

ENAR European Shadow Report 2007

Manifestations of Racism: Employment

The European Network Against Racism (ENAR) Shadow Report for Europe provides a unique mechanism to collect and present the views of civil society on the state of racism in EU member states and across Europe. The report identifies communities that are vulnerable to racism, presents an overview of the manifestations of racism and provides an NGO assessment of the legal and political context and responses by governments. The 2007 Report will be available in November 2008 from www.enar-eu.org.

Key Findings

Employment

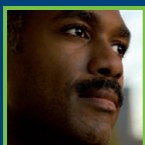
Racism continues to prevail in the area of employment, despite the existence of legislation in most EU member states outlawing such discrimination, including on the basis of ethnicity and religion. Positive outcomes from legislation are noted, but a number of reports note barriers to its effectiveness. Key problems relate to transposition and implementation whereby rights on paper are not implemented on the ground, limitations to the right to non-discrimination and the lack of protection for third country nationals (TCNs). The lack of a comprehensive legal framework, covering all grounds in all areas of life, continues to contribute to discrimination in employment as does the need to strengthen the capacity of infrastructures to monitor discrimination and workplace exploitation.

Both indirect and direct forms of discrimination continue and a small but significant number of reports noted with concern continuing evidence of direct discrimination and acceptance of it. For example, in Hungary it was noted that an advert was placed for a position that stated that foreigners need not apply and in Lithuania in the context of situation testing, an employer openly made a derogatory remark to one applicant about a Roma applicant.

The 2006 and 2007 reports identify continuing trends. These include discrimination in access and progression; underemployment and the non-recognition of foreign qualifications; poorer and sometimes dangerous working conditions and exploitation. Institutional barriers such as language proficiency and citizenship requirements also affect ethnic minorities' employment opportunities. Issues of barriers to self-employment opportunities for ethnic minorities, specifically TCNs, were highlighted as was segregation in the labour market. Some groups are particularly vulnerable to racism in employment or face specific issues, depending for example on age, gender and legal status. Trafficking was highlighted as an emerging trend of serious concern in the 2006 report and this continues, having a particularly severe impact on already vulnerable groups.

Ethnic and religious minorities are disproportionately affected by unemployment. This is clearly evident in reports for example from Denmark. However, increasing availability of disaggregated data provides a more defined picture. While rates of unemployment are higher amongst ethnic groups overall, some groups, including TCNs, may actually have higher rates of employment than the indigenous population as their residency rights are tied to employment. On the other hand, discrimination in employment affects different groups differently. In Finland, those most affected by unemployment are migrants from predominantly Muslim countries, which are on average five times higher.¹ In the UK, where data collection is quite comprehensive and broken down by ethnic group, we see that certain groups fare better in employment than others, e.g. among ethnic minority groups Indians have the highest rate of employment whereas Pakistani groups have the highest rate of unemployment.

¹ This list of countries is composed of: Iraq 65,2 %, Iran 50,2 % Sudan 61,1 % and Somali 55,9%



Across the EU, we see persistent discrimination against Roma in employment. Poor educational outcomes impact significantly on both access to employment and level of income. In some countries, the disparity between employment rates for Roma and the general population is striking. For example, in Slovakia unemployment amongst Roma is estimated² at 79.8% compared with the national average of 11.8%; Roma long-term unemployment was at 62.8% compared with 11.4% national average. In Romania, only 33.5% of Roma have professional skills; 73% of Roma are employed in positions that require little or no qualifications compared with 33% of the general population. Discrimination in employment is cited in national reports as one of the key reasons that Roma are leaving their own EU member state to seek employment elsewhere in the EU.

In relation to segregation in the labour market, reports noted that for example, migrants may be employed in certain types of employment or different groups may be more inclined to be working in certain sectors. Findings in national reports reveal a clear link between segregation in the labour market and immigration policy, particularly where policies and systems are developed to meet national labour market needs and visas are issued only to those with a particular skill set. However, there are other factors at play that can also contribute to such segregation, evident for example through research from Hungary which demonstrates that different ethnic groups are more likely to be working in different sectors.

Ethnic minorities are more likely to be working where they have less access to employment rights and protection. Domestic workers and carers are quite vulnerable. The report from Ireland notes improvements but raises concerns that while a code of practice is now in place, there continues to be limited legal protection for domestic workers. The report from Spain notes that research conducted in the Basque country found that only 10% of domestic workers from ethnic minorities receive a decent salary. Discrimination in the formal economy has forced ethnic minorities into the informal economy, e.g. Roma in Romania, where they are paid less. Undocumented migrants are also vulnerable with little legal protection.

The 2006 report identification of trafficking for forced labour and prostitution as an emerging trend of serious concern continued in the 2007 national reports. It is also of serious concern to note that the problem is often not recognised; that where there is legislation, implementation is an issue. The limited protection offered to victims of trafficking in some contexts is worrying.

NGO Good Practice

Raising Awareness in Malta³

As part of the MOSAIC Project⁴ coordinated by the National Commission for the Promotion of Equality (within the context of the Year of Equal Opportunities) ENAR Malta offered a training session to employers (mainly human resources managers) about discrimination in employment in which employers were informed about the European and Maltese legislation and had the opportunity to discuss best practices as well as challenges faced.

Building Skills in Latvia⁵

In August 2007, NGO "Zelta kamolins" implemented a project "New opportunities for Roma women", aimed at providing professional support to the motivation of Roma women to work or start up a business enterprise. 40 Roma women participated in the project. The project was financed by the European Commission and supported by Association of Businesswomen and IUMSILS⁶.

Enforcing Rights in Poland⁷

In February 2007 burgomaster of Radzyf Podlaski forbade access to the marketplace for foreign sales people, despite the fact that they had duly obtained relevant permits and paid the regulatory commissions for retail merchandising. Association Wspolnota Kazachska filed a complaint before the prosecutor's office pertaining to this fact. The court found the burgomaster guilty and charged a penalty.

² There is no official statistical data on rates of unemployment of Roma. The data cited in the national report from Slovakia is based on relevant estimates of the Institute for Public Affairs for 2005.

³ Example taken from the ENAR Shadow Report 2007: Racism in Malta, author: Jean-Pierre Gauci, ENAR Malta.

⁴ www.mosaic.gov.mt

⁵ Example taken from the ENAR Shadow Report 2007: Racism in Latvia, author Boris Koltchanov, based on materials collected by the Latvian Centre for Human Rights

⁶ Information provided by the Secretariat of the Special Assignments Minister for Social Integration on 08.10.2007

⁷ Example taken from the ENAR Shadow Report 2007: Racism in Poland, author Balli Marzec, Association Wspolnota Kazachska