’s discriminating. Once you are labeled, you can’t get off. Even if you are only diabetic you stay labelled as disabled all your life.

¹ See [http://natlex.ilo.org](http://natlex.ilo.org) for a continuously-updated database containing references to over 55,000 national laws on labour, social security, and related human rights
Good practices I  
Learning in your own Enterprise (Austria)

A good practice called "Volkshilfe BOX", was given by employer Monika Nüchtern from Austria at the Conference 'Action Now' on 23 November 2001. The Volkshilfe BOX is a social-economic enterprise run by people with a handicap. Aim is that people increase their chances to enter the 'regular' labour market. The BOX fields of enterprise are collecting, recycling and selling of second hand clothes and shoes either in one of their second hand shops or to resellers or the production of rags. There are 26 kinds of transitional jobs such as drivers or co-drivers, warehouse workers and sales staff. People stay around 2,5 years and can try different jobs (interim jobs). A special "outplacer" takes care of the contact between client and company and gives assistance to the employee.

Main problems the people are confronted with are debts, low education and being out of the labour market as a barrier itself. Not everybody is allowed to or can work in the BOX-project. There are some prerequisites:

- the handicap must be compatible with the job,
- drug/ alcohol problems have to be acknowledged,
- a basic amount of social skill,
- basis knowledge of one's mental and/ or physical limits.

The advantages of working in the Volkshilfe BOX are:

- being employed,
- having to deal with one's problems,
- working on the protected labour market,
- the company's acceptance and awareness of your handicap,
- chance for an internship,
- improving your application skills.

The 'Volkshilfe' can only work in the framework of the Austrian law, therefore there are very strict limits. But the objective is to prepare the employees for a job outside the Volkshilfe BOX. And once a person with a handicap has entered the regular labour market, there are more possibilities.

In the Netherlands the Act REA is governing reintegration of people with a handicap. (Wet op de (re)integratie arbeidsgehandicapten). Any employer who employs a worker with a handicap or who assigns him to a more suitable position within his company can receive a considerable compensation to finance all costs this may
involving. It is under this Act also possible to grant a disabled worker facilities which tend to maintain, restore or improve his incapacity for work.

The Netherlands have a ‘general law concerning equal treatment’ and a Equal Treatment Committee where you can complain if you are discriminated. But in 1993 when that law was prepared disability and chronic disease as ground of discrimination were said to be not applicable in this law. There were some doubts about the legal possibilities of prohibiting discrimination based on disability or chronic disease. Yvette den Brok representative of the Dutch Initiative group of women with a handicap told at the Conference ‘Action Now’: “A disability or chronic disease can of course give some limitations to carry out everything. This might in some cases cause unreasonable much exertion to let someone with a handicap join in. Also there were doubts if discrimination based on disability or chronic disease did exist at all. Based on years of lobby of the NGO’s and two research reports the cabinet recently decide that there indeed should be a separate ‘equal treatment law’ regarding handicap and chronic disease. At first it will be a limited law regarding the labour market, professional education and sports. But we hope that this law soon will apply on all parts of life.”

In France two special agencies promote the occupational integration, placement and job retention of people with disabilities. Furthermore the Technical Occupational Counseling and Redeployment Commissions (COTOREP) develop and run other employment and placement agencies. Over 1999-2001, the National Employment Agency’s "job-start scheme" provides support for the placement of 180,000 disabled job-seekers. In December 1998, the government and the Disabled Persons’ Occupational Integration Fund (AGEFIPH) - run by the social partners - signed a five-year objectives-based agreement running from 1999 to 2003, which targets long-term unemployed and young job-seekers with disabilities.

In Sweden, the purpose of the Prohibition of Discrimination in Working Life of People with Disability Act is to combat discrimination in working life of people with a handicap. This includes direct and indirect discrimination. The Disability Ombudsman (Handikappombudsmannen, HO), a governmental authority, was established in 1994. The function of the Disability Ombudsman is to ensure that people with disability are ensured full participation in the life of the community and equality of life conditions. Among other tasks, the Ombudsman carries out investigations at national level and provides legal advice to individuals (employers and employees) on disability issues. The Ombudsman may, if it is required, represent an individual in her/his action in the Labour Court.

**Discrimination based on age**

Compared to the other grounds of discrimination the integration in the horizontal approach of ‘discrimination based on age” did not fully succeed. Most EU Member States do not have legislation concerning age discrimination, though many cover the issue in some form through their state constitution or labour code (or similar provision.)
**Facts and Figures II**  
**Age discrimination**  
National views on age discrimination aspects of the proposed EU Directive on equal treatment

<table>
<thead>
<tr>
<th>Country</th>
<th>Government</th>
<th>Employers’ organisations</th>
<th>Trade unions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>No statement reported.</td>
<td>Broad agreement in support of present measures. Employers’ organisations see key solution in economic growth, with labour market regulation supplementary and directed towards flexible working time and a reduction in non-wage labour costs for older workers.</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Own proposed legislation is ahead of the proposed EU framework but the Dutch system differs with a closed (limitative) approach to possible exceptions</td>
<td>Disagree in principle with labour regulation but prefer the general scope of EU proposals to those of Dutch government</td>
<td>Prefers Dutch government’s proposals because they clearly state possible exceptions</td>
</tr>
<tr>
<td>France</td>
<td>Draft Directive one of the projects French government hopes to see through during its EU Presidency.</td>
<td>Oppose on grounds that Directive would increase litigation in industrial relations and be restrictive in competition terms.</td>
<td>Reservations concerning the legislative approach and its likely effectiveness. Awareness-raising and collective bargaining may be preferred.</td>
</tr>
<tr>
<td>Sweden</td>
<td>Positive, in context of ageing population and (public sector) labour shortages.</td>
<td>Negative, as should be a matter for national parties. Also reflect negative views of employers in general about hiring unemployed older workers.</td>
<td>Positive, to improve job protection of older employees, especially if implemented by collective agreements.</td>
</tr>
</tbody>
</table>

*Source: James Arrowsmith and Mark Hall, IRRU. EIRO national centres, October 2000*

In France, ‘age’ is directly referred to in the laws governing redundancy, and case law stipulates that age may not be used as the only legitimate grounds for termination of employment. In the Netherlands a proposed law prohibiting discrimination in
employment on the grounds of age was presently before the second chamber of the Dutch parliament, summer 2000. In this country the “LBL, Expertise Center Age and Society” is active on ageism. This Expertise Center tries to influence (labour market) policies and politics and is financed by the government. In the Netherlands there also are several unions of the elderly and one NGO specific concerned with the interests of elderly persons looking for a job. In France, Austria and Sweden no NGOs were found specific involved in the ‘discrimination on grounds of age regarding the labour market. Of course in all countries there are NGOs concerned with equal access to public services, civil participation, health facilities or housing for older people. But these organisations focus mainly on the interests of pensioners. And if they do focus on employees (in the Netherlands for instance) it always concerns people of older age.

In all four participating countries however in general the position on the labour market of older people (also see the table Facts and Figures I) is better than that of younger categories. The position of older male workers seems much better than that of women of the same age (which is a ‘gender’ issue) or from young (male and female) immigrants (which concerns discrimination on ethnic backgrounds). If discrimination of older male workers (for instance less opportunities for promotion) occurs, this often is caused by a handicap through which they are not longer able to perform all tasks or work fulltime (in which case it could be defined rather as discrimination on ground of handicap than on ground of age).

**Discrimination on grounds of race or ethnic origin**

As described the equality policies in the four countries regarding gender and handicap show a great deal of similarities. But government response to immigration and ethnic diversity varies from country to country. Stephen Castles 2 distinguishes:

- **Differential exclusion:** immigrants are regarded as guest workers and not given equal rights, as in Austria.
- **Assimilation:** immigrants have equal rights; the expectation is that they will be fully assimilated into the population, as is the case in France;
- **Pluralism/Multiculturalism:** immigrants have equal rights, but cultural differences persist, as is the case in Sweden and the Netherlands

The differential exclusion model, which according to Castles is based on the desire to prevent permanent settlement, has proved very hard to maintain because it leads to social tension and because it contradicts the democratic principle of including all members of civil society in the nation-state. Countries applying the assimilation model have generally moved to a mixed approach, embodying some elements of the pluralist model. Castles concluded that because of contradictions between explicit goals and actual policies this model has led to difficulties. And that the pluralist

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2 Castles, S. "How nation-states respond to immigration and ethnic diversity" NewCommunity Vol. 21 No.3, 1995
approach proves to be the most successful model in incorporating immigrants into society.

Because of these different approaches we invited experts on the policies regarding immigration and ethnic diversity from Austria (dr. August Grächter) and from France (dr. Philippe Bataille) to our Conference ‘Action Now’ in November 2001.

**Differential exclusion** in Austria³

Austria remains firmly in the ‘guestworker’ model with regard to its immigrants, who remain on a range of different work and residence permits. Although this has not kept immigrants from settling, it leaves the right to end their residence in the hands of the authorities, and constrains their working lives with restrictions not applicable to Austrian workers. Legal restrictions on immigrants ensure that large sections of immigrant workers remain complementary to native workers, and do not endanger their employment prospects (Gächter 1995). Even immigrants with a so-called ‘permanent’ work permit risk losing it if they have a period of unemployment, and become treated as new immigrants again.

This keeps immigrant workers in a much weaker position than their Austrian co-workers. This weakness is compounded by the fact that foreign workers are not able to be elected to be a member of a works council (Gächter 1997). This leaves whole sections of employment where immigrants are concentrated without proper representation at work. In these circumstances, a case study of ‘good practice’ will take on a very different form to one in a country where such restrictions do not apply.

For example, one of the Austrian case studies for the Compendium of Good practice described the only instance in the private sector in Austria where a deliberate attempt was made to circumvent this legal discrimination with regard to works councils. The case was a textile company where it had been the tradition for each department to be represented on the works council, and where, in the finishing department, where less than 10 per cent of the 67 staff were Austrian nationals, it was not possible to find a candidate. Through a creative exploitation of a loophole in the law, the company managed to get a Kurdish man on to the works council. The company then signed a separate agreement which stated that this man was to be treated as if he had the same rights and duties as a regularly elected works council member. One of the contextual factors in this case was that the head of personnel had recently joined the company from Germany, where the right for foreigners to be elected to works councils had existed since 1972, and so for him the idea did not seem at all unusual or threatening. "At most he regarded the ban itself, and the elaborate route to circumvent it, as somewhat bizarre. His attitude undoubtedly helped the whole project" (Gächter 1997).

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³Gächter, A, Institute for Advanced Studies, *Casestudies on the prevention of racial discrimination and xenophobia and the promotion of equal treatment*, European Institution for the improvement of working and living conditions, 1997
This case illustrates how ‘good practice’ in integrating immigrants into employment, and fighting exclusion and discrimination, is, in the context of workers in the bottom groups of categories, just as likely to be fighting legal discrimination as the more conventionally understood measures against racial discrimination.

As noted earlier, the lack of citizenship rights excludes whole sections of workers from many employment opportunities (Wrench 1996). Legal restrictions on immigrants ensure that large sections of immigrant workers remain complementary to native workers, and do not endanger their employment prospects (Gächter 1995). The areas where large numbers of immigrants work on temporary contracts were traditionally untouched by equal employment opportunity or anti-discrimination policies.

**Assimilation in France**

Philippe Bataille: "France has shortly accepted the reality of racial discrimination, especially on the labour market but also on a wider range: in public places, the social housing system and even at a political level. A first warning signal was given more than twenty years ago when statistical results and research pointed out that the ideal of integration did not fulfill its functions especially for children of Northern African immigrants, girls as well as boys, and more recently for children of black African people. This warning resulted in the involvement of many associations at national and local level. The eighties were with no doubt the years of mobilisation against racism and for the defense of a republican equality regarding these children. Nevertheless the results were very poor because of the social, political and cultural tensions on these issues."

In the nineties the difficulty came from two sides.  
**Firstly** a racial political force (the Front national – extreme right) succeeded in getting representatives of its party elected in high level political councils, in the counties (Conseil régional) and nationally (Assemblee nationale).  
"In fact, France has lived without any immigration from the end of the seventies until the end of the nineties, approximately 25 years without immigration. This resulted now in real difficulties, for example on the labour market because France had actually always been an immigration country as well on a historical as on a cultural point of view. How could it be that a racial impulse was extended from an issue about immigrants to a wider issue of young people in ‘hot areas’? The answer is simple. French racism of the eighties and nineties grew on a social (economical) crisis and asked why « others »were present on the national territory and especially why they were involved in social organisations and culturally active. This aimed at protecting the nation and the national identity. And last but not least, these thoughts were defended and sustained by a populist political party. (defense of citizenship and of the access to rights). Because of this fusion of the social, cultural and political, as well French as

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4 Bataille, Ph, sociologist Cadis (EHESS-CNRS), in his speech at the Conference ‘Action Now’, 23 November 2001
immigrants or foreigners were ‘accused’ of their presence in France. The ones which were mostly touched by this racial and discriminating movement were children: Northern African or African children, Maghrebins and/or Muslims. The fact that these persons were legally French did not change anything, it even worsens the racism. They became ‘wrong French’ and ‘wrong foreigners’. The racist movement started to look for the ‘essence’ of being French. What they wanted was to unmask the ‘imposters’. That is how it happened that young people of neighborhoods were accused of social disturbances (anomie), of moral disorder (parental authority failing), cultural rejections (Islam, girls), rejects of order (school, police). All these categories have succeeded very easily in attracting racist feelings throughout all levels of the population.

Secondly it has been very difficult for France to leave an industrial past back, in which racism was always a rule. It was for example the unlimited exploitation of immigrated workers by the industry or it was a colonial domination. I do not speak today about the Vichy regime of an anti-Semitic France, but we should not forget it. Anyway this is the story of this country which on one side is fighting for the ideal of human rights and against racism and the other side just lets hypocrisy and invisibility grow, or even helps its extension within the society, while extremely trivializing discriminatory behaviors and segregations.

This was the landscape mid nineties when finally a government (1998) dared to make a political issue of the fight against racial discrimination. This has taken a long time and the results remain unsure. Nevertheless a qualitative jump has been made with the law allowing the condemnation of discriminatory practices, proposed by minister Martine Aubry and definitively accepted in October 2001.

Concerning the steps of the governmental organisation against racial discriminations, I can say that it is not enough. The system enables to surpass the ideological fight between racists and non-racists. But it opens the way to recognise and investigate mechanisms like institutional discrimination and indirect discrimination. This was a necessary step in a country which is delighted to talk about its generous ideas of morality, of right behavior, of virtuous citizenship and republican equality without asking itself what it’s cultural and political institutions do really produce in terms of different treatments/behaviors (discrimination).” (Philippe Bataille, 2001)

**Multiculturalism in Sweden**

According to Soininen and Graham Sweden has adopted a generous immigrant policy. The difference in terms of political, social and civil rights between citizens and non-citizens has been kept to an absolute minimum. Access to social services, education, healthcare and after 1976 the right to vote in local and regional council elections, are legal entitlements. With a few exceptions there is no formal exclusion of immigrants or refugees from the major institutions of the Swedish welfare state and society. In Sweden legislation dealing with immigrants is divided up into the legislation which regulates the entry of foreigners into the country, the ‘immigration regulation policy’ (invandringspolitik), and the legislation and policies which regulate the lives of
immigrants and refugees who have been granted admission and a residence permit the 'immigrant policy' (invandrarpolitik). When equality was first adopted as an immigrant policy goal in 1968, it was evident that immigrants would have the same opportunities in the labour market as Swedes. In recent years however there have been changes in the general tone of the Swedish immigration regulation policy. The traditional solidarity with refugees seems to have weakened to some degree.

The basic rules which are to ensure equality and protection against ethnic discrimination are found in the constitutional law (Grundlagen). This forbids discriminatory legislation and discrimination by the authorities. According to the constitutional law all people are equal and have the right to equal treatment. Legislation may not be passed which discriminates against a citizen on the basis of the so called ‘ethnic factor’ which includes race, skin colour, national and ethnic origin, religion and membership of a minority.

In addition to these basic rules, there are also criminal laws. These deal directly or indirectly with actions or utterances which are racist or discriminatory in some way. Of central importance here is the law forbidding violence or agitation against a national or ethnic group (Chapter 16, 8 of the Penal Code). This law however does not cover the labour market.

**Good practice II**

**Four anti-discriminatory ombudsman (Sweden)**

The main government organisations working with anti-discriminatory problems are four "Ombudsman” organisations with their director called "ombudsman”.

**Anti-discrimination – ombudsman DO**

DO mainly supports those who have been subject for ethnic discrimination. DO also is a policy maker and suggests new laws and regulations to the government.

**Handicap – ombudsman HO**

Similar responsibilities as the DO but concerning people with a handicap or chronic disease.

**HomO (homosexual ombudsman)**

Supports those who have been discriminated depending on sexual orientation.

**JamO (Gender equality)**

Supervises and monitors that men and women have equal rights in working life. The base is the “Gender law” which not allows any discrimination on the labour market and describes that every employer must have an action plan for equality between men and women.

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5 Soininen, M and Graham, M, “Case study of good practices for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workforce, Sweden”, Stockholm University, March 1997

6 See footnote 4.
There are legal provisions which make it illegal for businesses to discriminate in the provision of services and in granting access to public assemblies. But these provisions do not apply to the relationship between a private employer and an employee.

In 1986, the Swedish parliament passed the 'Law Against Discrimination with special reference to the labour market'. The law condemned ethnic discrimination but did not forbid it. The Parliament decided that immigrant groups do not have the same status as 'ethnic minorities', i.e. the native Lapps (the Samer). The later are recognised as an ethnic minority group with special needs and interests protected by the constitution. The law also set up the office of the Ombudsman for Ethnic Minorities.

On 1 July 1994 the law against ethnic discrimination in working life, which incorporates and extends the range of the 1986 law, came into force. By discrimination this law means unjust treatment or an insult to personal integrity on the basis of the so called 'ethnic factor'. The law refers to recruitment, equal wages, training and redundancy or dismissal. This concerns a civil law, which means that an employer who breaks the law can be forced to pay compensation to the discriminated party. But an employer cannot be sentenced to pay a fine or to a term of imprisonment as is the case if someone in Sweden is refused entry to a restaurant or is barred from renting accommodation on the basis of the ethnic factor. According to Maritta Soininen and Mark Graham this law had several limitations. It does not apply to discrimination by colleagues or customers. Neither does the law cover all stages of recruitment.

A new Act on Measures against Ethnic Discrimination in Working Life entered into force in Sweden in May 1999. It states that employers must actively work to promote ethnic multiplicity in working life and in doing so take such measures that the working conditions are suitable for employees of all ethnic origins.

Multiculturalism and diversity in the Netherlands
The Dutch Act of 2 March 1994 is laying down general rules for the protection against discrimination on grounds of religion, philosophy of life, political conviction, race, sex, nationality, hetero- or homosexual inclination or marital status (General Act on Equal Treatment). The Act prohibits discrimination, except for statutory exceptions, on the above mentioned grounds in the following situations:

- In employment relationships (between employers and employees). Unequal treatment is forbidden in any area that is related to work, from job advertisement to the actual employment contract. This includes salary, holidays, promotion, training and professional education, dismissal and working conditions. The regulations also apply to people in liberal professions, such as lawyers and doctors.
- In offering goods and services. Everyone should be treated equally when buying an insurance policy, renting a house, opening a bank account, having a telephone installed, et cetera.
- In receiving advice about educational or career opportunities.
The Act also establishes a Commission for equal treatment competent to investigate on request whether persons are discriminated against in the meaning of this Act and of the Equal Treatment for Men and Women Act of 1989.

In the first year of its existence (1994-1995) the Commission received more than 300 complaints, 185 of which were declared admissible. Of these, 25% were complaints of racial discrimination. In 2001 464 complaints reach the Commission of which 19% concerned discrimination on grounds of race and/or nationality.\(^7\)

In order to enhance the participation in the workforce of immigrant people in 1994 the Target Groups Promoting Proportional Work Participation for Immigrants Act (WBEAA) entered into force. This temporary Act which was foreseen to be in force until 1999 was based on the Canadian Equal Employment Act. The WBEAA compels employers to strive for proportional representation of migrant workers in their companies (equal to the proportion of minorities in the working population of their region). Employers with more than 35 employees - including government departments - were urged to: registration of workers by ethnic origin, publicly notifying the Chamber of Commerce each year on the proportion of ethnic workers in the overall personnel and compilation of an annual working plan setting targets for the inflow of migrants. Target groups were people of Surinamese, Antillean, Aruban, Moroccan, Turkish, Yugoslavian, Vietnamese, Somali, Ethiopian, Iranian and Iraqi origin and after 1996 also people from South and Central America, Africa and Asia (except those born in Japan and the former Netherlands East Indies and their children) and people from the South Moluccans. Violation of the WBEAA was an economic offence with a maximum fine of 25,000 Dutch guilders.

A first evaluation of the WBEAA revealed that only a very small proportion of employers – 14% - had complied with all the directives of the Act. A small majority – 57% - had indeed switched to separate registration of employees. The conclusion was that the WBEAA amounted to little more than a few administrative procedures and that no real action had been taken (Berkhout et al., 1996). This evaluation study and the recommendations of the social partners within the Labour Council prompted the government late in 1996 to amend certain aspects of the Act and reduce the amount of administrative work it necessitated. The original main points did remain, for example the scope of the Act (firms with more than 35 employees), the separate registration and the compilation of work programmes. Infringement of the Act is no longer a criminal offence and compliance with it is overseen by the Labour Inspectorate. \(^8\) The social partners regarded amendment of the WBEAA – since renamed the Promotion of Employment for Minorities Act (SAMEN) – as an endorsement of the Council’s new agreement Minorities mean more opportunities.

\(^7\) Jaarverslagen Commissie Gelijke Behandeling (Annual reports Equal Treatment Commission), [www.cgb.nl](http://www.cgb.nl) (english version is available)

\(^8\) Abell, P. “Casestudy of good practices for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workforce, the Netherlands,” European Institution for the improvement of working and living conditions, 1997
Although this agreement does not name specific targets, it does explicitly seek to improve the position of ethnic minorities in the labour market. This aim is to be achieved by means of an appropriate sectoral infrastructure. As regards the inflow of ethnic minorities it is recommended that the parties to the collective labour agreement for each sector should agree a commitment on what needs to be done. The agreement also emphasizes the role of works councils in education and training policy and in combating racial discrimination in general and as it affects access to employment. The Joint Declaration is the guiding framework here.

An evaluation of the National Bureau against Racial Discrimination (LBR) showed again in 1999 that an unacceptably high number of employers did not comply with the law by failing to submit a report, but in addition that the reports by businesses that were submitted, often do not meet the required standard with regard to content and policy. According to the LBR (1999) the employment and recruitment policies are hardly ever adopted. “The added value of this law is not recognised, and employers complain about “useless administrative obligations”.9

In 2000 however the results seem much better than the years before: 72% of the employers did submit a report.10 As for the complaints about the administrative obligations the authorities developed a electronic ‘tool’ to make this easier. In 2000 46% of the action plans of employers concerned recruitment and selection. Information about the effectiveness of this Act will be available after the evaluation of the Promotion of Employment for Minorities Act in 2002.

**Gap between legislation and practice**

At the Conference ‘Action Now’ participants from different European countries stated that even if equal treatment is adopted in the national legislation, this does not mean that in everyday life everybody is actually treated in the same way.

Iris Kugler, a lawyer from Austria reported from on of the roundtables at the Conference:

“What does equality mean? Most of the European laws state that equality means all people are equal and in order to reach this equality to treat all people unequal. If some situations are compared and do not fit, these are labeled as ‘unequal’. But for the groups of people we talk about today it does never fit. For instance for white men childcare does not fit into their careers. Catherine McKinnon argues that it’s not a question about equality but about power.

What happens with the equal circumstances? There is a gap between laws and practice. Awareness rising is necessary to see how the laws are implemented. The lobby must not only focus on national level but also at regional level. Us knowing about the situation of others (good practices) would help. In Austria also the position of homosexuals needs changing. In Sweden they have the Ombudsmen that provides

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10 Ministry of Social Affairs and Employment, “Arbeidsdeelname Allochtonen (wet SAMEN), Den Haag, 01/11/2001
analyses and statistics. In Austria this is not allowed. Apparently we need intersectional analysis. In Holland recruitment and jobs that people of minorities need are not available. This is the same for people with a handicap as for people with a different ethnic background. This means that the unemployment figures for the various minority groups are much higher than that of the white population without a handicap. Also older people that lived part of their life in another country don’t get the same pension as natives. In Austria you get no unemployment (or other) benefits if the income of your partner is too high. Men earn more than women. Women also are more often unemployed. The outcome of this law is that less women than men get benefits because of the income of their partners. These all are examples of indirect distinction. But it’s an equal law. The law does not discriminate, but the outcome of it does!”

Besides this also indicated at the Conference ‘Action Now’ was that national policies do not exist just of laws and regulations. In France part of the citizens that are legally French are not equal at all. In the public debate there seems to be a fragmentation. In France the non discrimination debate just started. This seems also the case in Sweden regarding the ‘burden of proof’ debate. There are three laws implemented but discrimination still takes place at the Swedish labour market.

Conclusion of this chapter can be that the actual situation in the four countries differs a great deal regarding to existing legislation, regulations and policies but the fact that there is a huge gap between policy and practice is the same in Austria, France, the Netherlands and Sweden.
Good Practices III
Canadian Human Rights Commission
The Commission deals with discrimination on grounds of
• Race
• Colour
• National or ethnic origin
• Religion
• Age
• Sex (including pregnancy and childbearing)
• Marital status
• Family status
• Physical or mental disability (including dependence on alcohol or drugs)
• Pardoned criminal conviction
• Sexual orientation

There are **three main aspects** to the work of the Commission:
• To provide effective and timely means for resolving individual complaints;
• To promote knowledge of human rights in Canada and to encourage people to follow principles of equality; and
• To help reduce barriers to equality in employment and access to services.

Possible Outcomes
If Commission members feel that there is evidence to support the allegation, they can either appoint a conciliator to try to bring about a settlement or send the case to a Human Rights Tribunal, which will hear all the evidence. If a complaint is settled or if a Tribunal rules that discrimination has taken place, those responsible may be required to:
• end the discrimination;
• establish programs to correct unfairness;
• produce a plan to correct discriminatory practices;
• compensate for lost wages or hurt feelings;
• pay other costs of settling the complaint.

Source: [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca)
3. **The Impact of discrimination**

Anti-discrimination often focuses on policies, trainings and management concerning the change of attitude of the dominant group that discriminates and hardly on what the impact of discrimination is on the non-dominant groups. That’s why the Conference ‘Action Now’ started with a roundtable interview with representatives from different European countries and different non-dominant groups about the impact of discrimination. What does it mean to be discriminated, how does it feel and how does it effect people?

The interviewer was *Philomena Essed*, senior researcher at the Amsterdam Research Institute for Global Issues and Development Studies, Department of Geography and Planning, University of Amsterdam and Visiting Professor at the University of California. Philomena Essed also is an advisor on non-discrimination policies of governmental organisations and companies. She interviewed:  
*Amel Gorani*, from Sweden has a Sudanese background and is the representative of the Swedish National Association of Immigrant Women at the UN in New York.  
*Frances Fortuin* is business consultant on ‘transformation within the organisation’ in the Netherlands and executive board member of the European Blind Union and EBU representative on the World Blind Union Executive Committee.

Philomena Essed: What is it that you see and others don't notice as discrimination?  
Alev Korun: Discrimination can be seen different. Discrimination on grounds of handicap differs from racial discrimination. Immigrants in Austria are strongly discriminated by the Austrian laws. This is not the same for people with a handicap. Everyday racism is also a big problem, but the official discrimination is stronger.  
Philomena Essed: How do you notice this?  
Frances Fortuin: I would look to your question from a different perspective: What is not discrimination. At one of the conferences with a group of women with a handicap we could not enter the building, there was nothing to read for blind women and def women could not hear what was said. What we need is anti-discrimination, an active attitude to make barriers visible and tackle them.

Philomena Essed: How can you realise this?  
Frances Fortuin: First you ignore it. But after ten times discrimination starts, for instance the accessibility of buildings. The access for everyone could be realised mostly without extra costs. If this is not don, you feel neglected or discriminated.  
Philomena Essed: Does this resonate with the experience of the others?  
Amel Gorani: I think we all can feel that. But some elements we cannot recognise.
But the basis of everyday discrimination seems the same for black women as for women with a handicap. This basis is the visibility; you are discriminated on what people see. I am totally Swedish, I grew up there, my father was a diplomat. But everyday I feel discrimination through the way people react to you. Sometimes it is racism – for instance a bus driver that doesn’t stop for you. Maybe he had a bad day, but it makes you feel rejected.

Racism is not only a matter between black and white, but also amongst black people them selves. If you are visible different you can be discriminated on many grounds. Because you are a women or because of your age. The discrimination against children has a great impact.

Philomena Essed: How do you cope with this situations. How do you feel?
Alev Korun: As a women: you are feeling bad. The way people treat you is not right. Your can fight this together.
But If you are an immigrant you are part of the non-dominant group and that is visible. Some try to ignore it. But you are confronted with this fact every day. So the only solution is to develop some way to deal with it.

Visibility
Philomena Essed: So everything is reduced to what people see (and not who you are)?
Frances Fortuin: But people look either at gender or at handicap. For instance everywhere there are toilets for men, women and disabled. We hardly can get ‘gender’ on the agenda of our organisations. The men argue: ‘We are all disable people’. But what does this mean if you are a woman? We had to fight to for the insight that gender also makes a difference for women with a handicap.
Alev Korun: But what if the bus driver does treat you different. It is a very slow process. I am discriminated, but they don't know the meaning of it, people don't learn from it.
Philomena Essed: How just is it when we cover up because we are sometimes powerless. But after six times shouldn’t we talk about it?
Amel Gorani: If your self-confidence is good, you can do that. But if you individually have to react to discrimination it is not easy. That is why the networks are very important for all of us. It makes a difference.
Many children think they won’t get a job anyway. The networks can be used to give them an other perspective: You have the right to get a job.

Role models
Philomena Essed: But this means I have to work double hard compared with others?
Alev Korun: Some could think they have to show they are better than the rest of the minority group. But you also can say: Why should I? I have to show that I am capable. In the network people can learn that they are not alone.
In Austria there is a discussion about integration. But what discriminated people need first is their own organisations and networks from which they can go on. And secondly they need the same support to be able to get a job as everyone else.
Frances Fortuin: Role models are very important. For me they were. When I got blind at first the service providers helped me. But after that I did become a member of the Blind Union. At the first round table a great part of the discussion was about if the table was round or not. I learned a lot of them I need to work together with the blind and with women with a handicap. This inspires me to go on.

Denial
Philomena Essed: How do you go on with the denial of discrimination?
Alev Korun: Sometimes I think: this can be true. If discriminated of not, the denial of discrimination stays. You get reaction as: ‘It must be a joke’.
You are telling it over and over again. But if you are a member of the majority and have a friend from a minority group, you reaction will be different: ‘This cannot be true.’ But the more incidents you get knowledge of the more awareness is raising that discrimination exists.
Philomena Essed: But the majority of the people don’t want to know about racism and discrimination
Amel Gorani: It is important to talk about it. Also on the political forum. You have to get arguments. But I cannot accept denial, this is part of our human rights.
The more you talk about it, the more people get interested. I give the facts and figure to my Swedish friends and they are really interested and ask me if these are real.
Philomena Essed: What is the first thing people feel?
Frances Fortuin: They feel shame and behave as if they don’t notice that you have a handicap. But you have to admit that a person with a handicap is a person with a handicap.
Philomena Essed: What is worse?
Frances Fortuin: No one sees the extra values you have if you live with a handicap. For instance when my second child was born, the delivery was difficult. The child had to get oxygen and we were afraid it could die. But than the doctor said: “It is good to struggle, she will be strong.” People that face difficulties can add a lot of values.

Philomena Essed: Is there something we should coach our children about?
Alev Korun: The difference between people cannot be the reason to treat people badly. A darker skin emphasises everything. There will always be differences between people. Differences make it sometimes necessary to treat people different. And not the other way around. If I should work with a person with a handicap I should ask if she wants me to treat her different.
Frances Fortuin: This is true: Ask people: What do you need? That way you can tell what your experience is. You are the only expert on your own needs.
Amel Gorani: The more you play by the rules of the dominant group, the stronger you will get. If you are discriminated, you have to develop a fighting spirit. This is a good basis to find strategies to tackle discrimination. If you are confronted with serious problems in Sweden we say: “Hope is the last thing that’s left.” In Sudan we say: “What does not kill you, makes you stronger!”
Good practices IV
Break through stereotyping and victimisation (France)

Stereotyped assumptions about differences influence one’s perception of self and others. Members who belong to the dominant group may perceive themselves as powerful and privileged. Members who belong to the non-dominant group may perceive themselves as powerless and underprivileged (victimisation).

In order to break through stereotyping and victimisation in France a mentor system was introduced. On regional level the l’Association d’un Monde a l’Autre started a mentor project in Roubaix. The Association offers half-time trainings and half time jobs in various companies in the region. After six months the company will be able to see through the stereotypes and make an objective judgement on the capacity of the young employee and the fact if he is the right person for the job. At the same time the young workers enhance their self-esteem through the training and a positive experience at the workplace.

Sixteen young unemployed Algerian boys started a network to try to find a job. It worked, twelve boys did get a regular job. And the network not only worked as empowerment for the boys participating in the network but also for other young man that see the positive results.

Rikki Bendahi, representative of Association d’un Monde a l’Autre in France

Good practices V
Multiculturalisation in a Supermarket chain (the Netherlands)

- The facility ‘breeding ground’ has a powerful effect. This means that each of the 17 clusters of 30 – 40 chain stores has the possibility to point out one store that is able to give more attention to the internal training of employees: the potential managers. This store is exempt from the obligations regarding sales targets. After the training the other stores of the cluster can profit from the new trained talents;

- A good development is the installation of a Working group Diversity in the company. Managers with various cultural and ethnic backgrounds are members of this Working group. Objective is to develop new ideas for multicultural policies as well as to advise colleague managers;

- A positive development also are the intention and the efforts made to evaluate the assessment criteria and the behaviour characteristics;

- In the debate about cultural differences the company succeeded to avoid ‘details’ discussions and stereotyping (as the discussion about women wearing a scarf at work).

4. Objective: Horizontal Approach

With the horizontal approach the EC aims at tackling both the root causes and the processes which might lead to discrimination against different groups in society. One of the main questions to be answered was if from the point of view of black and immigrant women, people with a handicap or people discriminated on ground of age a horizontal approach could stimulate the creation of a non-discriminatory workplace.

For the majority of the participants in the project ‘Action Now’ it was the first time to be confronted with the ideas of the horizontal approach of anti-discriminatory policies. This in spite of the fact that most of the participating women did experience intersectional discrimination on the labour market. The chance to get a job is for a woman with a handicap much lower than for a woman without handicap or a man with the same handicap. Black and immigrant women also experience discrimination on different grounds at the same time. Because of their economic situation most black and immigrant women have to get a paid job and combine this with the care responsibilities at home. Research in the Netherlands showed that there is typical black/migrant women labour. For instance half of the Turkish and Moroccan women work in the sector that white women don’t (want to) do. Not only immigrant and refugee women have to accept the less wanted jobs, they often have to perform work far beneath their educational level. A female lawyer that came as a refugee to Sweden was recommended to get a cleaning-job. She did have to accept this job to earn enough money. After several years she finally did get a proper job as a lawyer in Sweden.

“We are all discriminated: firstly because we are women, secondly because we are black, Asian, have a handicap or because of our age. We don’t want any of this. So we have to combat together to fight discrimination on different grounds and ask for specific measures. Solidarity has to come back!”

The European Women’s Lobby stated in ‘Strengthening women's rights in a multicultural Europe’ that from a gender perspective, the definitions and measures to combat discrimination on ground of race or ethnicity only partially identifies the specific forms of discrimination experienced by women. This considering that there is an intersection between discrimination based on the grounds of gender and of other grounds which results in forms of multiple discrimination. Although gender roles and relationships have changed with time and from one society to another, the status of women has always been lower than that of men. According to the EWL the modern women’s movement raises issues of concern for all women, while the predominant problem for black, immigrant and ethnic minority women is not only gender discrimination, but also the entire system of racial and ethnic stratification that defines, stigmatises and controls these groups as a whole.
At the transnational seminars organised in the framework of the project ‘Action Now’ we learned that women with a handicap experience exactly the same multiple discrimination.

But even for those who are confronted with discrimination on more than one ground (for instance black women with a handicap) the horizontal approach was new. One of the reasons was that almost all NGOs involved are concerned with one specific ground of discrimination. Also people incline to get involved in the NGO that attend to tackle the discrimination ground that causes the biggest obstacles for their position on the labour market.

At the first seminar of our project there seemed to be a tendency of mutual underestimation of the problems that other non-dominant groups are confronted with. A woman in a wheelchair that has no access to the company building where she wants get a job thinks a black woman is privileged. She has access to the building and can show her talents in the recruitment procedure. The black woman however thinks she is even less profitable because she never gets an invitation from an employer. Because her name in the application letter shows that she obviously is not native born.

But during the meetings (on national and transnational level), in interviews, workgroup sessions and at the European Conference the awareness was risen that the impact of discrimination is the same for all non-dominant groups. This eye-opener is one of the positive results of the project ‘Action Now’. It also is the bases of new networks that were formed on local, national and European level.

**Conclusion**

Overall conclusion is that the effects on groups that are discriminated are similar and an horizontal approach could point that out. The start to combat discrimination is similar for all grounds: to create awareness, make it visible and implement the philosophy to combat all forms of discrimination in society. But to be able to find solutions for specific barriers based on specific grounds of discrimination also specific measures have to be taken.
5. Roles of dominant and non-dominant groups

Objective of the project ‘Action Now’ is to develop strategies against discrimination from the angle of the non-dominant groups and the mainstreaming of these strategies.

As referred to in the former chapters the debate about the horizontal approach resulted in an entire agreement that the confrontation with the experience on the labour market of other non-dominant groups was an eye-opener. For example the impact and feelings about discrimination of a blind white woman appeared to have a lot of similarities with the experiences of black or immigrant women. That this recognition took place during the debate in the framework of this project (and not earlier), was due to two main points. In daily life it is very difficult to put yourself in the position of the other. Also the NGO’s of the different non-dominant groups were not acquainted with each others barriers, actions and applicable policies regarding non discrimination and the labour market.

The recognition did not develop in itself or because women (and men) of various non-dominant groups told about their experiences. There had to be organised divers meetings to discuss this issues. After the first seminar not everyone was convinced that the horizontal approach could offer positive perspectives. That's why we decided to hold interviews with representatives of the divers non-dominant groups and to compare and analyse the outcomes at a transnational seminar.

From this analysis the following mutual conclusions came forward: Remarkable is that strategies and anti-discriminatory policies are mostly developed by – and from the perception of – the dominant group. This way the dominant group once again labels the non-dominant group.

1. The dominant group determines how the procedures run and under what conditions they are ran (here: not confronting but in dialogue).

2. The dominant group chooses a co-organisation as a conversational partner which is led by people from the dominant group.

A woman in the Netherlands could not overcome the idea that her brother, who has a muscular disease, didn’t get a job. Her brother could drive a car easily and that’s why she developed the idea to establish her own courier-service: ‘Valid Express’. She did want to use the financial support according to the Dutch (re)integration policies. The social insurance service was not accessible to her ideas and even didn’t respond when she really managed to get the company going. Meanwhile she already has eleven people employed for a considerable time. ‘Valid Express’ only hires couriers with a handicap or chronic disease.
3. The starting point of the dominant group is that all efforts should be aimed at the integration of the non-dominant group. This means that the values and customs of the dominant group can’t be doubted, not even when they are discriminating for the non-dominant group.

4. If another organisation than the one that is viewed as ‘the’ conversational partner wants to give an effort in the interest of their own group this is distrusted by the government.

5. This distrust also takes place when people from the non-dominant groups bring up alternatives themselves. Especially when those alternatives imply that people from the non-dominant groups get self determination and in order to realise this appeal to collective means.

And more specific regarding labour market policy

1. The procedures used for non-discrimination or positive action are in fact developed and determined by the dominant group.

2. The criteria used to define if someone is able to work, are based on a theoretical frame that is developed by the dominant group and does not agree with the daily practice of the non-dominant group.

3. The starting point is the image that people from the non-dominant group are no perfect employees and that employer should get benefits if they hire someone from the non-dominant group.

4. There is hardly any communication with the people – the clients - from the non-dominant group.

5. People from the non-dominant group that find there own way to get a job, can hardly get any financial assistance for the adjustments that are necessary.

A female immigrant from Bosnia had to learn all the economic terminology in Swedish before she got a job as an assistant to the economic director of a big company in Gothenburg. Although she had all knowledge and was master of all terminology in her own language it was impossible to get the job before her Swedish language was more or less perfect.
6. The dominant group is reluctant when people from the dominant group offer alternative ways.

In general the conclusion is that in the combat against discrimination the dominant group pulls the strings. The non-dominant group is not or scarcely heard. If the non-dominant group succeeds to get some influence the dominant group pulls back. Sometimes efforts are made to change the alternatives of the non-dominant group to the existing standards of the dominant group. Sometimes communication even is rejected.

In fact the way discrimination is combated itself is discriminating.

**Good Practices VI**
**More Together (Meer Samen)**

People who suffer from MS have nearly no chance to get a regular job because the progress of their illness is very unpredictable. People are not able to work continuously and according to a specific time-table, so employers are not very eager to employ them. From the point of view of job centers and reintegration-services they are considered ‘not employable’.

In the project ‘MoreTogether’ people with MS work together in a ICT-company. The initiators came to the idea to tackle the employment problems of people with MS collectively instead of individually. They founded their own ICT-company. Participants are trained in the company and after the training they can get a job in the ICT-company. This project was made possible by European funding and a contribution by the MS Association in the Netherlands.

**Conclusions**

Although many examples of projects to enhance the employment position of women, immigrants, refugees, young people and people with a handicap were found, these were rarely initiated by non-dominant groups themselves. In most cases the initiator was a governmental body or an organisation that was appointed by the government.

**On the road to change**

**Recognise:**

- The importance of mainstreaming the anti-discrimination policies and the fight against discrimination on different grounds. There is on national and European level no real comprehensive approach;
• That there is no general solution for all different discriminated groups and even not within these groups. The solution consists of a diversity of strategies and methods to be implemented in each separate case;

and consider:

• More intensive cooperation of NGOs with the objective to tackle discrimination on any ground. During the year the project ‘Action Now’ was carried out new ‘horizontal’ networks already were formed;

• Non-dominant groups get no equal rights as long as we tolerate inequality.

• NGOs depend for a great deal on the (financial) support of governments. If you get this funding do you have to be less very critical?

• NGOs should let their voices heard more to get in the places where the power is.
6. **Mainstreaming of non-discriminatory policies**

The subtitle of our project ‘Action Now’ is “mainstreaming of non-discriminatory policies”. How could we realise this?

Mainstreaming is the overall strategy adopted at the Fourth World Conference on Women in the Beijing Platform for Action in 1995 aiming to involve the gender perspective in all analysis before decisions are taken.

What happened after Beijing is that governments and other actors tend to replace specific equality policy by the mainstreaming strategy. The objective of mainstreaming is however to complement the ‘traditional’ equality policy. Mainstreaming and specific equality policy are two different strategies to reach the same goal: equality for all groups in society. These two strategies must go hand in hand, at least until there is a real culture and consensus regarding equality in the whole of society.”

‘Mainstreaming’ provides a framework in which equality legislation and other equality measures, such as positive action, can be placed strategically.

‘Mainstreaming’ and specific equality strategies have different starting points, involve different actors, and are concerned with different sorts of policy.

The starting point for ‘traditional’ forms of equality work is a specific problem resulting from inequality. A specific policy solution for that problem is then developed by an equality machinery. The starting point for ‘mainstreaming’ is a policy which already exists. The policy process is then reorganised so that the ‘ordinary actors’ - departmental officials and politicians - take an equality perspective into account, and equality as a goal is reached. ‘Mainstreaming’ is a fundamental strategy - it may take some time before it is implemented - but it has a potential for a sustainable change. ‘Traditional’ forms of equality policy can achieve faster results, but are limited to specific policy areas. "Mainstreaming and specific equality policy are not only dual and complementary strategies, they form a ‘twin track’ strategy.”

The existing policies in the four countries participating in the project ‘Action Now’ differs as described in Chapter 2. This made it difficult – in the framework of the project ‘Action Now’ - to find a ‘mutual starting point’ for mainstreaming applicable for Austria, France, the Netherlands and Sweden. The last two countries implemented similar equality legislation and an Equal Treatment Comite and the Ombudsmen to resolve complaints and monitor the outcomes. But in Austria the legislation regarding for instance discrimination on racial and ethnic grounds is hardly discussed and in France the debate just started.

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12 see note


**Recommendations I**

**Non-discriminatory policies on national level (France)**

Dr. Philippe Bataille, sociologist, CADIS, Centre of Analysis and Social Intervention in Paris stated at the Conference 'Action Now, 23 November 2001, Amsterdam:

"It is always a difficult exercise while facing a time running too quick for the victims of discrimination. In order to understand properly, I would like to point out the fact that we in France have lost 25 years in comparison with other countries, let's say a whole generation of young people, men and women, who have grown up in a racist contempt and respond to hate with rage.

Which recommendations would we dare to make?

We also have to find solutions for two problems. On one hand we may not reproduce the present context. On the other hand we have to repair the mistakes that have been made and help the victims of direct or indirect racial discrimination.

1) The topic of discrimination has to be raised at the same symbolic level as the fight against social inequality in the republican ideal. This means that the republican ideal has to make a dramatic evolution. It cannot remain at the level of recognition of the phenomena but this republican ideal has to show the ability of recognising the right to be different culturally and has to forbid any kind of discrimination in social and cultural and political treatments. This means the alignment of the rights of foreigners living in France with the rights of members of the European Community. For example concerning the jobs that are now forbidden to them (7 billions jobs are not available to foreigners outside the EC). More concretely, it asks for more support to all associations and institutions who are clearly fighting against racial discrimination. This is not the case today regarding the fact that we are still mixing up the fight against discriminations with the support for integration.

2) At another level, more juridical but also related to the domain of associations and institutions, I do believe that we have to worry about the way that discriminations will be handled legally with the new law. Of course it is too soon to know the results of this new law but nevertheless we have some experience on this matter. It was already possible to go in court but history has shown that very few deposits out of many led to legal handling in court. Facing this result and experience, we should imagine a kind of Commission of the rights of the person and look at the existing model in Canada. I have always been against the idea of an Independent Administrative Authority (IAA) that would only focus on and handle racial discriminations like in Great Britain. But I could imagine a Commission, which would work on files of all kinds of discrimination, on gender, race, sexual orientation, handicap, disease. The question of the feelings of the victim and how he of she will be treated juridical comes upon. As I think that the discrimination processes are the result of the whole society and not of the behaviour of the victims, I don't want to divide the condemnation of discriminatory practices.”
However whilst in 2001 the national legislation is not yet comparable for Austria, France, the Netherlands and Sweden, according to the European Racial Equality Directive and the Employment Equality Directive it should be by respectively 19 July 2003 and 2 December 2003. All European member states have to transpose these directives to national laws and regulations by the end of 2003. The legislation in the four countries than can form a mutual starting point for mainstreaming non-discriminatory policies.

And as was concluded at our Conference ‘Action Now’ in November 2001 a horizontal approach to realise a non-discriminatory environment in the workplace could benefit all non-dominant groups. Should the mainstreaming strategy also be applicable to combat inequality on other grounds than (only) gender we could use the following description:

"Governments and other actors should promote an active and visible policy of mainstreaming a non-discriminatory perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, representatives of different racial or ethnic backgrounds, native born and immigrants, people with and without a handicap and people of different ages."13

We also concluded that a horizontal approach could add value to the strategies of all non-dominant groups but could not replace the policies regarding specific barriers on the labour market. The same remarks were made regarding ‘mainstreaming’.

In the next Chapter we will describe the specific policies and measures needed to create a non-discriminatory workplace.

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13 see para 20 of the Beijing PfA, 1995
Recommendations II
Multiculturality and gender in the workplace (Netherlands)

On request of Tiye International dr. Roline Redmond and dr. Margot Brouns investigated the process of multiculturalisation. Empirical research was done in a supermarket chain. Specific attention was given to the positions of women and men. Based on the research and good practices (see box Good Practices II) the authors recommend regarding multiculturalisation and gender in the supermarket chain:

Vision and policy
- Use the stakeholders' approach - which has steering from the top, while the levels lower in the departments are enabled to fill in their own guidance and support.
- Start with the development approach for diversity policies and use this consequent in the long term with gender policy as a structural part.
- Start a debate in the company in which the position of the employed personnel, the culture, the norms and the position of men and women are at stake.

The cultural dimension
- Develop clear protocols for feast-days, holidays, sickness and leave
- Train managers with the knowledge and experience from the workplace
- Organise feasts and informal gatherings to get acquainted with each other's culture and background.
- Investigate the real added value of language and to what extend language really forms an obstruction to carry out a function if the other acquired qualifications – as leadership – are met.

HRM instruments at personnel level
- Take care of a good registration of through and out stream of all ethnic groups.
- Take care of a balanced composition in all departments of white and black employees.

Knowledge and experience
- Investigate the experiences of black, immigrant and refugee employees with the mutual cultural norm and use the results to formalise protocols on various domains.
- Let managers transfer their practical knowledge of diversity and use this knowledge at an intensive way to adjust training and assessment systems
- Assist managers in the support of personnel by hiring an extern consultant or by appointing colleagues for further support.
- Coaching in the workplace and support of learning processes takes a lot of time of the manager: this time should be created within a department.

Recruiting
- Recruitment should take place through the canals of the involved groups themselves.
- Intensify recruitment at vocational training centers and schools for higher education.

Training instruments
- Provide also trainings for part-time workers
- Create 'breeding grounds' and bring this to the attention of all personnel.
- Organise structurally meetings for all employees in every department.
- Organise for junior black managers informal meetings with the senior white managers to enhance their networks vertically.

7. Towards a non-discriminatory workplace

The workplace culture has its roots in the history of the company and the history of its specific sector. If it concerns a technical company, the 'traditional' company climate will be a 'male' culture. Many examples of negative experiences of women who entered the technical sector occurred in all four countries. In the Netherlands for instance years ago a policy was implemented to stimulate girls to get a technical education. This policy was a success, more and more girls did get a diploma of certificate of a technical school. But this did not mean that a similar percentage of women and girls worked in technical occupations. In practices the girls left the technical sector within a year after their graduation. Main reason was they did not feel 'at home' in the enterprises or where not accepted by their male colleagues. Clearly is that a policy focused only on changing the girls education and choice of profession or career did not work. At the same time a change of culture has to take place within the companies and the sector as a whole. The atmosphere in a company must be a secure, healthy one for everyone that works there. Employees must feel confident that discrimination will not be tolerated.

In the four countries – especially in Sweden and the Netherlands – various strategies were developed in recent years, all focused on changing the company’s climate:

a) Information: is based on an underlying assumption that provision of correct information on demographic facts and employment patterns, factual information on prejudice, the processes of discrimination and the legal context of discriminatory acts is effective to produce a behavioural change. The methods used in this strategy are: lectures, videos or written material.

b) Awareness Raising: aims also to provide the correct information but at the same time during a training awareness is risen regarding discriminatory behaviour in the company. Assumed is that changing prejudiced attitudes will automatically reduce discrimination.

c) Racism awareness and Anti-racism training: focuses narrowly on racism itself and aims at producing a relatively rapid change in attitudes. The methods used are generally to induce self-awareness in a group setting and confrontational techniques, such as role plays, are applied. The anti-racism trainings aim primarily at combating racism by changing organisational practices.

d) Equal Treatment Training: for managers this training focuses on equality issues in professional behaviour, the companies equality policies and at the same time tries to promote understanding, awareness, knowledge and benefits of equality in the workplace of all employees. The starting point of Equalities Training will be that the law prohibits discrimination, that the company has to adjust their equality policies regarding this legislation and that the management must make sure that discrimination, whether deliberate or unintentional, does not occur.
e) Diversity Management is the most recent development in the field of anti-discrimination. In this approach fairness is not described as treating people equally but treating people appropriately regarding different backgrounds and culture. The Swedish Council for Work life Research has adopted ‘diversity at work’ as a major theme in one of its new programme areas, on the grounds that “workplace diversity is a challenging theme in work life development in Sweden in the next years to come. In the Netherlands ‘diversity management’ also is a keyword for government as well as corporations in recent years to gain equal treatment of all non-dominant groups in the workforce.

Good Practices VII

The City of Stockholm’s Guidelines for Diversity Plans, April 1998

Diversity is profitable
In an organisation characterised by diversity, there are employees with a variety of knowledge, experience and skills, and various ethnic and cultural backgrounds. An organisation of this kind has more possibilities of developing its role in society, and it also has a better chance of achieving other advantages.

- By means of utilising all the competence available, companies and organisations can improve the efficiency and quality of their activities, gain access to new products and markets and, simultaneously, contribute towards combating xenophobia and racism.

- By means of incorporating ethnic diversity, an organisation can raise its total competence level, and increase the possibilities to provide good service and do good business.

- In the future, schools, welfare and other public services must be able to satisfy the needs of a society that is characterised by diversity.

- Companies, authorities and organisations obtain better insight into the needs and demands that are required of activities.

- Those companies, authorities and organisations that work with diversity have a good starting point to achieve success in the countries their employees are familiar with, and in which they have contacts.

- An organisation with a wide range of competencies will be met with respect by its customers and citizens. A good reputation means that people will want to work in the organisation.

- Companies and organisations that strive to increase diversity serve as role models for society in general, and contribute towards creating a stable society with strong growth potential.
Discrimination is costly

Not to take advantage of diversity can be expensive in the long run.

Things to think about...

- The absence of diversity can be a sign of discrimination.
- Ethnic factors should not, directly or indirectly, be used to justify the inferior treatment of individuals when employing people, or when deciding their conditions of employment, development, promotion etc.
- The inferior treatment of people based on factors such as race, skin colour, nationality or ethnic origin or religious belief constitutes discrimination.
- Discrimination can result in negative consequences for activities, e.g., bad publicity, higher absenteeism and higher personnel turnover.
- A requirement which appears to be neutral can be indirectly discriminating if it excludes individuals whose ethnic affiliations make it difficult or impossible to fulfil the requirement.
- To discriminate is unethical, illegal and uneconomical.

(Source: The City of Stockholm’s Guidelines for Diversity Plans, April 1998)

There is however also criticism on the new strategies to change the company’s climate. J. Wrench\(^{14}\) states that equal opportunity legislation and affirmative action were introduced as means of social engineering, in order to produce a more equitable society. And that diversity management is an organisational policy with business motives. “If it is adopted widely it may indirectly produce a more equitable society as a side consequence of the actions of individual companies. But in theory, within any individual organisation, it could just as easily work in the opposite direction, and produce the opposite effect. We can see this if we use the example of women in management. It may be a justifiable social goal at national level to increase the proportion of women in higher status occupations. An affirmative action policy could put pressure on an individual employer to set targets for the long term recruitment of more women managers. However, with the emphasis on an organisationally-based

diversity policy, it is possible to conceive of a firm in a traditionally female area of work with an all female management deciding to reduce the proportion of female managers and increase the proportion of male managers. By a diversity management logic this would produce the benefits of a more diverse and possibly creative workforce, whilst at the same time it would go in the opposite direction of the national goal to improve the proportion of women managers and produce a more equitable society. Thus, although some see the use of diversity management as an acceptable substitute for more ‘political’ interventions such as affirmative action, others see this as a more worrying development which reflects a broader trend at a societal level, namely, the intrusion of the market into areas where previously there was action by democratically elected government.”  

15 See note 14

### Recommendations III

#### Access to the Labour Market

**Barriers for non-dominant groups to get a job can be:**
- legal status of being handicapped
- difference residential status
- naturalisation
- language
- cultural differences, background
- living in a bad area or neighbourhood (class system)

**Strategies:**

**On company level:**
- affirmative or Positive Action:
- quotas
- advice/trainee system
- non discrimination policy in the workplace
- involve all levels within the company in shaping a new climate

**On national level:**
- enhance legal entrance to the labour market for all discriminated groups
- monitor the labour market statistics
- if people are discriminated the employer that discriminates (or tolerates discrimination) should be convicted (see box Good Practices III)

(Source: Roundtable at the Conference Action Now, 23 November 2002 Amsterdam).
Although diversity management might work in countries with advanced legislation on equal treatment and in companies that already have a strong equal treatment policy – as is the case in Sweden- we would add another remark to Wrench’s criticism regarding diversity management. It could be used to legitimate unequal treatment as well. In the framework of diversity management a Dutch company offered only short courses to young Muslim women and no long term management trainings because “they will marry young and their husbands won’t allow them to have a paid job”. In fact the opposite was true: these young women themselves stated they never will marry a man that does not agree with their career. At the same time the company diversity policies in fact slows down the careers of this group of women.

**A new approach**

A new approach should not focus on diversity nor on discrimination but on the **undoing** of discrimination\(^{16}\).

In order to realise this new tools have to be developed:

- instruments to identify and analyse everyday discrimination in each specific workplace and
- indicators to identify the relevant tools to create non-discrimination within organisations.

The good (and bad) practices that came forward during this project prove that these instruments and indicators can only be efficient and effective if non-dominant groups themselves are involved in the development of these tools.

Within each company there are more key figures that should be involved in the development of a new approach to implement non-discrimination. The management of a company can set out the equal treatment policy. But the executive staff members are largely responsible for creating the workplace culture. The executives at all levels are the key figures in realising a non-discriminatory workplace. But in practice the existing structure and networks, that keeps the company culture from changing, are strong.

**The method to break through this ‘traditional’ workplace culture** is to build new support networks within and between companies. Objective of these networks is to develop new strategies and tools to bridge the gap between policy and practice regarding non-discrimination. The initiative could come from NGOs, trade unions or executive staff within one or more companies.

\(^{16}\) Dr. Philomena Essed, moderator of the roundtable the ‘Impact of discrimination’, Amsterdam, 23 November 2001
Briefly described the building of new networks could be done in the following way:

1. Invite key figures (one key figure per company), on senior and or executive level, engaged with non-discrimination to participate in a working session. In this initial workshop exchange takes place about what the companies have achieved so far, what the role of the key figures is, and what kind of support they would need to make progress in creating a non-discriminatory workplace.

2. Ask the participants to commit themselves to serve as consultants for each other and sparring partners in setting short term and medium term goals to be reported upon in subsequent working sessions.

3. Let each initial key figure bring along two colleagues of his or her own company at the second and following sessions.

These new build structural networks can form the bases from which continuously will be worked on a process to implement non-discrimination policies that will take a long period of time.

**Conclusion**

The participants in our project ‘Action Now!!’ started to build such networks on European level as well as on local level in some of the countries. As the duration of the project was only one year, we cannot yet report about the results of the new approach.

In Austria, France, Sweden and the Netherlands we will continue our efforts in order to realise a non-discriminatory workplace for all.

**The first step** is to create awareness of the new (horizontal) approach among dominant as well as non-dominant groups, employers, employees, scientists and policymakers in the four countries.

**Second step** will be to try to realise as much as possible follow-up projects to work out experiments on the new approach with and in companies.

**Third step** is to present the results of the follow-up projects and the new networks to an even broader public in Europe.

We hope you will join us bridging the gap between policy and practice!
### Annexes

1. International laws and conventions 44
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Annex 1

International laws and conventions

Non-discrimination and equal treatment in international conventions.

- Charter of the United Nations (articles 1 and 55) and
- the Universal Declaration of Human Rights (article 2) establishes the universal applicability of this rule 1948

International Human Rights Treaties of the United Nations:
Source: www.unhcr.ch

CESCR: the International Covenant on Economic, Social and Cultural Rights, which is monitored by the Committee on Economic, Social and Cultural Rights;

CCPR: the International Covenant on Civil and Political Rights, which is monitored by the Human Rights Committee;

CCPR-OP1: the Optional Protocol to the International Covenant on Civil and Political Rights, which is administered by the Human Rights Committee; and

CERD: the International Convention on the Elimination of All Forms of Racial Discrimination, which is monitored by the Committee on the Elimination of Racial Discrimination;

CEDAW: the Convention on the Elimination of All Forms of Discrimination against Women, which is monitored by the Committee on the Elimination of Discrimination against Women;

CEDAW-OP: the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

CRC: the Convention on the Rights of the Child which is monitored by the Committee on the Rights of the Child;


MWC: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was adopted by the General Assembly in 1990 and will enter into force when 20 States have accepted it;
Status of ratification of UN Human Rights Treaties

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a: accession  
s: signature  
Source: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

International Labour Organisation (ILO)

Source: [www.ilo.org](http://www.ilo.org)

- ILO Convention 100 Equal Remuneration Convention, 1951
- ILO Convention 111 Discrimination (Employment and Occupation), 1958
- ILO Convention 118 on Equal Treatment (Social Security Convention), 1962
- ILO Convention 143, Convention Migrant Workers 1975,
- ILO Convention 156 Workers with Family Responsibilities, 1981
- ILO Convention 159 concerning Vocational Rehabilitation and Employment (Disabled Persons) (Note: Date of coming into force: 20:06:1985.)
- IILO Convention 175 concerning Parttime Work, 1994

Ratification of ILO Convention by Austria, France, Netherlands and Sweden

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Source: [http://ilolex.ilo.ch:1567](http://ilolex.ilo.ch:1567)
European legislation

- **Amsterdam Treaty**
  **Article 13:**
  “Without prejudice of the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age of sexual orientation.”

- **European Union Charter of Fundamental Rights**, as signed and proclaimed by the Presidents of the European Parliament, the Council and the Commission at the European Council meeting in Nice on 7 December 2000.

All Member States have to make changes to existing legislation:

- Racial Equality Directive has to be transposed by 19 July 2003
- Employment Equality Directive by 2 December 2003 (grounds of religion or belief)
- Consultation processes should involve range of stakeholders: NGOs, social partners, local and regional authorities

Gender:

including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood


**Racism and xenophobia:**

- 96/443/JHA: Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning action to combat racism and xenophobia (15/07/96)

- Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (29/06/00)

- Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (27/11/00)

- Proposal for a Council framework Decision on combating racism and xenophobia (28/11/01)

**Handicap:**

- Council Resolution 1999/C 186/02 on equal employment opportunities for people with disabilities (17/06/99)


**Age:**

Annex 2

List of speakers
at the European Conference 'Action Now!!', 23 November 2001, TulipInn Amsterdam City West, the Netherlands

Alev Korun, worked at the MigrantInnenberatung in Vienna for years as an advisor (especially women) and is now working at the Austrian Parliament on the issues of anti discrimination, migration and minorities

Amel Gorani, is the representative of the Swedish National Association of Immigrant Women at the UN in New York

Arne Kullbjöer, NBV Sweden and member of the transnational management team of the project ‘Action Now!!’.

Assia Ghrib, project coordinator Action Now at D’un Monde a l’Autre in Roubaix, France

Astrid Musampa, president of Federation of African Women in the Netherlands

Audrey Vreugd, project coordinator of a project concerning childcare facilities for women with flexible working hours from Tiye International

August Gächter, works at the University of Vienna and coordinated a great number of research project regarding discrimination in the working place

Brima Conteh is a teacher in Aubervilliers in France

Charlotte Wenlzl, works as an employer as well as as advisor for disabled youths at the „Jobfabrik“ in Vienna, Austria

Frances Fortuin, consultant on ‘transformation within the organisation’ in the Netherlands and executive board member of the European Blind Union and EBU representative on the WBU executive Committee

Gill Widell, leader of a research group "Leading differences" a co-operation between the department of Business Administration at the Göteborg School of Economics and the Centre for Work Science at Göteborg University in Sweden.

Girly Ndume is working as IT-specialist in Sweden and active in the Black European women’s Network
Hellen Felter, project leader Action Now!!, board member of Tiye International and of the European Women’s Lobby.

Ine Breedveld, board member of Tiye International

Ingrid Nyman, NBV Sweden and member of the transnational management team of the project

Iris Kugler is a lawyer working at the AMS, the Austrian employment office and is in charge of equal treatment there for years. From October 2000 she also is responsible for Gender Mainstreaming.

Ismay Alwart, works in healthcare as head of a department in Amsterdam and is representative of the Womenistic Theology- Network.

Kabir Ahmed, working at Small Heath Community Forum Ltd in Birmingham, UK

Lucy Jones Hazlett, president of the European Network for Intercultural Action and Exchange in Ireland

Machteld Cairo, represents the LOSV, the national organisation of Surinamese women in the Netherlands.

Maria Vassilakou: is ‘Nicht amtsführende Stadträfin Wien” for the Green Party. Her main tasks are Integration and Antidiskrimination

Marina Quindriagan, representative the national organisation of Filipino Women and working at Technica 10

Meg Offiah, representative of the European Network for Intercultural Action and Exchange in Ireland

Michel Reiter, Volkshilffe Vienna and member of the transnational management team of the project.

Monika Nuchtern, Monika Nuchtern is an employer for disabled people as well as advisor to them in Vienna, Austria. She lived in the USA for some time and also could give some impressions from there.

Mpho Ntoane, is a theologian and gives lectures and organises trainings in awareness of racism and anti-racism in the Netherlands.

Mutale Ntoni, coordinates project in the policy field Violence of BAWSO in the UK

Nasra Abdi, board member of the Federation of African Women in the Netherlands.
Philippe Bataille, sociologist, is a specialist in ‘racism at work’ in France. He works at CADIS, the Center of Analysis and Social Intervention. Philippe Bataille publicised numerous articles on racism at work.

Philomena Essed, senior researcher at the Amsterdam Research Institute for Global Issues and Development Studies, Department of Geography and Planning, University of Amsterdam and Visiting Professor at the University of California. Philomena Essed also is an advisor on non-discrimination policies of governmental organisations and companies.

Rikki Bendahi, board member of l’Association D’un Monde a l’Autre, and member of the transnational management team of the project Action Now.

Rita Naloo, president of Tiye International in the Netherlands.

Sabine Schweizer, was chairwoman of the trade-unions youth organisation and is now working as a social worker with ex-prisoners in Austria.

Susanna Speckmayer, works at Volkshilfe Beschäftigungen in Vienna and is a member of the transnational management team of the project.

Svante Lööf, director of the NBV, the partner organisation in the project ‘Action Now!!’ in Sweden.

Yvette den Brok, worked at the Women’s Alliance in the Netherlands in projects concerning non-discrimination of women with a handicap. She started her own enterprise two years ago as an advisor/publisher on mainstreaming gender and handicap.
Annex 3

Addresses

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