



European Network Against Racism

Réseau européen contre le racisme

ENAR 4th Equal@work European Expert meeting
How EU policies support or hinder the hiring of migrants in Europe
Brussels, Friday 7 December 2012

**Hosted by the Migration and Diversity Research cluster of the Institute for European Studies
(Vrije Universiteit Brussel)**

According to Eurostat estimates, there are currently 18.5 million third-country nationals residing in the EU¹. They often face barriers in accessing the European labour market partly attributed to discriminatory hiring practices, obstacles in having previous degrees from countries of origin recognised, mobility restrictions and work permit limitations, as well as skills mismatches, just to name a few barriers. Meanwhile, the economic downturn has contributed to worsening the situation for third-country nationals in accessing the labour market and enjoying equality within the workplace.

At the same time, employers also face challenges in hiring and recruiting non-EU migrants. Many lack understanding of the various national and EU-wide policies on employment, migration, and equality, causing some unease in hiring non-EU migrants residing in Europe. This is often attributed to employers' fears of making a mistake or due to the extra bureaucratic work involved with hiring migrants from third countries. With an increasingly global workforce, employers today need to know about labour market rights and equality legislation, while also being familiar with migration policies, impacting those migrants already living in the EU, including work permits and preferential treatment for EU citizens, etc. Considering the complexity of these different issues, in addition to discrepancies in practices applied in the different EU countries, more knowledge is needed among employers, trade unions, third-country nationals and policy makers in order to develop and apply solution-oriented strategies that deal with, on the one hand, employers' and non-EU migrants' needs and, on the other, are in line with contemporary migration policies, and thirdly, contribute to increased hiring of migrants, one solution towards economic growth and stability.

The 4th Equal@work European expert meeting aims to provide a platform to allow multiple stakeholders the opportunity to reflect on the policies that support and hinder the hiring of third-country nationals residing in Europe, with the aim to brainstorm actions toward innovative solutions for hiring migrants.

¹ The ENAR Shadow Report on Racism in Europe (2007) defines the term 'third-country national' as a person who is not a national of an EU Member State.

Progress was made in December 2011, with the adoption of the Single Permit Directive, which creates a set of rights for non-EU workers legally residing in an EU State. Moreover, the Long-Term Residence Directive has created a single status for non-EU nationals who have been lawfully resident in an EU country for at least five years.

Despite progress being made at the EU level to harmonise migration and employment policies, many obstacles persist for third-country nationals in the hiring process and in attaining quality and well-paying jobs suited to their qualifications. Time will be dedicated at this conference to consider some of challenges hindering migrants from labour market insertion and employers in hiring third country nationals with the objective of strategising possible solutions and elaborating innovative solutions in matters of European legislative harmonisation.

OBJECTIVES AND METHODOLOGY

With the multiple stakeholder approach, we aim to collect examples of policies that facilitate and hinder the labour market incorporation of third-country nationals that are already living in Europe. By the end of the expert meeting, we hope to have identified some solutions for addressing the obstacles third-country nationals face in accessing the European labour market. By brainstorming together on this important issue, with businesses, trade unions, migrant organisations, governmental and equality bodies, the Equal@work initiative is true to its objective of contributing good practices and synergies leading to greater equality for all in employment.

This 4th Equal@work meeting thus seeks to:

1. review EU employment and equality legislation as far as this impacts third-country nationals, employers, trade union representatives, and policy makers in achieving full equality of all in accessing the labour market;
2. identify obstacles in legislation for third-country nationals' access to employment;
3. realise the potential of the different alternative tools available and ensure that these respond to the real needs of migrants in Europe;
4. make recommendations to the EU on hiring practices
5. explore multi-stakeholder synergies to expand influence and ensure equal opportunity employment policies;
6. "de-mystify" the debate on migration by looking into practices of third-country nationals' labour market insertion.

Different methodologies will be used to achieve these objectives during the meeting. A panel of speakers from the European Commission will first introduce EU legislation in their different areas of work. Researchers will then analyse the positive and negative aspects of these policies. Following this, the fishbowl methodology will be applied to identify challenges encountered on the ground by employers and migrants in the labour market insertion of third country nationals already residing in the EU. Break-off groups will then explore best practices of employers and

migrant organisations and what kind of recommendations could be put forward to improve the hiring practices affecting third-country nationals. The final session will provide a future-oriented reflection for strategies to move forward towards more inclusive hiring practices, allowing third country national equal opportunities. Special attention will be directed toward EU level policy recommendations.

PROJECT BACKGROUND SUMMARY

Realising equality and maximising the positive potential of diversity continue to be among the key challenges facing labour markets within the EU Member States. The integration of migrants and ethnic and religious minorities within their respective majority communities is determined to a large extent by their opportunities to actively participate in gainful employment.

ENAR Equal@work initiative (previously known as the Ad Hoc Expert Group on Promoting Equality in Employment) was set up with the aim of building on the momentum initiated by the European Commission High Level Advisory Group (HLAG) that was set up to examine the integration of ethnic minorities in the labour market in the European Union².

This ENAR initiative aims to reflect in a proactive and political way on the responses which could be brought forward by different stakeholders in the field of employment, and on the structural problems of access to the labour market and equality in employment commonly experienced by ethnic and religious minorities in the EU. The Ad Hoc Expert Group first met on 26 and 27 November 2009, using a multiple stakeholder approach. This pioneering initiative brought together four major multinational companies committed to diversity and inclusion (SODEXO, L'OREAL, IBM, ADECCO Group), trade unions, EU institutions, national governments and the anti-racist civil society to work together by identifying ways forward in ensuring the full participation of ethnic minorities in the labour market. It also aimed to enable the sharing of best practices and initiatives that have been undertaken by private and public employers, trade unions and governments.

Having agreed on 87 practical recommendations and 4 key recommendations to the EU institutions, Member States, the private sector and the social partners, participants of the AdHoc Expert Group expressed their commitment to promote and monitor the implementation of these recommendations. ENAR and its partners look forward to assessing and reporting on progress towards achieving these recommendations by the year 2015. In the meantime, the process of mutual learning between the different stakeholders continues, with an in-depth reflection on key priority areas to be conducted through a series of seminars.

ENAR's second Ad Hoc Expert Group on promoting equality in employment thus addressed the

² In January 2006, this advisory group, under the leadership of Commissioner Vladimir Špidla and supported by IZA Research Report No. 16 - "Study on the Social and Labour Market integration of Ethnic Minorities", published in 2008, confirmed large and persistent patterns of structural discrimination and disadvantage affecting migrants as well as ethnic and religious minorities in the EU. At the end of 2007, the HLAG submitted a report and put forward policy recommendations in this regard.

issue of monitoring and benchmarking the situation of ethnic and religious minorities in employment to ensure progress in the race towards equality and prosperity. At the third expert meeting, the focus was on contemporary tools used to combat discrimination in employment, such as reasonable accommodation of cultural diversity, by exploring measures, strategies and good practices in promoting working conditions seeking to improve well-being at work for employees. This leads to the topic of the fourth expert meeting with a review of the policies facilitating and hindering full equality for migrants to access European labour markets.

Overall, the key objectives of the Equal@work initiative are to:

- Enable the sharing of good practices and initiatives that have been undertaken by NGOs, private companies, trade unions and public employers;
- Draw lessons from unsuccessful practices and initiatives that have been undertaken by NGOs, private companies, trade unions and public employers;
- Build the capacity of ENAR members and partners by developing the knowledge of the issues at hand and empowering them to proactively identify actions at national level through joint projects and initiatives;
- Develop recommendations that
 - (1) identify good practices in the field and facilitate their exchange and compilation with the view to enhance business and NGO efforts in the sector
 - (2) enable the European Union, Member States, social partners, businesses and NGOs to better engage with the policy issues and processes; and
 - (3) develop joint advocacy strategies on the issue at stake .

Seminar organised with the support of the European Commission's Directorate General for Employment, Social Affairs and Equal Opportunities, ADECCO Group, L'OREAL, Sodexo, Groupe La Poste, Ernst & Young and the ENAR Foundation

