ENAR

European Network Against Racism

STRUCTURAL RACISM IN THE LABOUR MARKET

TOOLKIT

ENAR'S TWELFTH EUROPEAN EQUAL@WORK SEMINAR

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INTRODUCTION

About the Equal@Work Platform
Equal@Work is a multi-stakeholder initiative bringing together employers from the private and public sectors as well as trade unions, academia and civil society organisations committed to diversity and inclusion, to find innovative solutions and share best practices to improve access and participation of racialised minorities within the labour market.

This toolkit is the result of a collaborative work following the 12th Equal@Work seminar organised by the European Network Against Racism. Members of the platform explored how to integrate an anti-racism approach, ensuring improved access to the workplace for racialised people, and put an end to structural discrimination in the labour market.

Background information
History was drastically changed in 2020. Following the murder of George Floyd, the Black Lives Matter movement gained momentum and allies around the world began to mobilise at a grassroots level.

While Covid-19 brought a new normal, mass mobilisation after Floyd's murder also brought various actors to expound in-depth reflections about societal systems rooted in discrimination. People from all over the world took to the streets and social media protesting, advocating and demanding for governments and corporations alike to formulate policies that would lead to social justice, equality, and inclusion for all.

The awareness generated by these ongoing issues, led and forced many organisations within all spheres of society, including the private sector, to re-examine and intentionally address issues of systemic discrimination by challenging their own environments, with a goal to create an environment characterised by more diversity, inclusion and equity overall.

Seminar setting
The 12th Equal@Work seminar was an opportunity to take a deeper look at the significant gaps and barriers preventing employers from tackling structural racism and implementing comprehensive diversity strategies. Speakers and participants shared their expertise and experiences, working together to produce concrete recommendations within different group discussions and devise strategies to design and review internal Diversity, Equity and Inclusion policies for effective equality and equity measures in the corporate world.

Purpose of the publication
This toolkit is part of a wider body of ENAR's work exploring racism, discrimination and exclusion experienced by racialised people in the European Union. Due to the sprawling nature of structural racism, which is deep-rooted in many policy fields, structures and systems, the content of this toolkit is informed by ENAR's previous thematic Equal@Work reports on Artificial Intelligence, Intersectional Discrimination, Women of Colour, Equality Data Report and ENAR's Shadow Report: Racism and Discrimination in Employment in Europe 2013-2017.

One of the main goals is to challenge traditional diversity management practices by addressing structural racism in the labour market and uncovering structural discrimination patterns based on deep-seated social hierarchies. It requires a method that examines power structures within the workplace in order to generate new organisational management styles. The toolkit is designed for Diversity, Equity and Inclusion (DEI) managers, organisations and companies looking to accomplish the following:

- Create workplaces with principles of equality and equity at their core;
- Dismantle barriers related to structural racism in the workplace; and
- Challenge dominant power structures in their workplaces.

Sections
The first section on "Structural Racism Barriers" describes systems of structural racism based on an analysis of patterns experienced by racialised people and thereby provides a non-exhaustive list of evidence-based discrimination, exclusion and inequality. The second section on "Solutions and Recommendations to tackle structural racism" provides employers with practical guidance to inhibit structural racism in their workplaces.

GLOSSARY

Bias

Bias describes the inclination or prejudice for or against one person or group resulting in unfair treatment and benefits for others. This includes conscious and unconscious beliefs usually grounded in social norms and stereotypes, and results in upholding and replicating structural inequities.[1] Examples of unconscious bias include prejudiced remarks, shutting down an employee during a meeting, clearly exhibiting behaviours of superiority and openly displaying prejudice towards racialised employees.

Capitalism

Capitalism is the ideology and practice of maximising profits and wealth for a few atop a racial hierarchy, by extracting wealth from the land, labour and resources of others. If there is no wealth to extract, communities often undergo forced assimilation, or are completely excluded from the accrued wealth and related services.[2]

Colour blindness

Colour blind ideology, policies and practices consider that the best way to end discrimination is by treating individuals as equally as possible, without regard to race, culture or ethnicity. It relies on the concept that race-based differences do not exist and do not matter, denying the historical and contemporary systemic forces of oppression and the lived experiences of racialised people.[3]

Concrete ceiling

The concrete ceiling refers to the barriers to career advancement for women of colour. Concrete is difficult to break and impossible to see through, unlike a glass ceiling, and that which cannot be seen remains hidden and unattainable.[4]

Corporate Social Responsibility

Corporate social responsibility (CSR) is a self-regulating business model whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders. CSR is generally understood as being the way through which a company achieves a balance of economic, environmental and social imperatives ("Triple-Bottom-Line-Approach"), while at the same time addressing the expectations of shareholders and stakeholders. In this sense it is important to draw a distinction between CSR, which can be a strategic business management concept, and charity, sponsorships or philanthropy. Even though the latter can also make a valuable contribution to poverty reduction, will directly enhance the reputation of a company and strengthen its brand, the concept of CSR clearly goes beyond that. To engage in CSR means that, in the ordinary course of business, a company is operating in ways that enhance society and the environment, instead of contributing negatively to them.[5]

Diversity

Diversity describes the people who embody marginalised identities and their representation in the workplace.[6] Diversity includes all the ways in which people differ, and it encompasses all the different characteristics that make one individual or group different from another. It is all-inclusive and recognizes everyone and every group as part of the diversity that should be valued. A broad definition includes not only race, ethnicity, and gender—the groups that most often come to mind when the term "diversity" is used—but also age, national origin, religion, disability, sexual orientation, socioeconomic status, education, marital status, language, and physical appearance. It also involves different ideas, perspectives, and values.[7]

1   CIJ Race in Germany and Europe https://drive.google.com/file/d/1L-R1q6XX5AAjGFF4BU2Ks-MKcct46UKS0/view

2   The Climate Crisis is a (neo)colonial capitalist crisis: Experiences, responses and steps towards decolonising climate action

3   Social Justice Glossary YWCA http://ywcaboston2.wpengine.com/wp-content/uploads/2016/02/MISS_VIT_BLD-SUPP-FOR-MISS_TRN-AND-DEVEL_SJ-GLOSSARYMARCH_2016.pdf

4   Catalyst, Women of Colour in Corporate Management: Opportunities and Barriers, available at: https://www.catalyst.org/wp-content/uploads/2019/01/women_of_color_in_corporate_management_dynamics_of_career_advancement.pdf

5   United Nations Industrial Development Organisation (UNIDO) - What is CSR? https://www.unido.org/our-focus/advancing-economic-competitiveness/competitive-trade-capacities-and-corporate-responsibility/corporate-social-responsibility-market-integration/what-csr

6   Amplify Racial Justice webinar, Restorative Justice in the Workplace: beyond "Diversity & Inclusion

7   Racial Equity Tools – Glossary https://www.racialequitytools.org/glossary

Diversity is not only crucial for social justice, it drastically increases financial profits, creativity, innovation, and improves decision-making by providing a variety of perspectives.[8]

Equality
Equality describes equal treatment of all people. In DEI policies, equality approaches tend to benefit some social groups/communities while harming others.[9]

Equity
Equity describes equality in outcomes through a recognition of structural differences that render some to have more disadvantages than others.[10]

Equality data collection
Equality data collection describes the practice of monitoring and collecting information that is useful for the purposes of describing and analysing the state of equality. The information may be quantitative or qualitative in nature. It includes aggregate data that reflect inequalities or their causes or effects in society. A number of reports from EU bodies – including from the European Commission and the EU Fundamental Rights Agency (FRA) – have extensively detailed the reasons why disaggregated data would help advance the anti-discrimination agenda. These reasons have been endorsed by most of the equality actors in Europe. Comparable sets of disaggregated data would help by:

- providing evidence of systemic discrimination in courts;
- informing and designing effective public policies;
- providing a baseline against which any changes can be measured;
- assessing equality and integration policies, and
- populating indicators to monitor progress of policies over time.[11]

Glass ceiling
The glass ceiling is an unacknowledged invisible social barrier that prevents certain individuals from advancing in a profession through accepted norms, implicit biases and discrimination especially affecting racialised people and women amongst them.[12]

Inclusion
Inclusion describes the processes and policies by which people who embody marginalised identities feel welcome and a sense of belonging.[13]

Intersectionality
Describes the interconnected nature of social categorisations such as race, class, gender, disability and sexual orientation as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.

Source: Center for Intersectional Justice and ENAR - Intersectional discrimination in Europe: relevance, challenges and ways forward www.enar-eu.org/wp-content/uploads/intersectionality-report-final-2.pdf

Privilege
Privilege refers to unearned social power accorded by the formal and informal institutions of society to all members of a group (e.g. white privilege, male privilege, etc.). Privilege is usually invisible to those who have it because we are taught not to see it, but nevertheless it puts them at an advantage over those who do not have it.[14]

8   Top 10 Benefits of Diversity in the Workplace: https://www.talentlyft.com/en/blog/article/244/top-10-benefits-of-diversity-in-the-workplace

9   Social justice glossary, YWCA http://ywcaboston2.wpengine.com/wp-content/uploads/2016/02/MISS_VIT_BLD-SUPP-FOR-MISS_TRN-AND-DEVEL_SJ-GLOSSARY_MARCH_2016.pdf

10   Race in Germany and Europe, Center for Intersectional Justice https://drive.google.com/file/d/1LR1q6XX5AAjGFF-4BU2Ks-MKcct46UKS0/view

11   Measure, Plan, Act – How data collection can support racial equality https://www.enar-eu.org/wp-content/uploads/20084_equalitydatacollectionpublication-8-low.pdf

12   European Institute for Gender Equality, Glossary & Thesaurus https://eige.europa.eu/thesaurus/terms/1228

13   Amplify Racial Justice webinar, Restorative Justice in the Workplace: beyond "Diversity & Inclusion"

14   Racial Equity tools https://www.racialequitytools.org/glossary

Racism

The prejudice, discrimination or antagonism directed toward someone of a different race, based on the belief that one's own race is superior. Racism, as an ideology, exists in a society at both the individual and the institutional level. Consequently, the systemic nature of racism, as well as who holds the power to perpetuate it, is becoming more popular in mainstream discourses of the term. Institutional racism refers specifically to the ways in which institutional policies and practices create different outcomes for different racial groups. The institutional policies may never mention any racial group, but their effect is to create advantages for white people and oppression and disadvantage for people from racialised groups.[15]

Racialisation

Racialisation is the very complex and contradictory process through which groups come to be designated as being of a particular "race" and on that basis subjected to differential and/or unequal treatment. Put simply, "racialisation [is] the process of manufacturing and utilising the notion of race in any capacity" (Dalal, 2002, p. 27). While white people are also racialised, this process is often rendered invisible or normative to those designated as white. As a result, white people may not see themselves as part of a race but still maintain the authority to name and racialise others.[16]

Racial capitalism

Racial capitalism describes the process of extracting social and economic value from a person of a different racial identity, typically a person of colour; however, a person of any race might engage in racial capitalism, as might an institution dominated by one particular race.[17]

Racial Representation

Representation describes the proportion of racialised people that are visibly seen in a leadership position across industries, departments and organisations (e.g. politics, media, sports…) that do not perpetuate negative stereotyping.

Reparations

States have a legal duty to acknowledge and address widespread or systematic human rights violations, in cases where the state caused the violations or did not seriously try to prevent them. Reparations initiatives seek to address the harms caused by these violations. They can take the form of compensating for the losses suffered, which helps overcome some of the consequences of abuse. They can also be future oriented—providing rehabilitation and a better life to victims—and help to change the underlying causes of abuse. Reparations publicly affirm that victims are rights-holders entitled to redress.[18]

Restorative justice

Restorative justice describes a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible.[19]

Structural racism

Structural racism is embedded in institutions and society that reproduce poor opportunities for advancement in life and can describe the statistical representation of racial inequalities in all areas. Structural racism encompasses the entire system of domination based on race, diffused and infused in all aspects of society including its history, culture, laws, politics, economics and entire social fabric.[20]

Tokenism

Tokenism describes the practice of making a relatively small or symbolic positive act to be inclusive to members of minority groups, especially by recruiting people from underrepresented groups in order to give the appearance of racial equality within a workplace. The presence of a racialised token individual in the organisation is usually intended to create the impression of social inclusiveness and representation of racialised groups.[21]

15 https://www.racialequitytools.org/glossary
16 https://www.racialequitytools.org/glossary
17 Cedric J. Robinson, Black Marxism: The Making of the Black Radical Tradition

18 International Center for Transitional Justice https://www.ictj.org/our-work/transitional-justice-issues/reparations
19 Howard Zehr, Changing Lenses: A New Focus for Crime and Justice, 1990
20 https://www.enar-eu.org/IMG/pdf/equalatwork2019_final_rev_2020.pdf
21 Hogg, Michael A.; Vaughan, Graham M. (2008). Social Psychology. Harlow: Prentice Hall. pp. 368–369.

SECTION I: LANDSCAPE OF STRUCTURAL BARRIERS HINDERING THE PARTICIPATION OF RACIALISED MINORITIES IN THE LABOUR MARKET

1. MAPPING RACISM – EDUCATION, CAREER PROGRESSION, GLASS CEILING, VERTICAL MOBILITY, REPRESENTATION, DAILY MICROAGGRESSIONS, BENEFITS, OPPORTUNITIES, COLOUR-BLINDNESS, HISTORICAL RACISM AND PAST ABUSE

This section outlines the tentacular nature of structural racism in the labour market, illustrating the prevalence of its manifestations, stemming from a history of racial oppression and inequalities in Europe and persisting at all stages of one's career.

1.1 Historical causes of structural racism in the labour market

In order to understand structural racism today, we must first examine its roots. The dominant perception of racism currently remains one focusing on individual acts and societal stigma related to those acts, without addressing how social structures and institutions produce and reproduce the conditions that enable these acts. Structural racism is the result of historical exploitation based on a racial organisation of the world that started with the triangular trade during the 16th century between Europe, Africa and the Americas where the need for economic exploitation justified the dehumanisation and violent exploitation of Black people, whilst simultaneously declaring the 'equality of man'. Race terminology was created and used to impose a racial hierarchy based on pseudoscience according to perceived ethnic, biological and natural characteristics. Today, this hierarchy is still in effect, translated into the exclusion of racialised people, capitalist exploitation, discrimination and unequal treatment, and is widespread in all areas of society such as public institutions, healthcare, housing, education, employment, access to capital, and the provision of goods and services.

1.2 Socioeconomic manifestation of structural racism in employment

The historical causes of racism in Europe continue to have an impact on the way the labour market is structured. Racialised groups face higher unemployment rates, and difficulties accessing the job market, whether due to discrimination during the selection processes for vacancies and advancements, or being offered lower wages for equivalent work. As a result of structural inequalities, racialised people are overrepresented in certain underqualified and precarious positions and sectors of employment, and underrepresented in managerial or leadership positions.[22] Additionally, the COVID crisis continues to have particularly harsh consequences on racialised minorities where structural racism in employment has been exacerbated considerably for racialised groups. Racialised people are frequently essential frontline workers and women amongst them are also disproportionately working in the health, care and cleaning sectors.[23]

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22 ENAR's Shadow report Racism and Discrimination in Employment in Europe 2013-2017

23 ENAR's policy paper: #CovidImpact – Lifting structural barriers: A priority in the fight against racism https://indd.adobe.com/view/16e0ec05-6afb-4383-97fe-16359b9c8ca9

1.3 Structural racism in the labour market commences before recruitment

Career trajectories start to be drawn up from an early age in education where racialised minorities can experience educational segregation.[24] Institutional racism also manifests itself in the disparities in resources allocated to education and the quality of educators in geographical areas where racialised groups are more present. A report from Unia, the Belgian federal equality body, in 2018 on Diversity in Education demonstrates that foreign students in Belgium experience cumulative segregated processes on their academic trajectories and are affected by multiple discriminations manifesting through repetition of classes, changes of schools and reorientation towards devaluated forms of education.[25]

These racist education trajectories determine post-graduate studies and job trajectories due to a labour market that still emphasises the importance of diplomas, ranking degrees according to prestige from their issuing organisations and prioritising them over skills learned through informal education or non-traditional occupations like volunteering. These gaps are likely to widen following the pandemic, which saw schools closing and children with parents working on the frontlines less likely to receive home schooling.

Diverse talent is necessary to sustain businesses long-term since it has been linked with better financial results and improved productivity and innovation.[26] With the talent shortage and great resignation that some industries are facing following the COVID crisis, recruiting the right person becomes even more critical for businesses. Considering different education backgrounds and their intersection with the exclusion of racialised people from the traditional educational system contributes to improving the outreach of the organisation to different kinds of people. Additionally, recruitment goals can be hindered by a workplace culture perpetuating

discrimination and racist behaviour, limiting the hiring of certain groups based on protected grounds (see section 3.2 on indirect discrimination towards Muslim women wearing headscarves).

1.4 Individual acts like microaggressions and microinequities are manifestations of structural racism and not an interpersonal issue

Mainstream European conceptions of racism focus on a narrative where an individual perpetrates a racist act against a victim based on a discriminatory ground (ethnicity, migrant status, religion, gender, disability, sexual identity, age…) and gets blamed for this individual discrimination, without questioning or extending the blame to "a societal system that may be favourable to such behaviour".[27] Microaggressions are one of the multiple individual racist acts that can happen in a workplace. Due to their insidious nature, they can be difficult to identify and call out for people who have not been experiencing them and have not been trained to detect them.

When microaggressions occur, they can have a lasting effect on racialised people's ability to feel safe, experience belonging and recognition in the workplace and impair their capacity to maximise their potential and progress in their career. Microaggressions can consist of microassaults, microinsults or microinvalidation,[28] like being ignored, talked over, bullied, criticised for seemingly small issues, having stereotypical judgments made about one's abilities, persistently saying someone's name incorrectly, that either discredits, insults, stereotypes or dismisses a marginalised person and their experiences (whether intentionally or not). When not handled properly, microaggression can lead to the departure of racialised people from the workplace due to the failure of the organisation to provide a safe work environment.

24 https://ergonetwork.org/wp-content/uploads/2021/11/1-Education-Training-and-Lifelong-Learning.pdf

25 https://www.unia.be/files/Documenten/Publicaties_docs/1210_UNIA_Barometer_2017_-_FRAS.pdf

26 Forbes Global Diversity and Inclusion - Forestering Innovation Thruogh a Diverse Workforce https://images.forbes.com/forbesinsights/StudyPDFs/Innovation_Through_Diversity.pdf

27 https://www.intersectionaljustice.org/img/intersectionality-report-FINAL_yizq4j.pdf

28 https://www.baker.edu/about/get-to-know-us/blog/examples-of-workplace-microaggressions-and-how-to-reduce-them/#microaggressions

The "Problem" Woman of Colour in the Workplace

The Woman of Colour enters the organization

white leadership

Honeymoon
- the Woman of Colour feels welcomed, needed, and happy

tokenized hire

Reality
- the Woman of Colour points out issues within the organization
- she tries to work within the organization's structure and policies
- she pushes for accountability

repetitive injury & microaggressions

Response
- the organization denies, ignores, and blames
- the responsibility of fixing the problem is placed on the Woman of Colour
- People of Colour are pitted against one another

Retaliation
- the organization decides that the woman of colour is the problem and targets her
- the organization labels the conflict as a "communication issue" or claims that she is not qualified or "not a good fit

denial of racism

target & attack

The Woman of Colour exits the organization

Adapted from "The Chronicle of the Problem Woman of Color in a Non-Profit" by the Safehouse Progressive Alliance for Nonviolence - www.coco-net.org

1.5 Colour blindness invalidates the experiences of racialised people and minimises structural racism

Employers can be tempted to ignore racial differences through colourblind workplace policies that "do not see colour" or where "race does not matter" in an attempt to shift attention from racial differences, avoid bias and unify the workforce behind common goals. Colourblind policies have been found to have the opposite effect. Ignoring the issue of structural racism does not make it go away. It is a passive solution that heavily relies on "non-racist" actions that, while they do not mistreat people based on their race, do not actively challenge and change the structures of racism unfolding before their eyes and therefore contribute to sustaining the racist system we live in. Colourblind policies in the workplace also minimise the experiences of racialised people, meaning that they are unlikely to feel like they can bring their whole selves to work and raise questions when they experience racism.

Implementing colourblind policies or fostering a company culture of colour blindness leads to disengagement of conversation on racism in the workplace and reinforces mechanisms by which the decision on whether there are racial issues in the workplace are not decided by racialised employees directly affected but by their white counterparts. Therefore, colourblind policies are an ineffective management technique of interracial issues that fail to address the root cause of racism. Translated into workplace policies, colour blindness conduces to equalitarian policies that do not consider how racialisation is the product of a system where people have faced differentiated discriminatory treatment based on race, ethnicity, migration, religion and other characteristics. It creates an unfair work environment and does not make room for affirmative actions for racialised employees that would palliate systemic inequalities and ensure that all employees can succeed in the workplace.[29]

1.6 Structural racism in the workplace negatively affects career trajectories and limits vertical mobility

Racialised minorities tend to have jobs further down the hierarchy and lower wages. In European countries like "Denmark, the United Kingdom and Spain, there are high rates of overqualification among immigrants and racialised minorities who are underrepresented in managerial positions. Many of them find it hard to use their education in high quality jobs. In Germany, people of African descent are highly represented in the lowest rungs of society. Their monthly income is almost 25% less than the national mean monthly net income.[30]

EQUAL@WORK SEMINAR EXAMPLE
A participant in the seminar shared that in their organisation, a racialised woman had been working the retail floor for 11 years, doing the same tasks with no career mobility and that she was happy in her position. Other participants questioned whether she had been given any opportunity to further grow vertically in the organisation, training or had been empowered to voice her desires to move up the corporate ladder.

This example illustrates the compounding effect of racism and sexism on individuals stemming from the unequal distribution of power in companies and leading to a "concrete ceiling"[31] for racialised women who face inequalities from racist and patriarchal systems working jointly to inhibit their career advancement.

The glass ceiling is reinforced by systemic inequalities and a company culture that does not acknowledge structural and institutional racism. However, it remains conveniently difficult to demonstrate due to the limited research and data available on glass ceilings for racialised minorities, despite being extensively documented for gender. Glass ceilings occur when companies fail to successfully implement anti-racism policies that plan for vertical mobility despite barriers racialised minorities face to go up the corporate ladder. This means that the anti-racist strategy and the company culture, meaning whether employers proactively deal with racist discriminatory practices or not, have a lasting impact on the career advancement of racialised employees.[32]

29 that would palliate systemic inequalities and ensure that all employees can succeed in the workplace. https://www.hbs.edu/ris/Publication%20Files/Racial%20Color%20Blindness_16f0f9c6-9a67-4125-ae30-5eb1ae1eff59.pdf

30 https://www.enar-eu.org/wp-content/uploads/shadowreport_2016x2017_long_final_lowres.pdf

31 https://www.aspeninstitute.org/blog-posts/for-women-of-color--glass-ceiling-is-actually-made-of-concrete/

32 https://www.enar-eu.org/wp-content/uploads/5thequalatwork_report_final.pdf

2. MAPPING "INEFFICIENT" SOLUTIONS – UNCONSCIOUS BIAS TRAINING, AWARENESS TRAINING, RECRUITMENT TOKENISM, TRAINEESHIPS (WITHOUT PAYMENT), ONE-SIDED RELATIONSHIPS WITH CSOS

"Traditional diversity and inclusion (D&I) does not work:
- Not to fix racism
- Not to get to the roots of white supremacy and challenge power structures to create fairer and equitable workplace cultures
- Not to provide genuine psychological safety for colleagues to speak out about their experiences and why they feel they are victims of racism, discrimination, harassment, bullying and retaliation
- Not when there's a culture of protecting the majority at the expense of the minority
- Not when there are still few to no Black people on executive boards
- Not when the discomfort about race stops leaders from taking action, because to get involved feels too risky."

Shereen Daniels - The Anti-Racist Organisation
Dismantling Systemic Racism in the Workplace

Structural racism in the workplace and the labour market is treated from the standpoint of human resources departments, as a siloed people management issue that results in "Diversity (Equity) and Inclusion" policies that are not created for racialised groups nor address the root cause of systemic inequalities they experience. This section lists some of the solutions that these policies implement and demonstrates why they do not manage to solve the issue of structural racism in the labour market.

2.1 Standalone recruitment goals lead to tokenism of racialised people

Bringing racialised workers into their workforce represents a strong interest for employers. Workforces composed of different people encompassing diverse characteristics have been proven to be more productive, efficient, innovative, and have better financial outcomes.[33] To achieve this desired outcome, attracting racialised talent into the workforce has become a priority for employers.

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33 Forbes Insights – Global Diversity and Inclusion Fostering Innovation Through a Diverse Workforce https://images. forbes.com/forbesinsights/StudyPDFs/Innovation_Through_ Diversity.pdf

"Representation matters, but it doesn't upend systems"

Yveka Pierre - Esquire

Practices have sought to redress structural inequalities by setting up positive action schemes like recruitment frameworks of racialised trainees, and quotas in recruitment of racialised workers at different levels and departments of the organisation. These measures, while necessary, cannot be the main focus point of managing diversity in the workforce. Without appropriate safeguarding mechanisms and anti-racist frameworks embedded throughout the organisation, recruitment tactics lead to tokenism of racialised workers, where recruitment is a perfunctory measure to give the appearance that people are being treated fairly, leading to high turnover, and lack of retention of racialised workers.

2.2 Awareness and unconscious bias training lack understanding of structural racism and societal oppression

Participants in the seminar described their exchanges on racism in their workplaces through the lens of unconscious bias and cultural differences. This approach focuses the conversation on individual acts that are outside of one's own conscious awareness, and minimises the impact of racist behaviour in the workplace, limiting colleagues' responsibilities for their behaviour and the employer's responsibility to make their workplace safe from racism.

Mainstreaming the narrative that racism lies in interpersonal relationships leads to a concentration of workplace policies and measures to limit unconscious bias, cultural differences and to implement awareness training as a solution. It is ingrained in a conceptualisation of racism where it is only perpetuated by individuals deviating from societal norms,[34] which hinders showcasing structural, systemic and institutional discrimination, of which States and companies are complicit and guilty. Therefore, without understanding and acknowledgement of societal structures that perpetuate racism, the tools used to talk about racism in the workplace do not proceed to transform interpersonal relationships as expected.[35]

2.3 Unpaid traineeships perpetuate structural inequalities and reduce job access for financially disempowered youth

Young people must travel longer and more difficult roads to enter the labour market once they finish their education. The manifestations of structural racism in education and employment intersect at the beginning of a racialised individual's career to create systemic inequalities hindering the full participation of racialised youth in the labour market. Early labour market experiences are dominated by non-standard employment for young people and internships have become an integral part of the transition from school to work.[36] Out of these internships, almost half are unpaid, according to the European Youth Forum.[37],[38]

Unpaid internships are exploitative and unjust. They have replaced entry-level positions in some industries, while in others they are required before securing standard employment even in entry level positions, on top of higher education. Not only do unpaid internships lack the safety and value of paid employment, but also sectors that heavily rely on this practice become inaccessible to marginalised youth who are economically disempowered and cannot afford to not obtain financial compensation for their work. Therefore, unpaid internships become only accessible to people with a financially empowered background. Due to the clearly intertwined nature of structural racism and economic inequalities, racialised minorities face a higher likelihood of facing financial disempowerment.[39] This inextricable link between racial inequalities and financial disempowerment precludes the capacity of racialised youth to take on unpaid internships and contributes to an unlevelled playing field for racialised youth seeking to participate in the labour market.

34 https://drive.google.com/file/d/1LR1q6XX5AAjGFF-4BU2Ks-MKcct46UKS0/view Race in Germany and Europe

35 https://www.enar-eu.org/How-to-be-a-corporate-ally-to-dismantle-structural-racism-in-the-labour-market/

36 https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_637362.pdf

37 https://www.ilo.org/wcmsp5/groups/public/@europe/@ro-geneva/@ilo-brussels/documents/genericdocument/wcms_175791.pdf

38 https://www.youthforum.org/news/belgium-must-do-more-to-stop-unpaid-internships-rules-international-human-rights-body

39 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-being-black-in-the-eu_en.pdf page 62

2.4 One-sided relationships with civil society organisations are a ticking the box and public image exercise

The powerful uprising of civil society in 2020 asking for racial justice led to a growing interest from employers to get involved with civil society organisations and further the cause of racial liberation. Civil society organisations are important sources of information. They play a major role in representing the interest of their communities and advocating for public rights. Civil society organisations are therefore very desirable and key partners for employers as they can help raise awareness of structures of racism in the workplace, challenge employers' institutional racism and provide innovative solutions to business challenges faced by organisations in their anti-racist journey. Indeed, the underrepresentation of racialised people in leadership positions in the workplace renders the participation of civil society organisations in company anti-racist policies even more crucial.

These partnerships can be difficult to balance when civil society is stressing the need to address and challenge societal racist structures while employers are still pursuing an individual perception of racism (see section 2.2). This is reflected in the solutions to racism in the workplace. Outside of unconscious bias training, they have focused on "band-aid" measures like reaching racial representation through job offer dissemination via civil society organisations to reach a different market, or through philanthropic contributions.[40] While these measures can contribute to racial empowerment when they are part of a bigger strategy, creating structural changes necessary to address the root causes of racism, they currently limit collaboration with key societal allies due to the lack of accountability for the role companies play in perpetuating exploitation of racialised people and the impact of their capitalist processes within and outside of their organisation.

40 https://www.bsr.org/en/our-insights/blog-view/race-ethnicity-civil-society-expectations-business-company-action-recommend

3. MAPPING THE LEGAL PROBLEM – LACK OF EQUALITY DATA AND LACK OF LEGAL REDRESS FOR STRUCTURAL INEQUALITIES IN THE LABOUR MARKET

Analysing structural racism in the labour market requires reviewing the role European Member States and EU institutions partake in exacerbating systemic inequalities through legal tools. This is particularly showcased in the field of equality data collection, as well as the severe repression of religious minorities when it comes to expressing their faith visibly.

3.1 Equality data collection

Why is it important for employers to collect equality data?

Collecting equality data disaggregated by all grounds of racialisation (such as ethnicity, race, religion and migration background) is essential to obtain a more accurate picture of the reality and experiences of racialised minorities in Europe. Comparable disaggregated equality data provides evidence of systemic discrimination and are the baseline against which any change can be measured.[41] Equality data helps to conceive legislation and policies, assess their implementation, and monitor progress in meaningful inclusion of racialised minorities over time.

Equality data has proven its efficiency by informing evidence-based policy changes in the field of gender equality in employment that aim at a better representation of women in leadership positions, closing the gender pay gap and removing the glass ceiling.

However, an information and knowledge gap remains when it comes to collecting equality data disaggregated by race and ethnicity. The purposeful refusal to collect disaggregated data on race and ethnicity, in addition to the misconceptions around the legal framework, undermine discrimination claims and the effectiveness of policies seeking to redress structural inequalities. Collecting equality data on grounds of racialisation is a key step in understanding the impact of racial discrimination in employment. This insufficiency of data limits the demonstrations that can be made to map the racial makeup of certain institutions and plan for it to become representative of European society.

Just as states should collect equality data to understand their populations and identify inequality, employers should collect equality data of their workforce and supply chain to ensure that they are representative of society's diversity at all levels of the organisation and to identify the barriers racialised minorities are experiencing in the workforce, such as an overrepresentation in unqualified and low paying positions and an underrepresentation in leadership and management. Additionally, data collection to assess the racial makeup of employees and suppliers can unveil discriminatory practices and processes in the company or supply chain, and allow the company to rethink its commercial relationships under the lens of racial equity.

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41   ENAR – Equality data collection: what is it all about? https://www.enar-eu.org/equality-data-collection-what-is-it-all-about/

What issues are employers facing to fully commit to collection of equality data?

During the seminar, employers raised that they face several legal and operational bottlenecks to collect equality data disaggregated by race and ethnicity:

- Some uncertainty around the categories and terminology to be used to identify racialised groups when collecting data. Participants have raised their willingness to not use proxies (such as name, nationality and language spoken) used in the countries where they are located and to use categories that are not harmful and stigmatising towards the target groups.
- The legal framework in some European countries hinders the collection of sensitive data related to racialisation, despite the General Data Protection Regulation (GDPR) allowing it under a protective framework.
- The perception from participants in surveys to disclose their sensitive data and the balance with self-identification, leading to lack of responses in surveys.
- The difficult balance for large groups to have data that can be processed at the global European level while accounting for the differences in culture and national contexts throughout Europe.
- There is a lack of clarity on tools available to process and analyse the data once collected.

3.2 Minorities endangered by legal developments must be protected by employers' commitment to anti-racism

Legalised racist discrimination excluding Muslim women from the labour market

It is important to recognise that religious discrimination does not only exist in isolation but intersects with prejudices linked to race, ethnicity and gender to create multi-dimensional forms of discrimination. In the context of contemporary Europe, and the climate of generalised hostility towards certain religions, we see how public authorities and the judiciary are choosing to strongly reprimand the visible expression of faith through laws and court rulings.

The anti-discrimination framework in employment is regulated by Directive 2000/78[42] and Directive 2000/43[43] seeking to ensure that everyone can access employment under conditions that respect their identity and dignity. In Europe, legal discrimination is allowed in the name of neutrality to prohibit religious signs in private employment in the name of commercial imperative. While this prohibition was enforced previously by national courts, the Court of Justice of the European Union recently enforced this indirect discrimination (WABE and MH Müller Handel, 15 July 2021).[44] Indirect discrimination occurs when an apparently neutral law or policy affects a group defined by a protected ground in a significantly more negative way in comparison to others in a similar situation.[45] These recent legal developments from European courts have violated the fundamental principles of freedom of religion, human dignity and respect to cultural and religious diversity set both in the Treaty of the European Union and the Charter of fundamental rights.

Indirect discrimination towards religious signs in employment constitute legally and politically legitimised forms of racism whereby Muslim women are subjected to intersecting discrimination on the grounds of gender, race and religion. The legal framework gives leeway to private employers to remain passive and apply neutral laws perpetuating institutional racism towards Muslim women.

42 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078

43 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0043

44 Judgment of the Court (Grand Chamber) of 15 July 2021, IX v WABE eV and MH Müller Handels GmbH v MJ https://curia.europa.eu/juris/document/document.jsf;jsessionid=8BC24AFD270005B2077BBF7B9FDDE45A?text=&docid=244180&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3604788

45 FRA Handbook on European non-discrimination law – 2018 edition

4. MAPPING OPPORTUNITIES - LACK OF LONG-TERM STRATEGIES FOR PARTICULAR INCIDENTS OR TRAGEDIES

Employers have gained increased awareness and interest in racism since 2020 and the uprising of civil society following the violent death of George Floyd. This tragic incident triggered the confrontation of structural racism and its global impact, forcing organisations to investigate building effective policies in order to dismantle racism in the labour market.

In the midst of Europe's racial reckoning and awakening, employers should rethink the way they have been managing diversity and fully commit to being anti-racist. Anti-racism requires a positive approach, whereby employers actively work towards understanding, explaining, challenging and solving racial inequality and justice to analyse their role within these deep-rooted problems.

Improvement will not come from quick wins, such as recruiting more racialised minorities, but rather from long-lasting commitment and dedication to reaching racial equity in the labour market. Employers should be intentional and have a critical change approach to anti-racism, informed by data and aiming for plans that can be sustainably reached, rather than setting up a reactionary mechanism to current events and movements.

Why employers must set up an anti-racism strategy

Enforcing structural change requires fundamentally reviewing the way organisations operate, along with processes and policies. Strategising around anti-racism shows that the organisation is not only considering anti-racism as an emotional and virtuous thing to do. It allows organisations to see value for money on investments made in diversity, equity and inclusion across all functions as well as ensuring that racialised employees can perform at their best at work, progress and stay in the organisation long-term.

Do not be silent following racial tragedies and use power and privilege to be an advocate of change

We must not underestimate the power of consumers, and with the shift led by young generations to align their consumption with organisations whom they share values with, it becomes unavoidable for companies to be publicly involved and discuss political issues, notably when violent tragedies deeply affecting racialised minorities occur. There is a need for corporate leaders to speak out and use their power, privilege and resources to be allied and support the racial justice movement.

SECTION 2: SOLUTIONS AND RECOMMENDATIONS ON DISMANTLING STRUCTURAL RACISM

1. EXPLORING SOLUTIONS ON RACISM – EDUCATION, CAREER PROGRESSION, GLASS CEILING, VERTICAL MOBILITY, DAILY MICROAGGRESSIONS, BENEFITS, OPPORTUNITIES
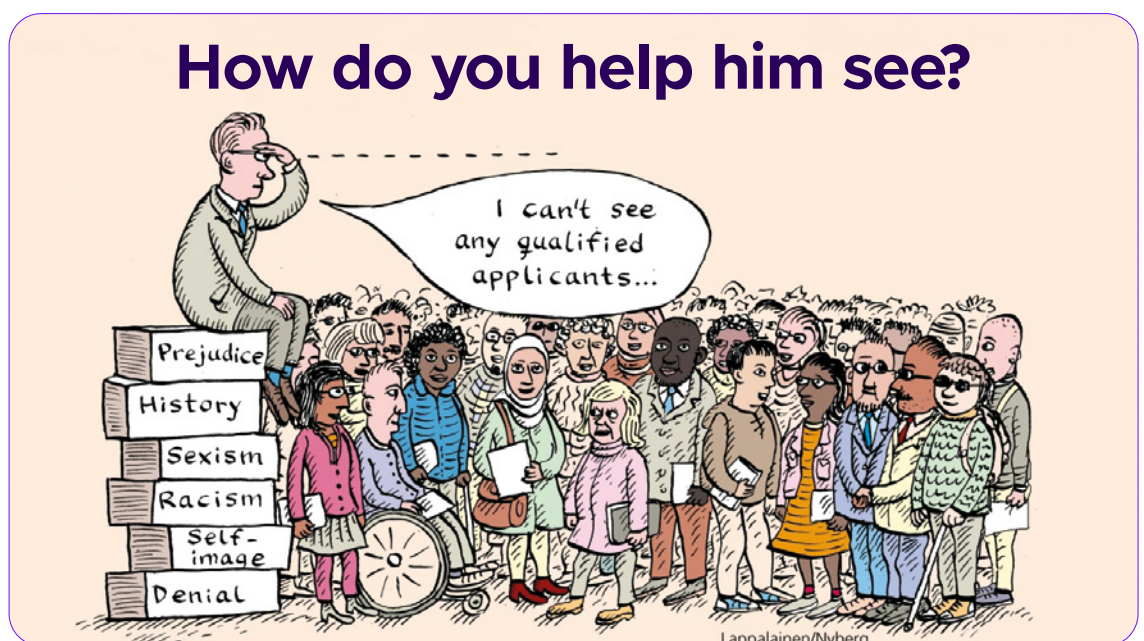
Source: http://www.era-comm.eu/oldoku/Adiskri/04_Remedies/120SDV153_LappalainenEN.pdf

1.1 Reviewing recruitment processes and job requirements

The search for talent starts with a needs assessment from the company, and a job description to respond to this need. At this stage, it is important to question the process to ensure that it is not racist. Some of the key questions for recruiting managers are:

- What will the hiring team will consist of? Ideally, the hiring team should be diverse and be given equal input during the hiring process at all stages when reviewing the applications for potential shortlisting as well as during interviews. Companies for whom this measure may be difficult to implement due to a lack of diversity in hiring teams can turn to racialised colleagues outside of human resources (on a voluntary basis) or non-racialised hiring managers with a proven track record of hiring diverse candidates while accounting for this involvement in their workload.

- What will the job description contain? Degree requirements for professions where it is not legally required, as well as requesting years of experience for a position can hinder some candidates from applying for positions they may be qualified to fulfil. Additionally, it perpetuates structures of racism whereby racialised minorities have faced discrimination in education and employment and may not fill out these criteria. It is important here to review a job description to ensure that recruiters are not using pre-existing documents and importing pre-existing bias.

- How are applicants required to respond to the job offer? Introducing anonymised applications without CVs or cover letters fosters undifferentiated treatment between candidates and can contribute to erasing racist attitudes from the early stages of the recruitment process.

- How will the organisation process applications? Large companies turn increasingly to technology in recruitment, with much artificial intelligence software created to help them process applications and find the best talent. It should be noted that the use of artificial intelligence in recruitment "is currently more likely to further embed, rather than disrupt, biases which have excluded whole categories of applicants from employment in certain sectors and roles".[46]

- What channels is the company using to disseminate job offers? Varying the places where jobs are posted will contribute to better outreach to different types of people. Collaborating with anti-racist grassroots civil society organisations to disseminate job postings can lead to reaching racialised candidates and improving representation in the workplace.

- What language is the company using in the job description? A good job description speaks to diverse talent, is gender-neutral and does not contain any biases. For example, mentioning a nationality in a job description explicitly eliminates migrants from applying for the position. Mentioning a native language requirement may turn away candidates who master the language at a professional proficiency level but are not native. Finally, mentioning physical attributes limits applicants who do not correspond to these criteria.

Participants in the seminar have discussed that they are working towards shifting away from traditional job requirements that focus on degrees. They have highlighted that they are making particular progress for migrants, asylum seekers and refugees who have obtained degrees abroad and either cannot obtain administrative proof of their qualification due to forced displacement or have degrees that cannot be transferred to European countries due to administrative limitations. Participants exchanged that for careers that are not bound to specific degrees, they are encouraging skills transferability, soft skills and work experience. However, it is important to highlight that this becomes difficult once managerial positions are at stake.

RACISM IN THE HIRING PROCESS

WHAT WE THINK RACISM LOOKS LIKE IN THE HIRING PROCESS

WHAT RACISM IN THE HIRING PROCESS ACTUALLY LOOKS LIKE

46   https://www.enar-eu.org/wp-content/uploads/2020_equal_work_algoritmic_discrimination_1_.pdf

1.2 Equity can participate to redress structural discriminations and retaining racialised talent

Employers should strive to determine staff's individual needs related to their personal characteristics like racialisation, age, disability, sexual orientation..., and addressing the varying needs of each group, as well as accounting for intersecting needs to counterbalance the difference between minority and majority groups present in the workplace. Equity is a crucial point toward racial justice in the workplace and the empowerment of racialised workers. Traditional packages have been one-size fits all and have not accounted for the different situations and experiences.

Equity in policies should be reflected in pay, benefits and accommodations that account for a level of flexibility in the selection of packages for employees when the situation requires it, and a customisable experience for staff. These 3 pillars ensure staff wellbeing and contribute to improved retention by addressing intersecting needs. However, there is no one size fits all to what equity means in the workplace as it depends on what workers assess as their needs to thrive in the organisation.

EQUITY

Salary
- Eliminate wage gaps
- Transparent pay grid
- Review job occupation dissagregated by self-identified characteristics

Benefits
- Healthcare
- Training based on employees' desire & bridging the skills gap
- Parental and family leaves for all
- Interest in organisation (shares & stock)

Accomodations
- Flexible hours and remote work
- Care facilities (children or aging)
- Assitive technologies
- Menstrual leaves
- Accessible workstations

1.3 Glass ceilings and career progression

Employers must dedicate efforts to breaking the glass or concrete ceiling, and cultivating an equitable culture of vertical mobility in the workplace.

- Start by collecting, reviewing and monitoring information on career progression, pay gaps, type of contracts, training opportunities disaggregated by race and ethnicity.
- Enforce non-discriminatory recruitment processes, encouraging racialised groups to apply by stating the employer's commitment to anti-racism throughout the organisation. The statement should be backed up with measures like anonymised CVs and recognising foreign diplomas regardless of the country issuing them.
- Support employees to access empowerment programmes, striving to make resources available for employees to pursue development opportunities outside and within the organisation. This can consist for instance of mentoring programmes, workload accommodations and financing to pursue training.
- Set up targets and quotas to achieve a level of racial representation in leadership positions that is representative of society.

1.4 Eliminating microaggressions from the workplace and adopting restorative responses

Neglecting to address microaggressions in the workplace leads to a hostile work environment for people who are already marginalised. They are difficult to recognise for untrained and unaware people.

Principles & Action

Sensitising staff to microaggressions	• Educate and provide tools to recognise and call out microaggressions • Host sensible conversation sessions empowering people to speak up about the microaggressions they have experienced • Do not expect racialised workers to bear the burden of educating colleagues • Set expectations of what you want to result from these sessions • Address and acknowledge the history and oppressive systems conducive to these microaggressions • Be aware of the mental health toll these dialogues can have • Challenge perpetrators to gauge their power and privileges in what they have said
Take action against microaggressions	• Set up a mechanism for people to formally, or anonymously complain about micro-aggressions • Ensure the recipient is heard in a safe way, avoid discrediting their experiences and victim-blaming • Acknowledge the impact of microaggressions • Ensure that disciplinary consequences are visible, and well known to all workers • Enforce disciplinary consequences consistently for all staff equally from top to bottom • Offer recipients to decide how to proceed after a microaggression • Offer a genuine apology that acknowledges the impact and harm caused • Follow up with recipients and ensure their wellbeing

Restorative justice to address and undo harm and wrongdoing in the workplace

Restorative practices "can be used as a way to work through, resolve and transform conflicts that arise in the workplace".[47] In the aftermath of a racist instance, restorative practices can be used to both, prevent this from happening, and to reach full justice that punitive actions alone sometimes lack since they do not create a space for recipients to rebuild.

The Restorative Justice Council, a UK-based organisation proposes a 9-phase plan to bringing restorative approaches into the workplace:[48]

47   The little book of restorative justice, Howard Zehr, page 4

48   https://restorativejustice.org.uk/sites/default/files/resources/files/Building%20Restorative%20Relationships%20for%20the%20Workplace.pdf

Phase 1 — Take the time to discover what restorative approaches are before the organisation considers full implementation

Phase 2 — Seek advice from any experts who may reside in your local area or be familiar with your local context

Phase 3 — Decide what the implementation of restorative approaches will bring to the organisation and how they will be used

Phase 4 — Plan a structure for the delivery of the training

Phase 5 — Create a series of support structures that will help facilitate the implementation of restorative approaches

Phase 6 — Assess situations that require the use of restorative process correctly

Phase 7 — Adapt existing policies and procedures around restorative approaches

Phase 8 — An evaluation system should be put in place from the beginning to monitor the process of implementation

Phase 9 — Train a small group of employees to become trainers in restorative approaches

2. EXPLORING "EFFICIENT" SOLUTIONS - ANTI-RACISM TRAINING, MENTORING, COACHING, TRAINEESHIPS (WITHOUT PAYMENT), ONE-SIDED RELATIONSHIPS WITH CSOS

2.1 Meaningful participation of racialised people in anti-racist processes to avoid tokenism

Racialised workers should be included in all decisions in the workplace in order to ensure holistic racial mainstreaming in all departments and levels of the organisation. More specifically, designing anti-racist policies requires the participation of racialised people. Employers should be cautious to not rely solely on their participation to develop and implement anti-racist work: it should be on the organisation to learn and lead on its anti-racist journey while involving racialised workers on a voluntary basis to inform the decisions and provide insights on how racism unfolds in the organisation. In this process, employers should account for the mental health burden of sharing lived experience, as well as adjusting the increased workload resulting from involvement in this initiative.

Before involving racialised people, the CIPD (Chartered Institute for Personal Development) recommends that employers should set the intention and consider the following questions:[49]

- What does the organisation hopes to learn?
- Whether the leadership team is ready to listen to and engage with feedback?
- Whether the leadership team is prepared to change its approach in response to feedback?
- What the organisation will do with the information learned?

- How will this feed into the employee experience?
- Who will be involved in the conversations?
- Who will facilitate the conversations? This would ideally be a racialised employee or an external racialised facilitator to maintain confidentiality, credibility and increase psychological safety.
- What follow-up there will be?
- What further action will be taken?

Additionally, to prepare for a successful process by setting their intentions, employers should follow some key principles when seeking the participation of racialised staff:

- Plan a consultation process accounting for people's conflicting priorities: give enough time for meaningful participation and involve staff during their working hours.
- Vary the ways in which staff is involved – it shouldn't have to be only about sharing lived experiences,[50] value their expertise and knowledge.
- Tap into your employee resource groups to find staff interested to contribute.
- Diversify the representation to account for intersecting characteristics providing different perspectives and solutions.
- Outsource by partnering and fairly compensating anti-racist civil society organisations to inform your strategy.

49 https://www.cipd.co.uk/Images/tackling-racism-in-the-work-place-hr-leader-resource-pack_tcm18-89741.pdf

50 https://cms.wellcome.org/sites/default/files/2021-06/Well-comes-Anti-racist-principles-and-toolkit-2021.pdf

2.2 Anti-racism training should challenge institutional and structural racism in the workplace

Training of staff at all levels of the organisation remains necessary to voice the issues of racism in the workplace and force change in attitudes and processes. However, to shift away from the individual narrative and have impactful sessions, employers should collaborate with facilitators who understand structural racism and who display the structural dynamics of power and oppression and the deep-seated roots of racism, providing an understanding and challenging structural and institutional racism in the labour market.

This training can lead to uncomfortable feelings from employees as they learn to talk about race and address racism. Employers should encourage this training in safe settings. Moreover, this training can be triggering and difficult for racialised people who are put on the frontline and expected to be vocal about their issues, as well as potentially being exposed to racist behaviours. Employers can alleviate the emotional impact of such trainings by setting up support structures catering for mental health, for instance through a safe person mechanism or mental health first aiders.[51] Setting up employee resource groups where racialised staff can meet also contributes to their mental wellbeing and safety. The well-being should also be fostered through the empowerment of racialised staff by providing the tools for them to collectively and individually mobilise.[52]

Additionally, employers should use the correct terminology when talking about racism that refers to the deep-rooted systemic inequalities that racialised people have been experiencing in Europe, and understand the logic of racialisation, going beyond cultural differences, ethnic groups or skin colour.

"Faced with the treatment endured by minority groups in the workplace, I believe in the need for self-defense."

Marie Dasylva founder of the agency Nkali-works, a strategic coaching agency that practices combat empowerment, accompanying minority groups (e.g.. racialised people, members of the LGBTQ+ communities, disabled people, and religious minorities) in a wide range of work-related issues[52]

2.3 Fairly paid internships for racialised youth contribute to better labour inclusion

Internships are a valued work experience for young people and a first encounter with the labour market that can potentially result in accessing traditional employment, which is essential to personal and societal development. Fair financial compensation of internships ensures that all young people can access the labour market equitably, without regards for their finances. Due to the impact of structural racism on the economic and social position of racialised people, paid internships can make a big difference on the career options that racialised youth have and contribute to empowering them.

In the absence of binding legislative mechanisms upholding the fundamental human rights set in the European social charter[53] giving right to fair remuneration, protection of child and youth and non-discrimination (articles 4.1, article E and article 7.5), it becomes the responsibility of employers to ensure that their interns are fairly compensated. This compensation should be indexed according to living costs in the area where the internship will take place and be accompanied by access to health insurance, similar working conditions to regular employees and a sufficient internship duration to allow work competencies to be acquired.[54]

Internships can also be an opportunity to take affirmative action by creating programs prioritising racialised youth who face structural inequalities to access the job market.

51 https://www.cipd.co.uk/Images/tackling-racism-in-the-work-place-hr-leader-resource-pack_tcm18-89741.pdf

52 Marie Dasylva, Self defense strategies for minority groups, Daronnes edition, 2022

53 https://rm.coe.int/168006b642

54 https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_637362.pdf

2.4 Mutually beneficial civil society relationship fosters community empowerment

Companies cannot dismantle structural racism alone. Partnering with experts in a way that is mutually beneficial should be a step in a cohesive anti-racism action plan. Employers should move away from a "ticking the box" approach to civil society partnerships. Racialised communities and anti-racist organisations are the main source of expertise on racial inequalities and should therefore participate in designing and developing anti-racism employment policies. Employers should ensure that all voices are heard and that there is representation from all racialised communities, including underrepresented ones.[55] To meaningfully support anti-racism civil society organisations, companies can:

- Advocate for racial justice and systemic changes in collaboration with civil society: start with assessing how the company is perpetuating, benefiting or enabling structural and institutional racism.
- Materially, publicly and financially support civil society organisations that are facing hardships due to the shrinking spaces for human rights defenders and the far-right narratives displayed by state authorities.
- Liaise with community-led and grassroots civil society organisations present in their local areas.
- Co-create anti-racism policies jointly with civil society organisations that are equitable by catering to people's intersecting identities.

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55 https://www.equinox-eu.com/wp-content/uploads/2021/03/WEB-EQUINOX-Towards-racial-justice-EU-institutions.pdf, on a new relationship with civil society

3. EXPLORING ALTERNATIVES IN LEGAL LOOPHOLES – NEED OF EQUALITY DATA AND ANALYSIS OF CURRENT LEGAL AND POLICY FRAMEWORKS

3.1 Principles and advocacy for improved equality data collection

The Humans rights-based approach[56] to qualitative equality data collection sets several principles to safely collect equality data:

1. Participation of relevant population groups in data collection exercises. Groups at risk should actively participate throughout the process, directly or through the intermediary of representative organisations, particularly for the categorisation, the analysis and evaluation of data collected and the dissemination of data.

2. Data disaggregation allows data users to compare population groups and to understand the situation of specific groups.

3. Self-identification and voluntary participation: should be based on the individual data subject's perception of their ethnic or racial origin. Individuals should have the option to disclose, or withhold information about their personal characteristics.

4. Informed consent and transparency: every individual should receive clear, transparent information regarding the purpose of the data collection. Data collectors should provide clear and openly accessible information about their operations, including research design and methodology.

5. Multiple grounds and identities: data subjects should have the option to choose multiple intersecting identities and whereby grounds of representation can be combined when analysing the data.

6. Confidentiality and privacy of personal data. Sensitive data should be treated confidentially, including through anonymisation of all information linked to sensitive data

7. Accountability of data collectors for upholding human rights in their operations. Data should be used to hold organisations accountable for humans' rights issues.

Corporate advocacy

Equal@Work partners came together in 2021 to advocate for legal certainty and improved legal frameworks through a statement calling on EU institutions and Member States to adopt and implement conducive measures that will bring operational and legal certainty to organisations willing to implement equality data collection measures on the grounds of ethnicity, race and other related categories.[57] [58]

> BEST PRACTICE FROM THE PRIVATE SECTOR:
> The Ingka group has launched a global diversity and inclusion co-worker survey, which is voluntary and anonymous, to provide insights that will support them to create even more equal, diverse and inclusive workplaces.[58]

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56 https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf

57 https://www.enar-eu.org/Equal-Work-Partners-call-on-the-EU-to-implement-proper-legal-frameworks-for

58 https://www.ingka.com/news/ingka-group-launches-global-diversity-and-inclusion-survey/

3.2 Analysis of legal and policy frameworks considering anti-racism.

Mainstreaming intersectionality to combat structural racism

Current legislation is focused on an individual, incident-based understanding of racism and discrimination, which makes it difficult to address more systemic forms of discrimination. The European Action Plan Against Racism[59] published in September 2020 recognises the need for intersectionality to be put at the forefront of the analysis of discrimination to deepen the understanding of structural racism and make the response more effective. Additionally, the European Commission seeks to "ensure that the fight against discrimination on specific grounds and their intersection with other grounds of discrimination, such as sex, disability, age, religion or sexual orientation is integrated into all EU policies, legislation and funding programmes".

Intersectional discrimination should be explicitly addressed in workplace policies, ensuring that the combined effects of various grounds of discrimination are considered in the wording and scope of workplace policies.

Rethinking neutrality policies as a strategic problem

Employers should opt out of legally allowed neutrality policies creating indirect discrimination against some groups. Adopting general internal policies forbidding the wearing of religious symbols should be avoided unless they are confined to well-defined and constrained conditions, or to achieve a valid objective. Under international human rights law, enforcing the notion of neutrality, displaying a specific company image, or responding to customer requests are not reasonable explanations. Employers should prefer case-by-case treatment of issues and make sure that decisions are founded on impartial facts rather than assumptions that may lead to creating and reinforcing existing intersecting discriminations.

When negotiating collective labour agreements, organisations should consult their diversity and inclusion department to ensure that the agreements are reflective of the diversity policies aiming to resolving all sorts of discriminations, either direct or indirect, with a special focus on how marginalised groups who face disproportionate consequences from these agreements and intersectional discriminations.[60]

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59   https://ec.europa.eu/info/sites/default/files/a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf

60   religious accommodation in the workplace report

4. EXPLORING OPPORTUNITIES - ALIGNING LONG-TERM STRATEGIES INSPIRED BY PARTICULAR INCIDENTS OR TRAGEDIES (I.E., GEORGE FLOYD)
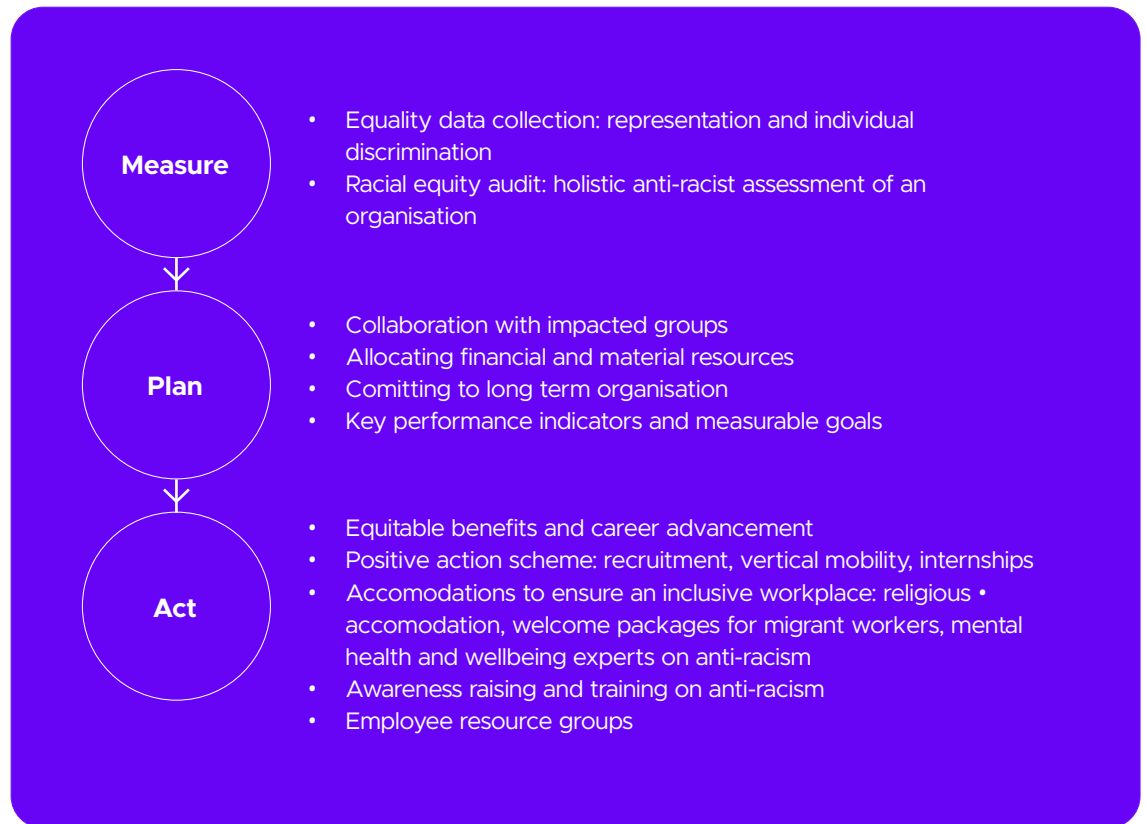

DIVERSITY of people, perspectives

EQUITY in policy, practice & position

INCLUSION via power, voice & organizational culture

JUSTICE with equal rights & equitable opportunities

Taken from: https://committees.uflib.ufl.edu/committees/deij/

While there cannot be a one-size-fits all approach to being an anti-racist employer, employers should set up a framework and a strategy diving into the root causes of racism in Europe and the organisation - and therefore analysing the history of racism in Europe and its outcome on today's society - as well as its symptoms in the workplace, such as: microaggressions, problems of retention of racialised minorities, lack of representation in leadership positions, glass ceiling, biases, etc.

The business case for anti-racism requires reshaping the strategy outside of the sole scope of human resources and assessing racism in the labour market notwithstanding its interpersonal dimension. Diversity and inclusion led by human resources will not successfully be able to build structures where power is distributed equitably and where individuals have healthy and safe interactions at work. A strategy where anti-racism is treated as a business problem affecting all business units starts with evidence gathering, finding targeted solutions and reporting to show the efficiency and provide a return on investment for the money spent on diversity management.

Process around setting up an anti-racism strategy

Measure
- Equality data collection: representation and individual discrimination
- Racial equity audit: holistic anti-racist assessment of an organisation

Plan
- Collaboration with impacted groups
- Allocating financial and material resources
- Comitting to long term organisation
- Key performance indicators and measurable goals

Act
- Equitable benefits and career advancement
- Positive action scheme: recruitment, vertical mobility, internships
- Accomodations to ensure an inclusive workplace: religious • accomodation, welcome packages for migrant workers, mental health and wellbeing experts on anti-racism
- Awareness raising and training on anti-racism
- Employee resource groups

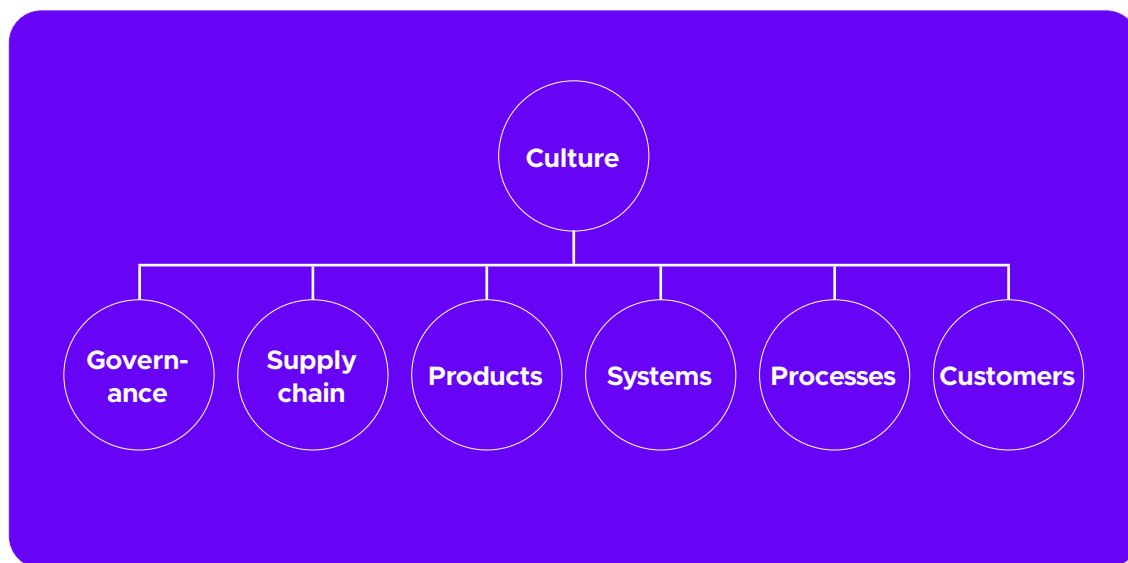### Understand, acknowledge the problem and draft an evidence-based plan

An increasing number of companies have adopted rigid zero-tolerance policies regarding workplace harassment, discrimination and bullying. Helping to ban any type of bias-related behaviour guarantees a more dignified and secure work environment for racialised employees. Despite this willingness not to discriminate, these policies do not correlate to the acknowledgement of racial inequalities.[61] The anti-racism strategy should be based on metrics and evidence (both qualitative and quantitative), to be gathered with technology while being cautious of the racial discriminations that artificial intelligence can multiply. Employers have made progress in collecting data to understand the racial makeup of their organisations and take steps towards improving the representation of racialised minorities in the workplace. Technology has shifted the way companies track and analyse their progress. Data-driven analytical tools and software based on benchmarks can enforce real change not only to understand the racial makeup of the organisation, but to inform a global strategy that goes beyond the usual promises made by company leaders on racial equity in their organisations.

Start with company culture and create your strategy in collaboration with racialised minorities

Employers should look at how embedded structural racism is within their organisation's culture to address systemic racism in the workplace. Adopting an inclusive culture will have a trickle-down effect on all aspects of their organisation, such as their governance, products and processes.

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61 https://assets.henley.ac.uk/v3/fileUploads/The-Equity-Effect-report.pdf

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                    ( Culture )
                         |
   ┌─────────┬─────────┬─────────┬─────────┬─────────┐
(Govern-) (Supply  ) (Products) (Systems) (Processes)(Customers)
( ance  ) ( chain  )
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Reparations for participation in historical forms of racism

Colonisation and slavery shaped the way Europe was able to build its wealth and develop. Economic and business growth was achieved on the back of racialised people, by exploiting them and their land. For centuries, racialised people have been and continue to be exploited for cheap or free labour by the Global North, leading to exclusion from wealth and services. Neo-colonial powers exclude racialised communities from accessing accrued wealth that may be redistributed in the form of public or social services[62][63]. This situation leads to a racial wealth gap, as documented in Runnymede Trust's The Colour of Money report according to which white Bangladeshi and Black African households in the UK only have 10% of the average wealth of white British households, and all Black and minority ethnic groups are more likely to be living in poverty.[64]

Businesses with historical ties to slavery and colonialism have obtained their wealth through abuses and human rights violation, while more recent business have a responsibility to address racial injustices regardless of their role in contributing to injustices. The BSR Sustainable Futures Lab proposes to respond to civil society organisations' calls for corporate reparations by complying with the UN Guiding Principles on Human Rights. This means that companies should include the core principle of access to remedy, financial reparations but also take responsibility and accountability for their past abuses under restorative justice principles.[65]

62 The climate crisis is a (neo)colonial capitalist crisis: Experiences, responses and steps towards decolonising climate action https://www.enar-eu.org/wp-content/uploads/2022_report-climatechangeandrace_final.pdf

63 Socio-economic inequalities in Europe: time to restore social trust by strengthening social rights, Concil of Europe https://pace.coe.int/en/files/29403/html

64 Runnymede Trust's 2020 The Colour of Money report https://www.runnymedetrust.org/publications/the-colour-of-money

65 BSR Sustainable Futures Lab, Business Reckoning on Reparations https://www.bsr.org/en/emerging-issues/business-reckoning-on-reparations
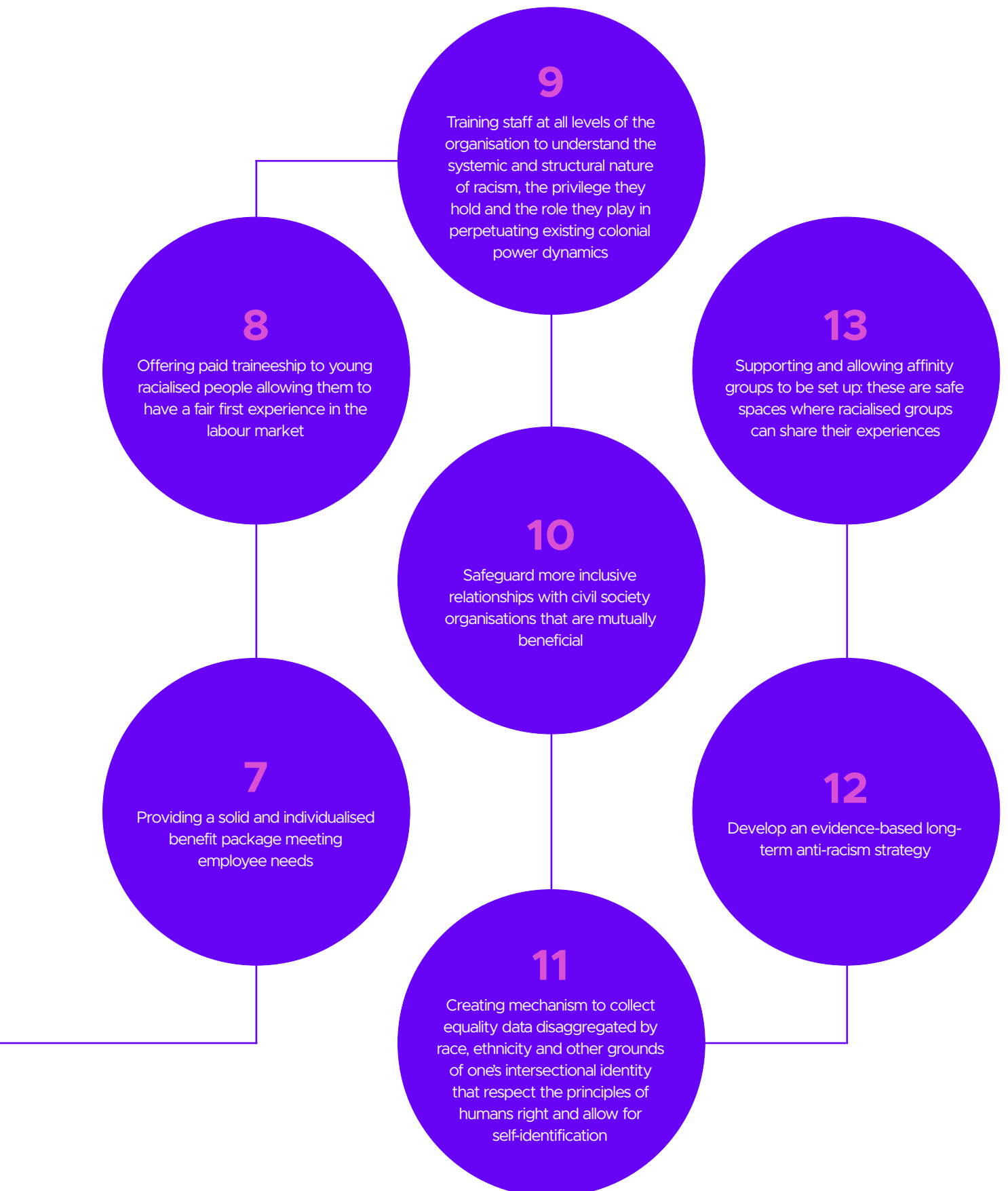
CHECKLIST - PRACTICAL GUIDANCE

- Recommendations and resources for employers: inclusion, transformation, empowerment
- Checklist- Structural Racism in the private sector

Principles	Practices	Implementation			Notes
		🔴	🟡	🟢	
Inclusion	• Review recruitment plans and policies				
	• Implement firm retention practices to provide equitable opportunities to racialised employees				
	• Establish monitoring system with key performance indicators to ensure equal representation at all level of the organisation				
	• Promote equitable opportunities				
	• Collect equality data disaggregated by race and ethnicity to assess the racial makeup of the organisation				
Transfor-mation	• Undergo racial equity audits				
	• Draft and implement an action plan to eliminate micro aggression				
Empow-erment	• Develop career advancement and progression plan				
	• Provide solid benefit package meeting employees needs				
	• Enforce diversity and inclusion training/awareness/coaching/ to senior management				
	• Establish monitoring system to guarantee representation				
	• Set up safe spaces where racialised workers can exchange with their own				
	• Develop partnership with civil society and local racialised communities				

European Network Against Racism

ROADMAP SCHEME

1 — Developing positive action schemes for the recruitment and retention of racialised employees where no discriminatory processes are occurring, whether carried out by individuals or artificial intelligence

2 — Create a Career progression or advancement plan for employees

3 — Having a 0-tolerance policy for discrimination, harassment and micro-aggression and ensuring that employees will not endure them

4 — Building trajectory career progressions breaking the glass ceiling and achieving vertical mobility of racialised employees with a target of representation of racialised minority in leading positions that is representative of society

5 — Reviewing internal HR policies to ensure that they do not perpetuate the exclusion of some groups

6 — Addressing the historical context under which the company was created and to which extent it has benefited from dynamics of oppression of racialised people. Provide reparation accordingly.

9

Training staff at all levels of the organisation to understand the systemic and structural nature of racism, the privilege they hold and the role they play in perpetuating existing colonial power dynamics

8

Offering paid traineeship to young racialised people allowing them to have a fair first experience in the labour market

13

Supporting and allowing affinity groups to be set up: these are safe spaces where racialised groups can share their experiences

10

Safeguard more inclusive relationships with civil society organisations that are mutually beneficial

7

Providing a solid and individualised benefit package meeting employee needs

12

Develop an evidence-based long-term anti-racism strategy

11

Creating mechanism to collect equality data disaggregated by race, ethnicity and other grounds of one's intersectional identity that respect the principles of humans right and allow for self-identification

NOTES