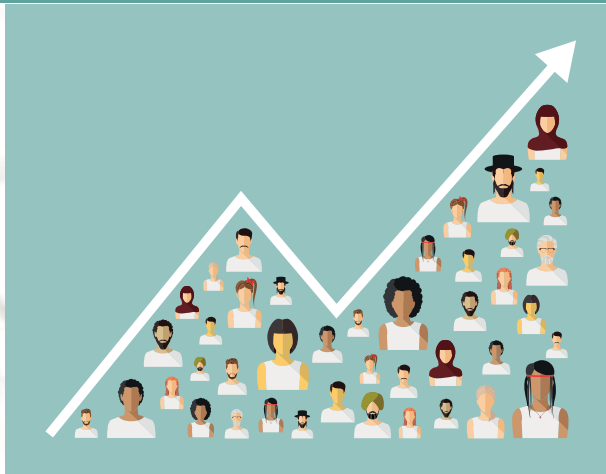# COMBATING INEQUALITY AND DISCRIMINATION IN EMPLOYMENT

Data collection as a necessary step to plan action

THE SITUATION OF ETHNIC, RELIGIOUS MINORITIES AND MIGRANTS: EXISTING DATA

There is not enough data available to fully describe the situation of ethnic, religious minorities and migrants in Europe and the discrimination they face. However, there are clear indications that problems remain prevalent.

- ### Discrimination in access to the labour market

Discriminatory practices often place ethnic and religious minorities as well as migrants at a disadvantage when they apply for a job. ENAR's 2012/2013 Shadow Report on racism and discrimination in employment in Europe[1] provides evidence of the major barriers faced by members of communities such as Muslims, people of African descent and Black Europeans, Roma, Jews and migrants.

- 26% of **Roma** respondents to a survey by the EU Fundamental Rights Agency who were unemployed are discouraged to look for a job because of discrimination.[2]

- 74% of **Surinamese** people in the Netherlands and 73% of **Somalis** in Denmark consider that their different ethnic background makes it more difficult to advance in the workplace.

- 10% of **Jewish respondents** to a survey by the EU Fundamental Rights Agency felt discriminated when looking for work in the past 12 months. 82% of those who felt discriminated did not report the discriminatory incidents to any authority or organisation.[3]

This situation can be worse for groups experiencing discrimination on multiple grounds, for example women who are also

---

1   http://www.enar-eu.org/Shadow-Reports-on-racism-in-Europe-203

2   http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorerre-sults-2011-roma-survey
3   http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorerdis-crimination-and-hate-crime-against

members of ethnic or religious minorities, as highlighted by ENAR's research project entitled "Forgotten women: the impact of Islamophobia on Muslim women".[4]
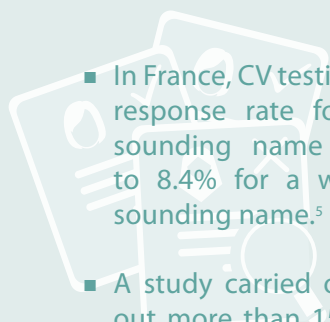
- In France, CV testing showed a 27.7% positive response rate for a man with a **French** sounding name but this figure dropped to 8.4% for a woman with a Senegalese sounding name.[5]

- A study carried out by Linz University sent out more than 1500 applications to various companies in **Germany**, using the same CV with different pictures and names. 18% of the companies responded with an invitation to an interview to applicants with a German sounding name, while only 13 % responded to applicants with a Turkish-sounding name. Only 3 % of the companies responded with an invitation to an interview to Muslim women applicants wearing a headscarf.[6]

In addition, ENAR's Shadow Report suggests that **the global economic crisis has further exacerbated the employment gap** between minorities and migrants on the one hand, and the majority population on the other.[7]

Third country migrants often face additional legal barriers, as their right to access employment depends on their residence status, which is governed by different and complex legal norms in all European countries.
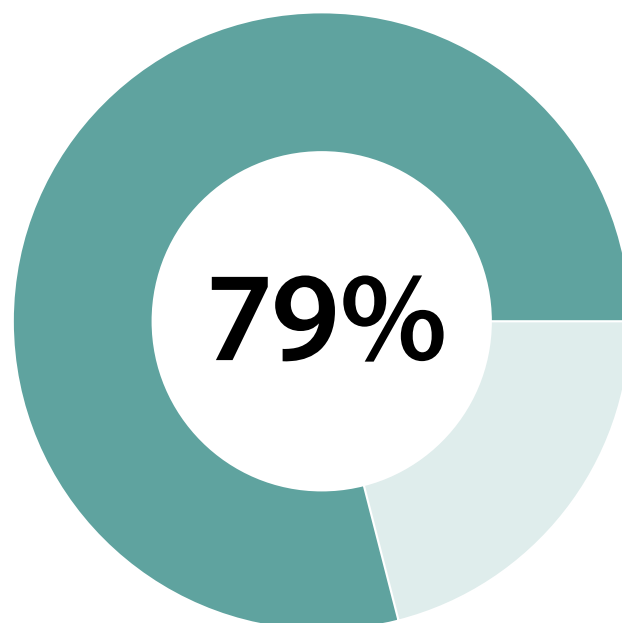
- Discrimination in the workplace

Even when in employment, members of ethnic, religious minorities and migrants face different forms of discrimination. This includes lower career prospects, lower salaries, poor working conditions, positions in low-paid jobs, racist harassment,

exploitation, overrepresentation in temporary, seasonal, unstable and precarious work, language requirements, and abusive dismissal. Discrimination can also manifest in unjustified clothing requirements and lack of recognition of reasonable dietary needs.

Individual employers have engaged in initiatives to combat inequality and discrimination. Diversity management is the most popular initiative and in a number of countries the implementation of diversity management has led to some successes. Managing diversity is defined as "acquiring the necessary knowledge and dynamic skills to manage such differences appropriately and effectively. It is also about developing a creative mind-set to see things from different angles without rigid prejudgment".[8] Measures to promote diversity and diversity management in the workplace aim to create awareness and shift organisational culture.

SHARE OF THE EUROPEAN POPULATION IN FAVOUR OF TRAINING EMPLOYEES AND EMPLOYERS ON DIVERSITY.

79%

Source: Special Eurobarometer: Discrimination in the EU in 2012

---

4   http://www.enar-eu.org/Forgotten-Women-the-impact-of-Islamophobia-on-Muslim-women
5   Petit, Duguet, L'Horty, du Parquet and Sari, 2013: 147
6   http://www.islamiq.de/2013/09/12/studie-belegt-diskriminierung-von-frauen-mit-kopftuch
7   This is highlighted in the national reports on Belgium, Bulgaria, Croatia, the Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Poland, Turkey, Slovakia and Spain.

8   Chung, Leeva and Ting-Toomey, Stella. 2005. Understanding Intercultural Communication. Oxford: Oxford University Press.

THE SITUATION OF ETHNIC, RELIGIOUS MINORITIES AND MIGRANTS: DATA GAPS AND NEEDS

▪ Data collection gaps to be addressed

Labour statistics, except in the United Kingdom, are not disaggregated by ethnicity or religion. In many cases, they include statistics on the situation of migrants in the labour market of EU Member States, and they are one of the resources that provide evidence of the vulnerability of ethnic and religious minorities. However, this is only a proxy and does not cover ethnic and religious minorities who are citizens. The position of minorities in the labour market therefore needs to be better examined.

Comparable and reliable equality data is necessary to identify and measure patterns of exclusion and discrimination in employment, and monitor progress (or lack thereof) achieved by different groups at various stages of their career progression. It is also necessary to devise equality policies that effectively address discrimination in employment and to monitor their implementation.

▪ Data collection principles

ENAR proposes a data collection model based on six key principles,[9] to ensure that personal data protection standards are met in the respect of EU and national legislation and to clearly rule out any kind of ethnic profiling.

1. **Self-identification:** Identification should be based on the individual data subject's perception of her/his ethnic or racial origin.

2. **Voluntary participation:** Every individual has the right to opt into data collection (there is therefore no need to reach a consensus among all communities/individuals), and no one can be forced to provide sensitive data. Individuals will be informed that non-participation will not cause any negative consequences.

3. **Confidentiality of personal data:** Sensitive data should always be treated confidentially; this implies anonymisation of all information linked to sensitive data.

4. **Informed consent:** Every individual shall receive clear, transparent information regarding the purpose of the data collection and the benefits and risks of their participation. They shall then be asked if they are willing to consent or not.

5. **Community participation:** Groups at risk of discrimination should actively participate throughout the process, directly or through the intermediary of representative organisations, in particular for the definition of categories, the analysis and evaluation of the data collected, and the dissemination of the data.

6. **Multiple grounds/identities:** Data subjects should have the right to choose multiple and intersectional identities and it should be possible to combine grounds when analysing the data.

HOW CAN THE BUSINESS SECTOR COLLECT EQUALITY DATA?

✓ Mainstream the fight against racism in corporate social responsibility and diversity strategies that include data collection schemes.

✓ Monitor and review recruitment, progression and retention of workforce by equality strand in order to identify direct or indirect discriminatory practices and adopt corrective measures to reduce inequality in each of these areas. To this effect, collect equality data in respect of privacy and fundamental rights standards.

✓ Develop clear internal regulations against racism, related discrimination and harassment in the workplace. These regulations should include clear information for employees who are victims or witnesses of discrimination, internal remedy procedures and the establishment of a complaint

---

9   This list of principles is based on the outcomes of the Equality Data Initiative, a joint project by the Open Society Foundations, Migration Policy Group and ENAR. See http://www.enar-eu.org/IMG/pdf/edi_data_collection_initiative_-_backgrounder.pdf.

In the **United Kingdom**, people trust the process of data collection, including in employment and recruitment matters. People are asked questions related to religion, ethnicity, sexual orientation, etc. If they are unsuccessful in their job application the data is held for a year and then destroyed. People by and large trust this system, as the reason for data collection is to provide a better service and prevent discrimination. A specific example is provided by the application of **the Equality Act of 2010. The Act includes an obligation for all public bodies to set themselves specific and measurable equality objectives in employment**, at least every four years. It also includes an obligation to publish relevant and proportionate information demonstrating their compliance with this public sector equality duty, which implies the collection of equality data on the following characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, including ethnic or national origin, colour or nationality, religion or belief, sex and sexual orientation. The Equality Act clarifies that legal standards on data protection must always be respected.

desk/trusted representative to assist victims in reporting discrimination cases either to court or to equality bodies. Statistics should be collected and compiled on the cases reported to the relevant desks, representatives and bodies;

✓ Sign and implement diversity charters, which exist in several EU Member States and which enable companies to share good practices in the recruitment of migrants and ethnic minorities. Implement diversity labels where they exist (such as the AFNOR certification in France or the European Holistic Management Certificate). Include in these tools equality data collection models and organise sharing of good practices.

Comparable disaggregated data could be collected on the following aspects:

✓ Composition of the labour force;
✓ Employment profile in terms of types and levels of jobs;
✓ Employment profile in terms of types of contract and working condition arrangements;
✓ Wages, benefits, allowances and bonuses of different positions;
✓ Representation in decision-making positions;
✓ Existence and level of awareness of policies or regulations on equal employment and opportunities;
✓ Existence and number of complaints of discrimination.

OPEN SOCIETY
FOUNDATIONS

european network against racism aisbl
www.enar-eu.org