



Response of the European Network against Racism (ENAR)

Consultation action at EU level to promote the ‘active inclusion’ of the people furthest from the labour market, COM (2006) 44 final

April 2006

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The European Network against Racism (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. Further information is available at: www.enar-eu.org

Introduction

Minimum income is a key element of social protection systems. It is essential that minimum income provisions provide the conditions for the active participation of everyone who is excluded from the labour market. Often ethnic minority communities are amongst those ‘furthest’ from the labour market, due to the additional barriers of discrimination and racism, which they face. It is essential that active inclusion strategies are capable of responding to the needs of all ethnic minority communities in a targeted manner.

The Social Agenda Communication of February 2005 announced ‘a community initiative on minimum income and the integration of people excluded from the labour market’. It is essential that such community initiatives, and action at the member state level, fully reflect the role discrimination and racism play in contributing to poverty and social exclusion. As recently pointed out by Commissioner Spidla:

“it is not just a case of preventing unequal treatment of individuals. The EU must further promote equal opportunity for all in order to remove the structural obstacles will barring the way to such groups as immigrants, ethnic minorities, ...”¹

Discrimination and racism are key factors in the labour market exclusion of ethnic minority communities, and consequently affect their ability to avoid poverty and promote integration. As a result ethnic minority groups can be disproportionately affected by activation and minimum income strategies. In addition evidence suggests that a ‘one cap fits all’ approach to service provision fails to respond to the specific needs of ethnic minority communities, many of whom are at risk that these services and policies are implemented in a manner that does not meet their needs.

ENAR is a member of the Social Platform,² and has actively participated in the development of the Platform’s response to this Communication, COM(2006) 44 final. This paper is intended to build on that analysis and recognises the importance of this subject in the development of European social policy. Consequently this paper will not address the range of concerns and issues highlighted in the Social Platform’s response but rather concentrate on providing a brief response from the perspective of race equality and anti-discrimination. Consequently ENAR will seek to raise three core issues, in the context of the questions highlighted in the Commission’s communication:

1. Racism, discrimination and ‘active inclusion’;
2. Policy and legislative coherency;
3. Principles of effective service provision.

ENAR welcomes the opportunity to respond to this first stage in the consultation process, and looks forward to an ongoing debate in this important policy area.

¹ Commissioner Spidla, European Symposium organised by the Land of North Rhine-Westphalia, Brussels, 13 February 2006.

² See: www.socialplatform.org

1. Racism, discrimination and ‘active inclusion’

Employment rates for ethnic minority groups and migrants are markedly lower than for the majority population across the EU. It is clear that discrimination and racism is a key factor in the labour market exclusion of all ethnic minority communities, and consequently affects their ability to avoid poverty and promote integration.

Unfortunately to date this reality has been inadequately addressed in European employment and social policy initiatives. According the European Anti-Poverty Network (EAPN) discrimination is generally not well addressed in the National Reform Programmes.³ So-called activation policies cannot redress this exclusion from the labour market alone. A successful EU approach to labour market integration needs to consider discrimination and wider structural obstacles to the labour market at the same time.

Question 1

Given the challenge for Member States to address social inclusion and in particular the integration of people furthest from the labour market, is there a need for further action at EU level, and if there is, what are the most useful ways by which the EU could complement and support the action at national level?

Inclusion policies should be designed to be effective in promoting the social and labour market inclusion of ethnic minorities, including through guaranteeing and adequate income, access to social services, and access to decent work.

Consequently ENAR recommends that:

- The High Level Group on Social and Labour Market Integration of Ethnic Minorities, should input to the follow up to the current communication.

2. Policy and legislative coherency

The objective of EU action in this area should be to contribute to high and comparable social standards throughout the European Union. Consequently the European Union should promote coherent and multi-sector policy initiatives that have the capacity to adopt a joined-up approach to the provision of mainstream public services to ethnic minority communities.

As recognised in the Joint Report on Social Protection and Social Inclusion⁴, and in the Spring Council Conclusions of March 2006, the challenges of ensuring that the Open Method of Coordination on social protection and social inclusion interacts

Question 2

How should the Union build on the common ground agreed in the 1992 Recommendation to promote the rights and access to services needed for the integration of excluded people, taking into account the relevant policy

effectively with the revised Lisbon agenda is vital. Ensuring that employment opportunities are reaching groups at highest risk of poverty is a core function of both processes, and should be adequately addressed in both policy contexts.

Article 3(1)(e) of the European Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2000/43/EC),

³ EAPN, A Future Worth Having, 14 March 2006, p. 14

⁴ COM (2006) 62 final

covers: “social protection, including social security and healthcare”. Consequently member states have an obligation to ensure that activation and minimum income schemes do not discriminate, and should be provided with a “view to putting into effect... the principle of equal treatment”.

Consequently ENAR recommends that:

- The EU should take a leadership role on promoting ‘joined-up’ policy approaches, drawing on the experience of the European Commission inter-service group on Roma.
- The Commission should undertake an analysis of the impact of the Racial Equality Directive (2000/43/EC) on public service provision, and in particular on social welfare provision.
- Any development of the 1992 recommendations must take into account the emergence of the European anti-discrimination framework, and in particular its impact on social welfare and public service provision.

3. Principles of effective service provision

Experiences of racism and discrimination, and fragmentation in the provision of public services, mean that ethnic minority communities may not have their needs met by mainstream public service provision.⁵

In addition, some ethnic minority communities such as Roma or migrant workers, may face formal barriers to access to service provision linked to their legal or residence status.

Question 3

Is there any justification for action at EU level, based upon Article 137(1) (h)? In such a context, could the aspects concerning activation and access to the labour market be the subject of negotiation between the social partners?

To overcome these challenges the EU must promote policies that seek to enhance the capacity of social services to respond to the needs of everyone in society. Four key principles can be identified which must be integrated into the provision of services, including minimum income and activation services,⁶ these are:

1. **Benchmarking:** Ethnic monitoring programmes should enhance data collection and facilitate setting targets and monitoring the impact of such policies on ethnic minority communities. It is impossible to design, implement or monitor effective policies without knowing what are the needs for these services, and how they are affecting the target groups.
2. **Mainstreaming:** Service provision must ensure that it is delivered in a manner that is inclusive of the needs of ethnic minority groups. A mainstreaming approach should particularly focus on equality of outcome.
3. **Targeting:** In addition to mainstreaming approaches, it is often necessary to develop specific policies and services to meet the needs of ethnic minority groups which are not addressed through mainstream provision.
4. **Engagement:** ethnic minority communities must be actively involved in the design and monitoring of service provision. It is not possible to understand

⁵ For example in Great Britain, ethnic minorities are up to three times as likely to be users of ‘essential services’ than their white counterparts, and are less likely to be satisfied with the quality of those services. Social Elusion Unit (2005) *Improving Services, Improving Lives: an interim report*, Office of the Deputy Prime Minister: Great Britain.

⁶ Key principles based on an emerging findings paper on *How authorities provide services to minority ethnic groups*, (March 2006) published by the National Consultative Committee on Racism and Interculturalism: Ireland, see: www.nccri.ie

the complex dynamics of how services impact ethnic minority communities, without talking to these communities about their experiences.

Consequently ENAR recommends that:

- The European Union should conduct race equality impact assessments of all social services initiatives, including the development of any programmes regarding activation and minimum income.
- The European Commission support the call by the Social Platform that the European Council should adopt Basic Requirements for effective inclusion policies, which encompass both minimum income and activation strategies. These basic requirements should be accompanied by indicators which can measure the impact of policies on those furthest from the labour market, and in particular ethnic minority communities.
- The European Union continue to build on initiatives which seek to promote the integration of ethnic minority communities into the labour market (Article 137 (1) (h)).
- Trade Union and Employers organisations at the European level must maximise their impact on the fight against racism and discrimination, in particular the social partners should build on their work to date which has sought to raise awareness regarding rights and obligations under the Race and Employment Directives.