



## ***Extended Fact Sheet No. 27***

### **Convincing employers to take action to combat racial discrimination and promote equality**

**June 2006**

*The objective of this extended fact sheet is to provide a tool for ENAR members to convince all employers, private and public, to take specific actions to overcome discrimination and racism in the work place.*

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## Introduction

Discrimination in employment continues to be one of the most serious problems facing ethnic minority communities and European societies. According to the European Monitoring Centre on Racism and Xenophobia (EUMC): “despite signs of increasing diversity, national labour markets are still highly segmented along national or ethnic lines”. The same report concluded: “the observed difference in wages, activity rates, employment and unemployment rates of migrants and minorities indicate persistent exclusion, disadvantage and even discrimination”.<sup>1</sup>

Ethnic minorities face direct and indirect as well as structural forms of discrimination in the labour market, in areas such as: recruitment, pay, terms and conditions, bullying, harassment, career progression, over-qualification, and difficulties in exiting employment. For many people work is the only place where they interact with different ethnic communities, whether they like it or not. Consequently increasing diversity has presented challenges and opportunities for employers and employees alike.

Even where there is a general commitment to anti-discrimination and equality in the work place there is often a gap between the rhetoric and the reality. Lofty equality policies which gather dust on a shelf will not make any difference to the lives of those who experience discrimination. NGOs have a crucial role to play in pushing employers to make equality a reality in their organisations.

The objective of this extended fact sheet is to provide a tool for ENAR members to convince all employers, private and public, to take specific actions to overcome discrimination and racism in the work place. Employers have a crucial role to play in overcoming discrimination more generally in society, and this is a task which they cannot afford to take for granted. Fighting discrimination requires effort. Employers must recognise that just as they take health and safety standards seriously, they must also realise equality standards in the work place.

The principles and actions described in this fact sheet will benefit all employees, not just minority communities. However it may be necessary to supplement these actions with strategies which can respond to the specific needs of particular ethnic minority communities.

Consequently this fact sheet is divided into two parts. The first provides a general rationale for convincing employers to take action, while the second details concrete examples of initiatives and strategies which employers can take to promote equality and combat discrimination in the work place.

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<sup>1</sup> EUMC (2003) Migrants, Minorities and Employment, p. VI

## 1 Convincing employers

Regardless of whether employers already have a diverse work force, diversity presents challenges and opportunities for all organisations. Businesses and employers have to take a leading role in ensuring that ethnic and religious minority workers are supported to reach their full potential.

NGOs have a critical role to play in raising awareness amongst employers. Arguments presented to employers in order to convince them of the need to take action are generally defined according to three categories: (1) the ethical case – it is the right thing to do; (2) the regulatory case – discrimination is against the law and action must be taken to avoid it; and (3) the business case – it makes sound economic sense to promote diversity in the work place.

All organisations are different and may respond to each of these arguments in different ways. For instance an employer who exploits ethnic minorities in low-skilled and poorly paid jobs, may be less persuaded by the business case than a large multi-national which is facing issues of retaining highly-qualified staff. Each of these arguments serves different purposes. Used together and presented in a way which responds to the particular circumstances of a specific employer, they can be effective tools in promoting change.

### 1.1 *Ethical case*

By and large most people accept that discrimination and inequality are wrong, certainly in the European context where equality of opportunity is a fundamental value. Consequently everyone has an ethical obligation to combat discrimination and racism. This is particularly true of employers, who are often in unique position of power and through the everyday decisions that they make have the opportunity to reproduce or combat existing structures of inequality. Most businesses are both employers and service providers and consequently have an obligation to society to ensure that the service they provide, and the employment environments they create are fair and equitable.

#### **Corporate Social Responsibility**

Corporate Social Responsibility (CSR) is an expression used to describe a company's obligation to be sensitive to the needs of all stakeholders in its business operations. A company's stakeholders are all those who are influenced by, or can influence, a company's decisions and actions. In 2001 the European Commission defined CSR as: "a concept whereby companies integrate social and environmental concerns in their business operations and in their interactions with their stakeholders on a voluntary basis".

Society now expects more from businesses and employers, businesses are seen as having responsibilities that are not limited to making profits. In this context the framework of Corporate Social Responsibility (CSR) has emerged. Some companies are established with the express intention of overcoming social exclusion, others have built an image and reputation on being an ethical initiative, others have come somewhat later to the game, but

generally there have been developments in recent years amongst mainstream employers who recognise that they have a responsibility to take action against racism and discrimination.

However discrimination is not only ethically abhorrent, it is illegal.

## 1.2 Regulatory case

For many companies legal compliance is a crucial reason for adopting equality and diversity practices and policies, hence it is always useful to stress the legal imperative when encouraging businesses to take action. A broad regulatory framework exists to promote equality and anti-discrimination including EU directives, national law, international standards, as well as ‘softer’ tools such as industry standards and awards.

While the European Union has gone some distance towards harmonising national level protections against discrimination in the work place, national rules and systems will vary. The regulatory framework is the responsibility of governments to implement and oversee; consequently states have an obligation to ensure that employers are aware of their responsibilities.

### 1.2.1 European framework

There is some evidence suggesting that given the proportion of companies that have recently implemented equality policies, the EU anti-discrimination legislation has had a positive impact on encouraging preventative strategies.<sup>2</sup>

In 2000 the European Community enacted two laws that prevent people in the European Union from being discriminated against on grounds of race and ethnic origin, 2000/43/EC (in short: Racial Equality Directive), and on grounds of religion or belief, disability, age or sexual orientation, 2000/78/EC (in short: Employment Framework Directive). The two Directives define a set of principles that offer everyone in the EU a common minimum level of legal protection against discrimination.

#### Positive action

Positive action refers to a broad spectrum of activities that are aimed at targeted groups in order to redress inequalities and past discrimination. Also known as affirmative action, positive action is not positive discrimination, where certain groups are given preferential rights, such as quotas for employment. The Racial Equality Directive (RED) permits positive action, but does not mandate it.

The **Racial Equality Directive** implements the principle of equal treatment between people irrespective of racial or ethnic origin. The Directive gives protection against discrimination in employment and training, education, social protection (including social security and healthcare), social advantages, membership and involvement in organisations of workers and employers, and access to goods and services, including housing. The Directive does allow for limited exceptions to the principle of equal treatment, for example in cases where a difference in treatment on the ground of race or ethnic origin constitutes a genuine occupational requirement. However these provisions should be applied in a very limited manner and cannot easily be used to justify discriminatory actions.

The **Employment Framework Directive** implements the principle of equal treatment in employment and training irrespective of religion or belief, disability, age or sexual orientation in employment, training and membership and involvement in organisations of workers and employers. This Directive includes identical provisions to the Racial Equality Directive on definitions of discrimination and harassment, the prohibition of instruction to discriminate and victimisation, on positive action, rights of legal redress and the shift of the burden of proof. It also allows for limited exceptions to the principle of equal treatment, for example, where the ethos of a religious organisation is concerned.

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<sup>2</sup> European Commission (2005) The Business Case for Diversity, p. 15

### 1.2.2 International standards and obligations

In addition to the imperative to implement European law on anti-discrimination there are wide range of standards and practices at international level, which seek to protect against discrimination in the work place.

According to the **International Labour Organisation** (ILO) Declaration on Fundamental Principles and Rights at Work, all Member States of the ILO have an obligation to eliminate discrimination in respect of employment and occupation. The ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (C111), states that:

“Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.”

The Convention calls for a national policy to eliminate discrimination in access to employment, training and working conditions, on grounds of race, colour, sex, religion, political opinion, national extraction or social origin and to promote equality of opportunity and treatment. All EU Member States have ratified this Convention.

ILO Conventions No. 97 (1949) and No. 143 (Supplementary Provisions, 1975), address discrimination against migrant workers who are in a country legally with respect to employment, remuneration, trade union membership, social security, payroll taxes and due process. In 1957, the ILO was the first organisation to codify the rights of indigenous peoples in international law with Convention No. 107, rights later clarified in 1989 in Convention No. 169. These conventions provide protections similar to those provided for migrant workers to ‘indigenous and tribal populations’. In addition, however, they add medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing.

The 1965 U.N. **International Convention on the Elimination of all forms of Racial Discrimination** (ICERD) includes a provision guaranteeing equal rights to work, ‘just and favourable conditions of work’ and ‘equal pay for equal work’. All EU Member States are long-standing parties to this Convention, the implementation of which is monitored on a periodic basis by the Committee on the Elimination of Racial Discrimination (CERD). Concerns regarding breaches of the Convention by States can be addressed to this Committee.

The 1990 **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families** (ICRMW) is the most comprehensive set of international human rights standards seeking to protect documented and undocumented migrant workers and their families. As well as guaranteeing all migrant workers their most basic human rights, this Convention requires states to grant documented migrant workers a wide range of rights and treatment not less favourable than their own nationals in a number of different areas. Article 7 provides that the rights in the Convention should be enjoyed without discrimination on the grounds of ‘... race, colour, language, religion or conviction... national, ethnic or social origin, nationality... birth or other status’. None of the EU Member States have ratified the Convention.

Another relevant Convention for the protection of migrant workers is the European Convention on the Legal Status of Migrant Workers (which is the Council of Europe equivalent to the UN Convention).

The UN **International Covenant on Economic, Social and Cultural Rights** (ICESCR) states that all the rights in the Covenant shall be enjoyed without discrimination including on the grounds of race or colour. Article 6.2 of the Convention states that:

‘The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right (to work) shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.’

All Member States of the European Union have signed and ratified this convention.

The **European Social Charter** guarantees social and economic rights. It was adopted in 1961 and revised in 1996. The European Committee of Social Rights (ECSR) is the body responsible for monitoring compliance to the Charter. The Charter guarantees to all nationals and foreigners legally resident and/or working, that all the rights set out in it apply regardless of race, sex, age, colour, language, religion, opinions, national origin, social background, state of health or association with a national minority. Employment rights covered by the revised Charter include:

- prohibition of forced labour.
- an economic and social policy designed to ensure full employment.
- fair working conditions as regards pay and working hours.
- protection in case of dismissal.
- the right to strike.

All EU Member States have ratified the original 1961 Charter, while only 12 have ratified the revised Charter and 10 have accepted the individual complaints procedure.

Article 21 of the **European Charter of Fundamental Rights**, signed in Nice on 7 December 2000, prohibits any discrimination on the grounds of ‘...race, colour, ethnic or social origin, genetic features, language, religion or belief...’. Article 15 guarantees the freedom to choose an occupation and the right to engage in work. Article 15.3 states that ‘nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union’. The Charter also contains more detailed provisions on protection in employment and working conditions. The Charter is not binding, however this may change as the Charter is included in the European Constitutional Treaty.

The 1950 **European Convention for the Protection of Human Rights and Fundamental Freedoms** is in force in all the EU Member States. Article 14 of the ECHR states that the rights set forth in the Convention shall be enjoyed without discrimination. Protocol 12 of the ECHR further extended the scope to a general prohibition of discrimination. While the Convention does not specifically guarantee the right to work, it is a useful standard. However only four EU Member States have ratified Protocol 12 of the Convention: Cyprus, Finland, Luxembourg, and The Netherlands.

From this brief overview it is clear that discrimination in employment is unlawful. While the first responsibility for implementing the legislative framework lies with the government, in working with employers it may be useful to briefly highlight international and national standards, in order to reinforce the regulatory argument. However, emphasis should be placed on the actions and solutions which employers need to initiate, such as those considered in the second part of this fact sheet.

### **1.3 Business case**

“While the business case for diversity in the work place is at an early stage of development, and it is more developed in the USA and Canada than in Europe, it is gaining more attention and is being used by a variety of non-industry players – NGOs, trade unions etc – to promote equality in the work place”.<sup>3</sup>

In a nut shell the business case for diversity suggests that equality policies are financially lucrative - they are, as the title suggests, good for business. The key elements of the business case suggest that diversity policies are beneficial in:

- Recruiting and retaining highly skilled and talented staff.
- Enhancing productivity and morale of existing staff.
- Improving the external image of a company.
- Enhancing innovation and creativity.
- Meeting the needs of an increasingly diverse customer or client base.
- Facilitating new products and opportunities.

In a recent survey of the European Business Test Panel (EBTP), when asked whether diversity initiatives have a positive impact on their business 83% of the 495 companies that replied agreed that they did.<sup>4</sup> In short, promoting diversity will give a company or business a competitive advantage.

While diversity can bring benefits, it is also important to point out that racism and discrimination have significant costs to a business or organisation, including:

- Sickness absence.
- Premature retirement.
- Replacement costs – high turnover.
- Grievance and litigation costs.
- Reduced performance/productivity.
- Loss of public goodwill and reputation.

It is clear that there will always be employers for whom exploitation of vulnerable workers makes business sense, and others who simply do not care (it is for this reason that it is essential to have a strong legislative framework). Consequently the business case for diversity does not stand on its own, but can be a useful tool for opening a discussion about the need to combat discrimination and promote equality in the work place.

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<sup>3</sup> ILGA-Europe (2005) *Going Beyond the Law: promoting equality in employment*.

<sup>4</sup> European Commission (2005) *The Business Case for Diversity*, p. 7

## **2 Typology of employment equality schemes**

Having made the case, it is essential to also provide concrete examples of how employers can move forward. In many cases employers will be open to putting in place some form of diversity initiative, even if just to avoid legal cases. It is therefore essential to present practical strategies which they can implement.

The details of an equality strategy for any employer or organisation will vary according to the characteristics of the organisation and the needs of staff and stakeholders. A body of good practice has emerged which provides a framework for discussing the possibilities for action. This section will identify eight broad areas which could form the basis of engagement with individual employers:

- Structures and policies.
- Recruitment, selection and promotion of ethnic minority staff.
- Dealing with discrimination and harassment in the work place.
- Reasonable accommodation of diversity.
- Promoting equality and respect for diversity.
- Collecting data and monitoring.
- Seeking further information.
- Engaging with trade unions.

### **2.1 *Structures and policies***

If an organisation or business is prepared to take anti-discrimination and diversity seriously, it must ensure that there are appropriate structures and policies in place to provide a framework for this action. Putting in place equality and diversity policies will shape the overall culture and values of an organisation. By involving staff and managers in the drafting and implementation of a policy, employers contribute to an overall context where diversity is welcomed and discrimination is unacceptable.

The development of an equality policy should initially and periodically make reference to an **equality audit**. Such an audit will assess the needs of all staff, existing and planned policies and procedures, and the current organisational structures with a view to examining their compatibility with the principles of equality and anti-discrimination.

An **equality policy** is a statement of commitment, identifying areas of activity to be developed to prevent discrimination and to promote equality. Diversity policies normally cover activities which happen within an organisation, though can also contain elements relating to external actions, such as community initiatives. The policy should be very clear that discrimination is illegal and should address issues such as:

- Vision of the organisation as a diverse work place.
- Commitments to accommodating diversity.
- Purpose of the policy.
- The legal and societal context for the policy, including employees' rights.
- Specific areas where action will be taken, including recruitment, procurement, service contracts, etc.
- Structures to monitor the implementation of the policy.
- Commitment to review the policy as appropriate.

The policy should be visibly displayed and targeted action undertaken to ensure that all staff are aware of it.

An **equality action plan** will operationalise the objectives identified in the policy. The plan will provide the detail of the types of activities which should take place, and will respond to the specific needs of the organisation and its employees. For example, a recent study found:

“while having a policy on equal opportunities or diversity might help to build awareness of these issues in general, if it does not specifically address Roma discrimination its impact is likely to be weak.”<sup>5</sup>

It is essential to ensure that the organisation puts the appropriate **structures** in place to oversee the implementation of the policy or plan. These structures will vary according to what is appropriate for the organisation but can include staff councils, committees, senior management teams, joint management/staff, etc. Some organisations will designate an equality officer to take the lead and act as a contact point on these issues. Structures should be adequately resourced to undertake this role, and facilitated to dedicate appropriate time to their work. It may also be appropriate to seek external expertise for such structures, such as the participation of local NGOs or community groups.

It is essential that the **management** of an organisation play an active role in drafting and implementing diversity policies. Unless management sets the tone and leads the way, it is unlikely that equality and anti-discrimination policies will make a real difference. Action planners should be provided to managers to assist them in developing and reviewing race equality activities. The planner analyses activities in the areas of training, information, recruitment, monitoring and the treatment of employees' concerns and ideas. It may be appropriate to link manager performance reviews to actions and outcomes achieved in the area of anti-discrimination and equality.

Equality and anti-discrimination issues must also be on the agenda of the **board** of the organisation. The board should receive periodic reports concerning issues relating to anti-discrimination including the implementation of the diversity policy.

## **2.2 Recruitment, selection and promotion**

Discrimination in recruitment, selection and promotion are amongst the most serious manifestations of discrimination in the work place. It is only by ensuring that ethnic minority communities have the opportunity to realise their full potential in the work place, that equality in society can be realised. Consequently employers and businesses have a particularly important role to play in this regard.

In particular employers should:

- Analyse rules and procedures (including performance assessment) to ensure that no applicant is put at an unfair advantage; job descriptions in particular should be reviewed to ensure that all aspects are necessary and required. For example a language requirement may be indirectly discriminatory.
- Include a statement on equal opportunities policy in recruitment material.
- Let people know that they are welcome to apply, and ensure that the job advertisement matches this commitment and does not inadvertently send the wrong message to potential employees.

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<sup>5</sup> UNDP Regional Bureau for Europe and the CIS (2005) Employing the Roma, p.46.

- Encourage applications from ethnic minority groups, including by making efforts to ensure that posts are advertised so that they come to the attention of these groups. For example undertaking information initiatives or open days to ensure that member of ethnic minority communities are aware of potential opportunities.
- Work with new partners in order to find suitable candidates from diverse backgrounds.
- Ensure that any recruitment firms used are fully committed to diversity and have checks in place to eliminate discriminatory practices.
- Train interviewers to ensure that they have the full capacity to fulfil their roles in an appropriate manner.
- Provide training/internships/mentoring for particular non-employees to assist their integration into the labour market.
- Where possible facilitate recruitment in relevant ethnic minority languages .
- Keep full records of the selection and interviewing process, so that feedback can be given to candidates.
- Amend redundancy procedures to ensure that they are fair and have an equitable impact on ethnic minority groups.

**Training and induction** should be provided for all staff, while targeted initiatives should ensure ethnic minority communities integrate successfully into their new working environment:

“Induction is an opportunity for employers to make sure all new staff understand the organisation’s commitment to equality of opportunity. Employers might consider providing translations or interpreters, if necessary.”<sup>6</sup>

Induction programmes should:

- Make all employees aware of the equality policy.
- Point out what is acceptable and unacceptable practice in light of policies on harassment.
- Highlight the organisation’s procedures for making a complaint.
- Facilitate internal mentoring opportunities for members of ethnic minority communities.

### **2.3 Discrimination and harassment in the work place**

Experiences of discrimination and harassment in the work place from managers, supervisors, colleagues, customers, clients or suppliers, is one of the most damaging manifestations of prejudice and has the potential to completely undermine initiatives to promote diversity. Discrimination in employment can be extremely difficult to identify and frequently goes unreported, as individuals often fear that if they challenge the behaviour they would jeopardise their employment status.

It is essential that employers meet their legal obligations and put in place mechanisms for dealing with, and preventing, direct discrimination. This includes:

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<sup>6</sup> Commission for Racial Equality (2005) Code of Best Practice on Racial Equality in Employment, p. 55

Dealing with work place bullying, harassment and direct discrimination head on and in a manner which fully demonstrates the seriousness of the response to such actions, as part of the company's broader disciplinary procedures.

- Making it easy for individuals to report a problem.
- Training managers to identify prejudice, and cases of indirect discrimination.
- Ensuring that the person making the complainant is fully protected from negative repercussions.
- Facilitating access to internal and external complaints procedures and mechanisms, such as a telephone helpline.
- Making sure that complaints are dealt with effectively and in a timely manner.
- Monitoring complaints and review the policy on a regular basis.
- Undertaking internal and external awareness raising activities regarding discrimination, including training with all staff.
- Ensuring that the management and board are regularly informed on all matters relating to discrimination and harassment.

## **2.4 Reasonable accommodation of diversity**

Preventing discrimination and promoting equality is about much more than simply dealing with instances of direct discrimination when they occur. In order to effectively combat discrimination, employers must foster work places where everyone is facilitated to participate fully. In the case of ethnic minority communities this may mean undertaking specific initiatives to accommodate diversity. The level to which an organisation can reasonably accommodate diversity will vary according to the nature of the organisation, however all employers should conduct an analysis of how they might better facilitate the needs of their ethnic minority employees. Many adjustments will not require significant effort or expenditure and are often much easier than assumed.

Particular consideration should be given to:

- Conducting an audit of the needs of all employees. This can be supplemented by consulting with local NGOs and organisations.
- Promoting employee networks which can serve as a support network and a visible manifestation of a company's commitment to diversity.
- Facilitating flexible leave and holiday arrangements, such as allowing migrant workers to take all their holidays at once so that they can travel to their home country.
- Facilitating religious requirements including dress codes, dietary requirements, prayer facilities, religious festivals and holiday arrangements.
- Providing any necessary translation and interpreting, such as for safety signs.
- Providing practical supports such as transport to areas that are badly serviced by public infrastructure, particularly where ethnic minorities are over represented in a particular area.
- Where appropriate providing practical assistance to employees concerning administrative or other requirements such as opening a bank account or finding accommodation.

## **2.5 Promoting respect for diversity**

Tackling discrimination and promoting working environments where everyone can participate equally will contribute to an overall culture and context where diversity is welcomed and respected. However, organisations should also undertake specific actions which promote diversity and send a positive message to all employees. Such activities can be instrumental in preventing instances of discrimination, as part of a concerted effort to build an organisational culture of respect.

In particular organisations should:

- Promote visible statements/images that demonstrate commitment to diversity.
- Ensure that social events and other structures reflect the diversity of the organisation and broader society.
- Provide regular awareness training to all employees.

## **2.6 Data collection and monitoring**

One of the key challenges in implementing diversity policies has been measuring their impact. It is essential that organisations collect data disaggregated by ethnicity so that they can design, monitor and review strategies to meet the needs of their target groups. Where possible such monitoring should be structured in a way which makes it comparable to national and local data and statistics. In this way the situation in a particular organisation can be compared to the societal picture more generally.

In addition to monitoring applications, recruitment and promotion by ethnicity, employers can:

- Conduct employee surveys to assess attitudes and levels of satisfaction.
- Consult with employee or client groups such as through an anonymous survey.
- Include equality perspectives in all business or performance reviews.
- Monitor the number of complaints.
- Monitor appraisal outcomes and exit interviews.
- Take note of anecdotal evidence.
- Actively seek suggestions for improvement from all staff on an ongoing basis.

Any initiative which is taken to protect employees against racism and discrimination and enhance the working environment, must be adequately monitored and evaluated in order to ensure that they are effective. **Evaluation** is essential for the evolution of strategies and policies in order to ensure that they continue to be relevant. There are a range of evaluation tools available, but a number of key questions should be asked of any initiative:

- Are there increasing numbers of minority ethnic employees?
- Has there been a decrease in levels of complaints?
- Have any specific issues arisen in the implementation of the project?
- Do all employees express greater satisfaction with their working environment?
- Are there any existing policies or structures that might undermine the objectives of the project?
- Have all levels of the organisation committed to the objectives of the project?
- Is the initiative sustainable in the long term?

## **2.7 Seeking further information**

There are a range of organisations and tools available to businesses and employers who are seeking to enhance their working environment and avoid cases of discrimination. In particular they could contact:

- Labour/internal affairs ministries of the government.
- Immigration/integration services.
- National bodies responsible for the enforcement of equality legislation.
- Employers' federations or other employers active in this area.
- Organisations specialising in diversity and anti-racism training.
- Relevant trade unions or other employees' associations or structures.
- Other NGOs or migrant groups or associations.

## **2.8 Role of the trade unions**

As employers, service providers, and agents of broader societal change trade unions have a particular role to play in protecting against discrimination and promoting diversity in the work place. Trade unions are a crucial element of any attempt to promote awareness amongst employers of the need to tackle discrimination and promote equality. Consequently, NGOs can often form strategic partnerships with trade unions, which may have greater capacity or resources to promote this work across a sector or geographical area.

Trade unions must acknowledge the problem of discrimination both externally as well as internally. In particular trade unions should:

- Be standard setters in the field of employment (see sections 2.1 to 2.6).
- Encourage membership, often the most vulnerable are not union members.
- Facilitate self-organisation, and specific committees with responsibility for overseeing issues relating to discrimination; however this should not overshadow the responsibility of the whole union to deal with racism.
- Establish working groups to specifically look at the problems facing ethnic minority members in the work place.
- Place anti-discrimination strategies at the forefront of negotiating standards.
- Undertake an audit of all the services offered by the trade union
- Train all union staff and representatives to recognise and deal with discrimination.
- Build relationships with NGOs and other experts to enhance understanding of the problems facing ethnic minority communities.
- Raise awareness about rights of employees, including targeted strategies for ethnic minority communities and others who are vulnerable to discrimination.
- Set up and support a complaints mechanism.
- Support individual victims of discrimination in seeking justice and redress, including providing legal representation.
- Ensure that all negotiating teams are representative of ethnic minority communities and include ethnic minority activists on leading committees and in collective bargaining.
- Provide accessible services to all ethnic minorities communities including translation and interpretation.
- Include an anti-racist component in all union educational programmes
- Campaign against racism more generally.

## **Key documents**

Commission for Racial Equality (2005) Code of Best Practice on Racial Equality in Employment, <http://www.cre.gov.uk/downloads/employmentcode.pdf>

ENAR (2004) Combating Religious and Ethnic Discrimination in Employment, [http://www.enar-eu.org/en/publication/reports/discrim\\_emploi\\_en.pdf](http://www.enar-eu.org/en/publication/reports/discrim_emploi_en.pdf)

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UNDP Regional Bureau for Europe and the CIS (2005) Employing the Roma: insights from Business, [http://europeandcis.undp.org/files/uploads/\\_rbec%20web/Employing\\_the\\_Roma.pdf](http://europeandcis.undp.org/files/uploads/_rbec%20web/Employing_the_Roma.pdf)

### **For further information contact:**

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*ENAR is a network of some 600 European NGOs working to combat racism in all EU Member States. Its establishment was a major outcome of the 1997 European Year against Racism. ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.*



*ENAR is funded by the European Commission, DG Employment and Social Affairs, Anti-Discrimination Unit.*