



## **Response of the European Network against Racism (ENAR)**

### **European Commission**

**Consultation on 'Modernising social protection for greater social justice and economic cohesion: taking forward the active inclusion of people furthest from the labour market' COM (2007) 620 final**

**February 2008**

*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](http://www.enar-eu.org)*

## Introduction

In recent years the European Union has developed a large range of policy competences, which are relevant to addressing the barriers to social and economic inclusion of ethnic and religious minority communities.<sup>1</sup> ENAR is supportive of the new initiative of the European commission to develop active inclusion strategies for people furthest from the labour market and has actively followed the development of this strategy.

ENAR's first submission to the consultation<sup>2</sup> pointed out that one of the biggest challenges facing the EU is to promote the social and economic inclusion of ethnic and religious minority communities, as they are amongst those at highest risk to be 'furthest' from the labour market. For reasons of the additional barriers of discrimination and racism, which ethnic minority groups face in the labour market and which affect their ability to avoid poverty and promote integration, it is essential that active inclusion strategies are capable of responding to the needs of all ethnic minority communities in a targeted manner.

As recently pointed out by Commissioner Spidla:

"The issue of integration of ethnic minorities is one which requires increasing attention of policy makers at all levels. (...) We do need to maintain solidarity and social cohesion (...), which makes the successful integration of minority groups vital in order for the European Social Model to prosper. And I use the word 'prosper' not merely in material terms: European societies must prosper above all in terms of human dignity and effective equality.'<sup>3</sup>

Community initiatives and action at the member state level must reflect the role discrimination and racism play in contributing to poverty and social exclusion. 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 welcomes the European Commission's Communication COM(2007) 620 taking forward the initiative on the active inclusion of people furthest from the labour market and in particular the inclusion of some of the recommendations put forward in our response to the first stage consultation. In the context of the European Commission's proposals and building on our first submission the core issues relevant to the active inclusion of ethnic and religious minorities are further elaborated in the following sections.

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<sup>1</sup> The submission refers to 'ethnic and religious minorities'. There is no universally accepted and binding definition of a minority in international law, however one definition has been within the framework of Article 27 of the United Nations International Covenant on Civil and Political Rights: 'A group of citizens of a State, constituting a numerical minority in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one other, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law'.

<sup>2</sup> Available at: [www.enar-eu.org](http://www.enar-eu.org)

<sup>3</sup> In: '*Ethnic Minorities in the Labour Market*' European Commission, December 2007.

## 1. A better understanding of poverty and social exclusion: racism and discrimination in employment

The integration of migrants and ethnic and religious minorities in their respective host societies is determined to a large extent by their opportunities to actively participate in gainful employment.

Studies conducted by the European Fundamental Rights Agency (former EUMC), the ENAR 2006 Shadow Reports and the recent ILO report "Equality at work: tackling the challenges"<sup>4</sup> confirm large and persistent patterns of structural discrimination and disadvantage affecting migrants and ethnic and religious minorities in the EU. The EUMC has highlighted the fact that a key causal factor in this is discrimination in employment.<sup>5</sup> Even where scarcity of data make it difficult to provide precise statistical evidence, several reports confirm that in most member states such groups have much lower labour force participation rates and employment rates<sup>6</sup> than members of the majority or migrants from other EU/EEA countries. In some member states, migrants and ethnic minorities from non EU countries have activity rates that are 15-40% below that of the majority population or 'EU' migrants. The existence of such lower employment rates is confirmed by the 2006 social situation annual monitoring report of the European Observatory on Demography.<sup>7</sup>

The same patterns of distinct disadvantages apply to the situation of ethnic and religious minorities when it comes to income, wages and salaries where marked income differences between nationals/non-migrants and immigrants can be observed in all EU member states. According to various reports of European Fundamental Rights Agency, the national labour markets are highly segmented along national or ethnic lines where a majority of third country nationals are employed in low-skilled, low paid professions and experience dangerous working conditions.

According to the findings of the Report on 'Ethnic Minorities in the Labour Market: an Urgent Call for Better Social Inclusion'<sup>8</sup> despite lack of comparable data on the labour market outcomes of members of ethnic minorities it can be stated that:

- there is an *ethnic wage gap* which differs from Member State to Member State and from ethnic group to ethnic group, and that
- the membership in an ethnic minority is in most cases a *social disadvantage per se*.

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<sup>4</sup> Available at: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms\\_082607.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf)

<sup>5</sup> EUMC Annual Report 2006 (page 119) stated that: "An assumption of the deficits within migrants and minority populations has traditionally been most dominant in public consciousness and is often only when research or special investigations into discrimination are carried out and published and when anti-discrimination legislation is enacted and cases come to court that previous blanket assumptions about supply side deficits become balanced by a greater awareness of the operation of exclusion and discrimination".

<sup>6</sup> EUMC report-Migrants, Minorities and Employment: Exclusion, Discrimination and Anti-discrimination in the 15 Member states of the EU – October 2003-pages 17-45

<sup>7</sup> Available at:

[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_situation/2006\\_mon\\_rep\\_soc\\_incl.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_situation/2006_mon_rep_soc_incl.pdf)

<sup>8</sup> As presented at the Conference in December 2007

Unfortunately to date discrimination and racism have been inadequately addressed in European employment and social policy initiatives. According to the European Anti-Poverty Network analysis on the 2007 Annual Progress Report, a concern about ethnic minorities and in particular about the labour market inclusion of the Roma minority is missing from the part of the strategic report related to employment.<sup>9</sup>

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), 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'.

Therefore ENAR welcomes the reference of anti-discrimination law in relation to establishing links to the labour market in paragraph 4.2 of the Communication. Tackling anti-discrimination in the field of employment is a complex issue requiring the combined efforts of the Union and Member States to adequately transpose and implement European equality laws and develop policies to promote equality, like positive action.

Furthermore, consideration needs to be given to and effective policies must be developed for tackling discrimination outside of employment, which negatively affects the labour market participation of ethnic and religious minorities. Discriminatory practices in e.g. housing, access to public services and public and private goods, in health care and in education all have a detrimental impact on labour market inclusion.

In addition, it should be noted, that some members of ethnic minorities are particularly vulnerable and face multiple discrimination in employment and other related areas of life. This affects foremost women from ethnic minorities. Roma and undocumented workers are also amongst the most vulnerable to labour market exploitation and 'furthest' from the labour market and in urgent need of targeted approaches to achieve their labour market participation.

## **2. Envisaged EU action: addressing the needs of members of ethnic minorities furthest from the labour market**

ENAR is supportive of the current proposal of the European Commission as laid out in the Communication COM(2007) 620 final and in particular because the Commission has taken on board some of ENAR's concerns as set out in our first submission.

Particularly welcomed is the recognition that reaching out to those at the margins of society and the labour market is as much a *social priority* as an economic one and that the '*active welfare state*' has a well articulated *responsibility* to provide personalised pathways towards employment and to ensure that those who cannot work can live in dignity and contribute as much as possible to society.

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<sup>9</sup> EAPN, 'Growth and Jobs but not Inclusion!' EAPN Response to the annual Progress report, 15 January 2008.

In terms of policy formulation ENAR supports the *integrated approach* taken up by the European Commission which is very much in line with ENAR's regular and rigorous call for policy coherence and synergies between the different elements of EU policies and laws affecting the well-being of ethnic minorities at the margins of societies. Furthermore the acknowledgement that *employment per se* is not always a guarantee against poverty and that policies towards an inclusive labour market must be complemented with adequate social protection and accessible, universal and quality services is very much welcome.

ENAR is also supportive of the proposal of deepening the Open Method of Coordination through the adoption of common principles and their subsequent monitoring and evaluation. Further elaboration is needed however on the concrete processes and strategies on active inclusion and the links between the key priorities under the OMC and the interaction of the common principles of active inclusion and of other key policy areas, such as the flexicurity approach. Ensuring that the Open Method of Coordination on social protection and social inclusion *interacts effectively* with the revised Lisbon agenda is vital. In addition, 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 in a coherent way.

In line with our first submission ENAR recommends to enhance the capacity of policies and processes under the active inclusion strategy to address the needs of ethnic minorities furthest from the labour market through integrating the following four key principles:<sup>10</sup>

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 the needs for these services are, 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.
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. ENAR very much welcomes the inclusion of this point in the proposal and would stress the need to involve the *different groups* vulnerable to racism and discrimination including amongst others Roma, Sinti and Travellers; migrants including EU nationals and third country nationals, particularly undocumented migrants and asylum seekers; the Jewish and the Muslim community; long-standing ethnic minority communities and 'national minorities' as well as more recent migrants in order to identify the different experiences and needs of these groups.

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<sup>10</sup> 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](http://www.nccri.ie)

In order to contribute to high and comparable social standards reflective of the needs of ethnic minorities to be implemented consistently throughout the European Union ENAR is strongly encouraging the European Commission to consider and act upon the following:

***Income support sufficient to avoid social exclusion***

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. As rightly set out by the proposal the active inclusion strategy must be inspired by fundamental rights. As opposed to the proposal however, which refers only to the recognition of the basic right of a person to sufficient resources and social assistance under the first strand of the strategy, namely under income support, ENAR would strongly argue for *an overarching human rights principle as a foundation of the whole active inclusion strategy and incorporating all relevant provisions of the Charter of Fundamental Rights of the European Union.*<sup>11</sup>

***Link to the labour market***

So-called activation policies cannot redress 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. ENAR encourages the European Commission to incorporate and *address the 14 barriers* that have been identified by the Report on 'Ethnic Minorities in the Labour Market: an Urgent Call for Better Social Inclusion' by the High Level Advisory Group which prevent members of ethnic minorities from fully participating in the labour market:

1. Lack of education and training
2. Lack of language skills
3. Lack of recognition of skills and qualifications
4. Lack of access to professions
5. Lack of access to citizenship
6. Lack of integration policies
7. Stereotypes, prejudices and negative attitudes
8. Lack of mobility and concentration in certain areas
9. Industrial change
10. Disincentives through welfare systems
11. Discrimination
12. Lack of information
13. Labour market participation
14. Undeclared work

***Link to better access to quality services***

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.<sup>12</sup> In addition, some ethnic minority

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<sup>11</sup> In particular Article 15 on Freedom to choose an occupation and right to engage in work; Article 21 on Non-discrimination; Article 31 on Fair and just working conditions; Article 34 on Social security and social assistance and Article 36 on Access to services of general economic interest.

<sup>12</sup> 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

communities such as Roma or migrant workers may face formal barriers to access to service provision linked to their legal or residence status. Therefore it is of utmost importance that the proposal sets out universal and personalised service provision with equal access for all members of society. ENAR supports the further development of this element of the active inclusion strategy by incorporating a strong provision of personalised services that take account of *cultural differences and are sensitive* towards the specific needs of persons with a different ethnic (and, therefore, cultural) background, in particular in the context of immigration.

## Recommendations

### ENAR recommends:

- For the European Commission to undertake an analysis of the impact of the Racial Equality Directive (2000/43/EC) on public service provision and in particular in social welfare provision
- That any development of the 1992 recommendations (Council Recommendation of 24 June 1992 and 27 July 1992 (92/441/EEC and 92/442/EEC) must take into account the emergence of the European anti-discrimination framework and in relation to the first recommendation its impact on social welfare and public service provision
- For the European Commission to conduct race equality impact assessments of all initiatives developed and implemented under the active inclusion strategy and under its three strands
- To develop policies and processes under the active inclusion strategy that effectively interacts with and complements other policy areas under the OMC process and the Lisbon Strategy contributing to policy coherence and to streamlining the processes
- To consider and incorporate the findings and recommendations of the Report by the High Level Advisory Group on 'Ethnic Minorities in the Labour Market: An Urgent Call for Better Social Inclusion' and in particular:
  - the establishment of a systematic link between discrimination beyond and at the labour market and labour market inclusion of ethnic minorities
  - identify and address specific barriers to inclusion of members of ethnic minorities in line with the 14 barriers defined by the Report
  - focus specifically on the implementation of policies to improve the situation of members of minority groups at risk of multiple discrimination and labour market exploitation such as ethnic minority women, the Roma and undocumented migrants
- To develop an overarching human rights based principle as a foundation of the active inclusion strategy based on the provisions of the EU Charter of Fundamental Rights
- Basic principles to be accompanied by indicators which can measure the impact of policies on those furthest from the labour market and in particular on the most vulnerable to labour market exploitation
- To develop culturally sensitive personalised quality services

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of those services. Social Exclusion Unit (2005) Improving Services, Improving Lives: an interim report, Office of the Deputy Prime Minister: Great Britain.

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