

S H A D O W  
R E P O R T



# RACISM & DISCRIMINATION IN EMPLOYMENT IN EUROPE 2013-2017



european network against racism

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to these data and to bring an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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# FOREWORD

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We at ENAR are delighted to present our newest Shadow Report, which is an update of the one we published in 2013 on employment, which explored the position of minorities and migrants in European labour markets. Due to the significant socio-political and economic changes that Europe has since seen, we have decided that it would be worth revisiting this report and looking at how things have changed if at all regarding racism and discrimination in the labour market.

Going through the report a very powerful picture starts to emerge: tackling racism and discrimination in the labour market in itself means tackling structural inequality at various levels and cannot be isolated from all the other forms of discrimination that minorities face.

The struggle for physical security and safety for minorities goes hand in hand with the struggle for inclusion and economic stability; structural racism leads to unequal outcomes for minorities in the labour market, which directly impacts their lives, their survival, their contributions and their full participation.

This report also depicts racism and discrimination in the labour market from an intersectional lens. We have in recent years embarked in shifting our approach to a more intersectional analysis, as seen in ENAR's Forgotten Women project, which explored discrimination against Muslim women across Europe or during our 2017 Equal@work employer platform meeting which focused on the inclusion of women of colour in the workplace. A section in this report is therefore fully dedicated to the analysis of the position of women of colour in European labour markets.

The picture that this report draws for me reinforces the importance of reflection on the direction we at ENAR need to take; indeed we increasingly acknowledge that our work to understand and dismantle structural racism cannot be conducted in isolation to tackling other forms of oppression. We are working towards our commitment to an intersectional anti-racism.

Amel Yacef  
ENAR Chair

# INTRODUCTION

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This report is an update of the 2012-2013 ENAR Shadow Report - Racism and discrimination in employment in Europe, published in 2014. This update covers much of the same themes, such as racial inequality in the labour market, unemployment, access to work, pay gaps, in the format of country profiles. The report explores racism and discrimination that is both individual, including specific cases harassment or unequal treatment, and structural, represented by a range of trends of racial inequality in the labour market as a whole.

Since 2013, several key political and economic developments have transformed the European labour market. Overarching dynamics of 'recovery' from economic recession, a migration emergency throughout Europe, and an increased climate of racist violence are the wider context in which issues of discrimination and inequality for minorities must be seen.

This update on racism and discrimination in the European labour market makes reference to a range of heterogeneous groups, stemming from recent arrivals to Europe, to racial, ethnic and religious minorities whose families have been present in Europe for generations and sometimes even centuries.

There is a prevailing issue of data collection: data on racial, ethnicity and religion are not systematically collected in EU Member States. Without these data, it is difficult to understand the position of minorities in the labour market or indeed provide reliable analysis of trends in relation to employment. There are, however, findings and examples of racism and racial discrimination that remain persistent since the last ENAR Shadow Report on employment and they include:

- All ethnic minorities and migrants face significant discrimination in employment.
- From a high rate of overqualification to a high risk of exploitation and mistreatment, women of colour, regardless of their nationality, are generally facing harder working and living conditions.
- Job insecurity and wage disparities are notable for all ethnic minorities.
- Despite the existence of a strong European anti-discrimination legal framework, there is a lack of law enforcement and coherence in some judicial systems.

For the first time in the ENAR Shadow Report, there is a section dedicated to an analysis of the position of women of colour in the European labour market. For the purposes of this report, the term 'women of colour' refers to women of racial, ethnic and religious minority background, and does not necessarily relate to skin colour. The report therefore consciously takes a feminist intersectional approach: acknowledging that many of the dynamics facing women of colour in Europe are inextricably linked to racism and sexism as interconnected phenomena.

There have been some progressive policy and practice developments between 2013 and 2017, led by national and local governments but also civil society organisations and research departments. It remains difficult to monitor the impact of these initiatives and progress towards equality without consistent data collection.

# KEY FINDINGS

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## Access to employment and the labour market

Ethnic minorities have fewer chances of getting through recruitment processes.

- In **Belgium**, job applicants with foreign sounding names have 30% less chances of being invited to a job interview compared to applicants with a similar profile but Flemish sounding names.
- In the **Netherlands** in 2015, among thirty recruitment agencies, three in four, agreed to recruit only white employees for a fictive festival named 'Holland Dances'.
- In the **United Kingdom, Finland** and several other European countries, job offers, training or progression opportunities can rely on opaque, informal processes to which minorities do not have access.

Migrants and ethnic minorities tend to have jobs further down the hierarchy and lower wages.

- In **Denmark**, the **United Kingdom** and **Spain**, there are high rates of overqualification among immigrants and ethnic minorities. They are underrepresented in management positions and 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.
- In **Portugal**, people of African descent are overrepresented in the secondary sector of the labour market, consisting in low skilled jobs, low salaries, few promotion opportunities, and job insecurity.
- In **Spain**, 28% of migrant women hold a university degree, compared to 28.3% of Spanish women, but they are still overrepresented in low-skilled jobs.
- In **Poland** and **Cyprus**, migrant workers systematically earn less by the hour than local citizens. There have been several cases of severe exploitation of migrants and a widespread acceptance of cheap workforce.

Migrant people and ethnic minorities have a much higher unemployment rate and are overrepresented in certain jobs, positions or sectors, which may be a result of structural discriminatory inequalities.

- In **France**, while the unemployment rate of white women drastically decreased in the past 25 years (1990-2014), women of colour often face high rates of unemployment due to their education and their social and ethnic background.
- In **Malta**, there is a striking overrepresentation of third country national males in all types of informal work since 2013. Women are highly overrepresented in domestic work.
- In the **United Kingdom**, Pakistani men along with Chinese, Bangladeshi and Indian men represent a high proportion of the national self-employment rate.
- In **Poland**, it is estimated that the unemployment rate of Roma ranges from 80 to over 90 %.
- In **Denmark**, immigrants and ethnic minorities in employment are overrepresented in sectors such as trade, transport, hotels and restaurants and the service sector.

The financial crisis of 2008 continues to have particularly harsh consequences on ethnic minorities.

- In **Cyprus**, the underreporting of discrimination and racism in employment is one of the direct consequences of the economic crisis. The increase in unemployment, and the stress of wanting to keep jobs at all costs are factors contributing to this situation.
- The financial crisis and budget cuts have affected minorities throughout Europe like in **Ireland** where initiatives for Travellers' inclusion were stopped following funding cuts.
- In the **Czech Republic, Italy** and **Greece**, informal work has developed as a consequence of the financial crisis and migration. As a result, the most vulnerable migrants can be victims of exploitative, inhuman working conditions, and exposed to violent accidents, unpaid wages and many other forms of mistreatment.

## Racial discrimination

Racial prejudice and discrimination in the workplace has led to difficult and violent experiences for migrants and ethnic minorities.

- In **Estonia**, refugees from African countries who can be identified as Muslims have experienced direct racism and exploitation by their employers, colleagues and clients more than other groups.
- In **Hungary**, one in five Roma surveyed in 2015 said they had experienced discrimination in the workplace.
- In **Spain**, migrant workers face racist comments and disrespect of their labour contract, according to the Labour and Social Security Inspectorate.
- In **Ireland**, a large proportion of racist incidents reported take place in the workplace (31%). In 40% of the cases reported, the victim's ethnic background was Muslim, followed by African (33%).

## Institutional discrimination

Legislative frameworks have discriminatory effects on newcomers.

- In **Ireland** and **Germany**, migration laws prohibit asylum seekers from working before their refugee status is determined. It can last up to 10 years.
- In **Cyprus**, the migration model in place foresees strict terms and conditions of employment for third country nationals: during six years they are limited to specific occupations, for a predetermined wage (less than half the minimum wage for farm workers) and fewer paid holidays.

Anti-discrimination legislation and the institutions in place to uphold the law appear to be ineffective as victims are unaware of their rights and unlikely to report incidents.

- In **Belgium**, anti-discrimination laws exist but there is a lack of law enforcement, especially because redress procedures are too costly.
- In **Finland, Luxembourg** and **Cyprus**, equality bodies have been created following anti-discrimination legislation but there is a lack of awareness of these bodies.

## Women of colour

Women of colour in Europe face multiple obstacles in the labour market as a result of the intersection of race, gender and class. They are particularly vulnerable to discrimination, exploitation and sexual harassment, experience high rates of overqualification, as well as segregation in specific sectors, in particular domestic work.

- Gender discrimination in employment intersects with women's migratory backgrounds. In **France**, women with an African background have the lowest activity rate.
- In **Romania**, 35% of Roma women declare themselves as full-time homemakers. It reflects traditional gender roles but also resignation and withdrawal from the labour market.
- Although there are no legal restrictions to wearing religious symbols in **Finland**, Roma and Muslim women tend to be more vulnerable to suspicion and hostility in the recruitment process. A 2017 survey found that 32% of Finnish people interviewed declared being against men and women bus drivers wearing turbans and hijabs.

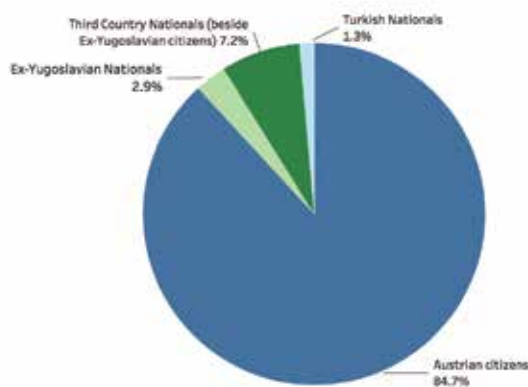
# COUNTRY PROFILES

## AUSTRIA

### Population profile

- Total population: 8,599,200 (2016)<sup>1</sup>
- Third country nationals: 630,600 (7.33% of the total population, 2016), including those from ex-Yugoslavia (253,800 – 2.89%) and Turkey (115,000 – 1.31%)<sup>2</sup>
- Religious communities: Catholics (5,160,000), Muslims (700,000), Orthodox (429,960), Evangelical (302,964), and Alevites (60,000)<sup>3</sup>
- Labour force with migrant background: approximately 900,000 (21% of the total population)<sup>4</sup>

Figure 1: Population by citizenship and country of origin (2016)



Source: Statistik Austria. *Bevölkerung mit Migrationshintergrund im Überblick. 2017.*

### Legal and policy developments 2013-2017

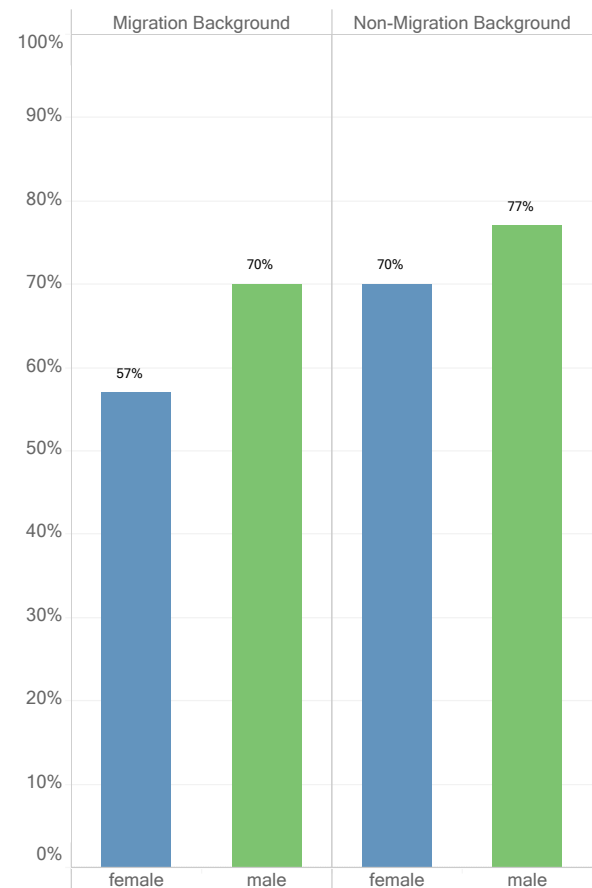
- In 2016, the Federal Law BGBl. I Nr. 55/2016 was adopted to simplify the recognition and assessment of foreign degrees and vocational qualifications.
- In 2017, the province of Upper Austria was the last to adopt the regional Equal Treatment Act. The Act

includes discrimination on grounds of ethnicity, religion or belief, age and sexual orientation.<sup>5</sup>

- In 2017, the Integration Act BGBl. I Nr. 68/2017, the so called “Federal Law for the rightful Integration of residents in Austria who do not have Austrian citizenship” introduced integration measures and an obligation for foreign residents to actively participate in their integration process. The Ombudsman for Equal Treatment has criticised this law for its one-way approach to integration with an emphasis on third-country nationals’ integration that does not include society as a whole.

### Labour market participation

Figure 2: Employment rate by origin and gender (2015)



Source: Österreichischer Integrationsfonds. *Migration und Integration. 2016.*

1 Statistik Austria. *Bevölkerung mit Migrationshintergrund im Überblick (Jahresdurchschnitt 2016).* 2017. Available at: [http://www.statistik.at/web\\_de/statistiken/menschen\\_und\\_gesellschaft/bevoelkerung/bevoelkerungsstruktur/bevoelkerung\\_nach\\_migrationshintergrund/033240.html](http://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/bevoelkerungsstruktur/bevoelkerung_nach_migrationshintergrund/033240.html).

2 Ibid.

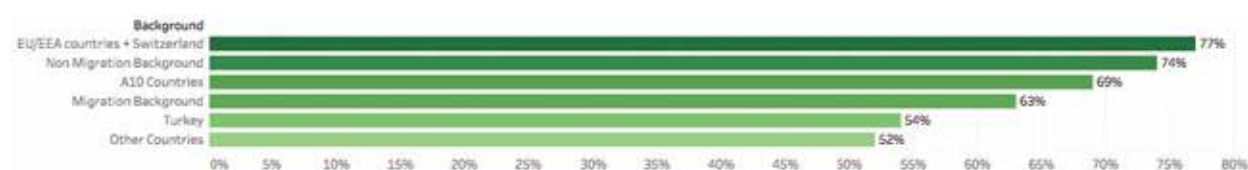
3 Bundeskanzleramt Österreich. *Religionsgemeinschaften in Österreich – Statistik.* 2017. Available at: <https://www.help.gv.at/Portal.Node/hlpd/public/content/82/Seite.820018.html>.

4 Statistik Austria. *Pressemitteilung: 11.604-164/17.* 2017. Available at: [https://www.statistik.at/web\\_de/statistiken/menschen\\_und\\_gesellschaft/bevoelkerung/113946.html](https://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/113946.html).

5 Amendment Equal Treatment Act (Gleichbehandlungsgesetz). Available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_02300/fname\\_301331.pdf](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_02300/fname_301331.pdf).



**Figure 3: Employment rate by origin (2015)**

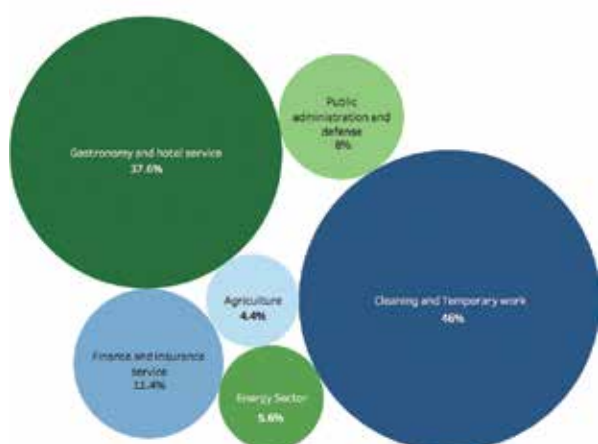


Source: Österreichischer Integrationsfonds. *Migration und Arbeitslosigkeit*. 2016.

The Austrian labour market saw a decrease in the overall unemployment rate in 2017. The unemployment rate of people with a migration background decreased by 4.7% and of Austrians by 7% compared to 2016.<sup>6</sup>

Unemployment rates reflect existing barriers for those with a migrant background. In 2016, the unemployment rate was highest among female Syrian nationals (75%) and female Afghan nationals (56.2%), followed by female Turkish nationals (21.9%).<sup>7</sup>

**Figure 4: Percentage of women with a migration background by sector (2015)**



Source: Österreichischer Integrationsfonds. *Migration und Integration*. 2016.

In 2015, the proportion of migrants who were affected by shift work and changing working hours was strikingly high (23.8% compared to 18% of people without a migration background). There is also a higher proportion of migrants working in contract or temporary work.

People with a migrant background are more likely to be self-employed (11% in 2015). 50.7% of women with a migration background are domestic workers.<sup>8</sup>

### Racial discrimination

Discrimination in employment is experienced especially by those with a migration background and by the Roma population.<sup>9</sup>

The Austrian Integration Fund (ÖIF) recognises that there are discriminatory practices when it comes to the hiring of people with a migration background. Compared to white Austrians, people with a migration background<sup>10</sup> receive fewer invitations to job interviews. Generally headshots are included in CVs, and it is reported that people perceived as migrants are not invited to interviews, since they “look foreign”.<sup>11</sup> In 2015, the NGO ZARA’s (*Zivilcourage und Anti-Rassismus-Arbeit* - Civil Courage and Anti-Racism Work) report on racism states that foreign or Muslim sounding names still are a significant obstacle when it comes to finding employment.<sup>12</sup>

People with a migrant background, even third-generation migrants, specifically of Turkish descent, are perceived as ‘foreigners’ and face barriers in education; a problem which is further exacerbated by the school system in which children are sorted at the age of ten between a higher and lower track of education, resulting in differentiated opportunities in the job market.<sup>13</sup>

6 Österreichischer Integrationsfonds. *Migration und Arbeitslosigkeit*. 2016. Available at: [https://www.integrationsfonds.at/fileadmin/content/AT/Downloads/Publikationen/Fact\\_Sheet20\\_Migration\\_und\\_Arbeitslosigkeit.pdf](https://www.integrationsfonds.at/fileadmin/content/AT/Downloads/Publikationen/Fact_Sheet20_Migration_und_Arbeitslosigkeit.pdf).  
7 Österreichischer Integrationsfonds. *Migration und Integration*. Schwerpunkt Frauen. 2016. Available at: [https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Publikationen/Statistikbroschuere/migration\\_in\\_integration\\_Schwerpunkt\\_Frauen\\_2016.pdf](https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Publikationen/Statistikbroschuere/migration_in_integration_Schwerpunkt_Frauen_2016.pdf).

8 Ibid.  
9 Riesenfelder A., Schelepa S. and Wetzel P. *Beschäftigungssituation von MigrantInnen*. January 2012. Arbeiterkammer Wien, pp. 44-53. Available at: [http://media.arbeiterkammer.at/wien/PDF/studien/Kurzbericht\\_MigrantInnen\\_kurz2012.pdf](http://media.arbeiterkammer.at/wien/PDF/studien/Kurzbericht_MigrantInnen_kurz2012.pdf).  
10 In Austria, first and second generation are considered to have a migrant background, up to the third generation whose parents were born in Austria.  
11 Österreichischer Integrationsfonds. *Beschäftigung von Mitarbeiterinnen und Mitarbeitern mit Migrationshintergrund*. December 2013. Available at: [http://www.forschungsnetzwerk.at/downloadpub/oeif\\_n32\\_Dossier\\_2013.pdf](http://www.forschungsnetzwerk.at/downloadpub/oeif_n32_Dossier_2013.pdf).  
12 Claudia Schäfer, ZARA, Interview on 5 October 2017.  
13 Wladasch, K. *Country Report 2010 on Employment, Ethnicity and Migrants, Networks of socio-economic experts in the Anti-discrimination field*. 2010, p.2.

## Wage disparities

In 2013, migrants earned 15.3% less than Austrians and in particular, female migrants earned 18.4% less than female Austrians. The discrepancy in income is highest between female Turkish employees and female Austrian employees (Turkish women earn 33.5% less, Turkish men earn 21% less). Female workers from Ex-Yugoslavia earn 27.4% less.<sup>14</sup>



TIGRA (*Tiroler Gesellschaft für rassismuskritische Arbeit*) is a regional information and documentation centre in Tyrol for people who have experienced racism, especially in the workplace. It also offers training and counselling. In 2014, they toured through Tyrol to promote their work and offer their advice in more remote areas.<sup>15</sup>

## BELGIUM

### Population profile

In 2014, the total active population (18-60 years old) was 6,921,008, of which 29.7% were of foreign descent,<sup>16</sup> with the largest group from the EU-14 countries<sup>17</sup> and the second largest from North African countries. In 2014, 18% of the active population with Belgian citizenship were second-generation. 72.7% of the active population in Brussels was of foreign descent.<sup>18</sup>

14 Hofer et al. *Diskriminierung von MigrantInnen am österreichischen Arbeitsmarkt*. 2013. Available at: [https://www.sozialministerium.at/cms/site/attachments/7/3/0/CH3434/CMS1459843399534/10\\_diskriminierung\\_migrantinnen\\_arbeitsmarkt1.pdf](https://www.sozialministerium.at/cms/site/attachments/7/3/0/CH3434/CMS1459843399534/10_diskriminierung_migrantinnen_arbeitsmarkt1.pdf).

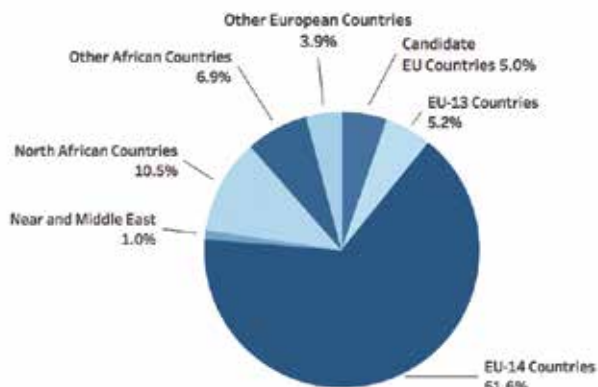
15 See [www.tigra.cc](http://www.tigra.cc).

16 Foreign descent refers to "people born with a foreign nationality and/or currently having a non-Belgian nationality, including citizens having one or two parents who obtained a non-Belgian nationality by birth".

17 EU-14: France, Germany, Italy, Netherlands, Luxembourg, Ireland, United Kingdom, Denmark, Greece, Spain, Portugal, Finland, Sweden and Austria. EU-12: Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia, Bulgaria and Romania. EU-13: Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

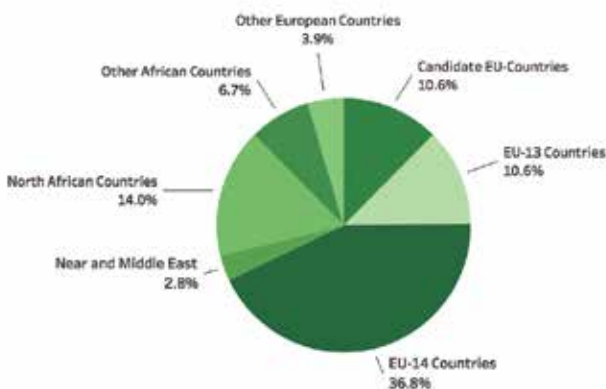
18 FOD WASO and Interfederaal Gelijke Kansencentrum. *Socio Economische Monitoring arbeidsmarkt en origine*. 2017.

Figure 5: Active population (18-64 year-old) of foreign origin in Wallonia (2014)



Source: FOD WASO and Interfederal Equal Opportunities Centre. *Socioeconomic Monitoring 2017 labour market and origin, 2008-2014*.

Figure 6: Active population (18-64 year-old) of foreign origin in Flanders (2014)



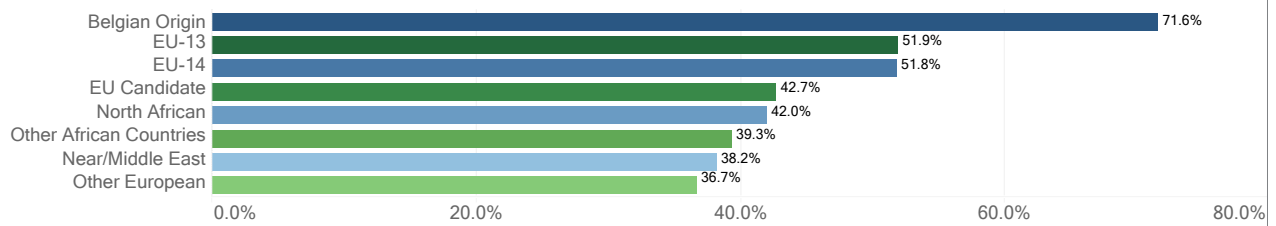
Source: FOD WASO and Interfederaal Gelijke Kansencentrum. *Socio Economische Monitoring arbeidsmarkt en origine*. 2014.

### Labour market participation

In Belgium, people of foreign descent face serious disadvantages in the labour market. According to the authors of the Socioeconomic Monitoring report 2015 on employment and origin, this is true of both second and third-generation Belgians.<sup>19</sup> The unemployment rate also shows significant gaps between those of Belgian and foreign descent.

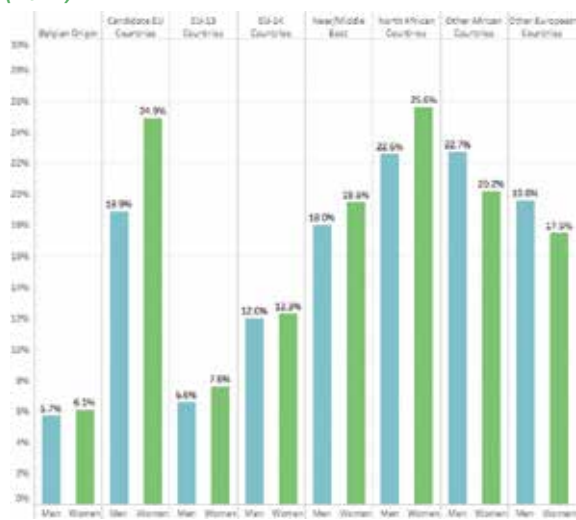
19 FOD WASO and Interfederaal Gelijke Kansencentrum. *Socio Economische Monitoring arbeidsmarkt en origine*. 2015.

**Figure 7: Employment rate by origin (2014)**



Source: FOD WASO and Interfederal Equal Opportunities Centre. Socioeconomic Monitoring 2015 labour market and origin. 2015.

**Figure 8: Unemployment rate by origin and gender (2014)**



Source: FOD WASO and Interfederal Equal Opportunities Centre. Socioeconomic Monitoring 2017 labour market and origin, 2008-2014.

## Racial discrimination

Belgian anti-discrimination laws are well developed. However, due to lack of enforcement, the situation of racial discrimination remains unchanged. This has been repeatedly highlighted in EU/OECD reports.<sup>20</sup> Although the legislation offers judicial remedies, 80% of victims of racism or discrimination in employment do not go to court because of financial reasons.<sup>21</sup>

Workers of foreign descent face racist stereotypes and prejudice in the labour market.<sup>22</sup> Quantitative research in Ghent showed job applicants with foreign sounding names (Turkish, Moroccan or Ghanaian names) have 30% less chances of being invited to a job interview compared to applicants with a similar profile but with Flemish sounding names.<sup>23</sup> The experiment using a Belgian professional with Algerian roots, who received more replies from companies after changing his first name from 'Mohamed' to 'Kyan', points to similar issues.<sup>24</sup> Other research showed that 63% of the Flemish private cleaning companies respected racist requests from their clients.<sup>25</sup>

## Wage disparities

According to the Socioeconomic Monitoring report (2015), Belgian inhabitants with roots in North America are overrepresented in the highest income categories.<sup>26</sup> Citizens of Belgian descent are mostly situated in the average and high-income groups. Citizens of other origins tend to be overrepresented in the lower income groups, except people with roots in the EU-14 countries for whom this is less the case. Only 10% of people from EU-12, candidate and other European countries, the Maghreb region, the Near and Middle East and other African countries have high incomes.<sup>27</sup>

20 Organisation for Economic Co-operation and Development. *OECD Economic Surveys Belgium*. 2015, p. 26. Available at: [www.oecd.org/eco/surveys/Overview\\_Belgium\\_2015\\_Eng.pdf](http://www.oecd.org/eco/surveys/Overview_Belgium_2015_Eng.pdf).

21 Interview with an attorney specialised in racism, discrimination and labour law on 12 October 2017.

22 Oualb Chaïb Saïla. *Racisme in België 15 jaar na de Durbanverklaring: Tijd voor een interfederaal actieplan tegen racisme*. 2016. Ghent University, Human Rights Centre, p. 43.

23 Baert, Stijn. *Liever Jacob dan Yusuf? Veldonderzoek naar gelijke toegang tot de arbeidsmarkt, in de context van overheidsopdrachten door de lokale overheid*. 2017. Ghent University, p. 47.

24 Declercq, Matthias. "Werkloze Mohamed wordt Kyan en krijgt job". Bruzz, 8 June 2016. Available at: [www.bruzz.be/nl/actua/werkloze-mohamed-wordt-kyan-en-krijgt-job](http://www.bruzz.be/nl/actua/werkloze-mohamed-wordt-kyan-en-krijgt-job).

25 Spaas, Nele. *Dienstencheques: subsidiëren om te discrimineren?*. 2015. Minderhedenforum, p. 25.

26 FOD WASO and Interfederal Gelijke Kansencentrum. *Socio Economische Monitoring 2015 arbeidsmarkt en origine*. 2015, p. 116.

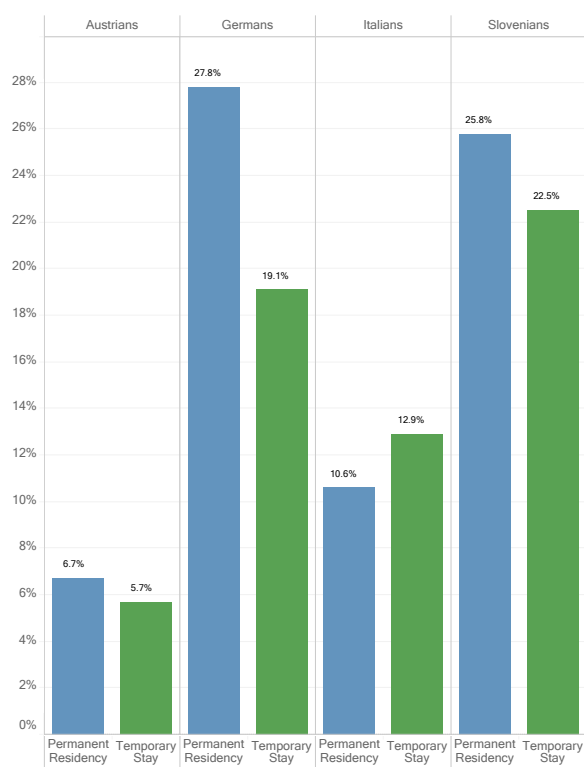
27 Ibid, p. 117.

## CROATIA

### Population profile

- Total population: 4,174,300 (2016), with a trend of population decline due to both natural decline and net emigration out of the country<sup>28</sup>
- Third country nationals: 26,678 (0.64% of the total population, 2016)<sup>29</sup>
- Foreign born: 547,929, including ethnic Croats, currently Croatian citizens, who were born outside of the current territory of Croatia during the time of the Socialist Federal Republic of Yugoslavia<sup>30</sup>

**Figure 9: Foreign nationals with permanent residency in Croatia (2016)**



Source: Eurostat. *Population on 1 January by age group, sex and citizenship. 2017.*

### Legal and policy developments 2013-2017

- The Action Plan for implementation of the National Plan for combating discrimination<sup>31</sup> refers to the promotion of equal opportunities in the area of employment. The National Strategy for Roma Inclusion (2013-2020), includes a focus on enhancing the economic status of Roma by enabling access to the labour market, enhancing possibilities of employment and self-employment and encouraging equal opportunities in employment.
- The Operational Plan for National Minorities 2017-2020 refers to Roma national minorities with one measure focusing on the area of employment.

In 2011, the case of Salameh was brought before the Municipal Labour Court of the city of Zagreb, for discrimination and harassment on the grounds of race, skin colour and ethnicity in the area of employment and working conditions. Mr. Salameh was employed by the Institute of Emergency Medicine of the city of Zagreb which failed to take measures to protect him from harassment by an unknown perpetrator who put death threats on his personal locker at work. The Centre for Peace Studies and the Ombudsman Office intervened in the case on the side of the plaintiff. The procedure lasted over three years and the final verdict was in 2016.

### Labour market participation

In 2016, the general unemployment rate was 13.3%, a significant decline from a high of 17.4% in 2013.<sup>32</sup> However, it must be kept in mind that this decline is partly due to the emigration of previously unemployed persons leaving Croatia to look for work elsewhere, primarily in EU Member States.

Discrimination in employment is one of the most significant forms of discrimination in Croatia, with the most discriminated groups being Roma, Serbs and migrants (including refugees). However, neither the Croatian Statistics Bureau nor the Croatian Employment Agency, responsible for collecting data on employment figures, collect data disaggregated by race or ethnicity, making it impossible to compare employment and unemployment figures of minorities compared to the general population.

28 Croatian Bureau of Statistics. *First release: Population Estimate of Croatia, 2016.* 2017. Available at: [https://www.dzs.hr/Hrv\\_Eng/publication/2017/07-01-03\\_01\\_2017.htm](https://www.dzs.hr/Hrv_Eng/publication/2017/07-01-03_01_2017.htm).

29 Eurostat. *Population on 1 January by age group, sex and citizenship.* Available at: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>.

30 Eurostat. *Population on 1 January by age group, sex and country of birth.* Available at: [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_pop4ctb&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_pop4ctb&lang=en).

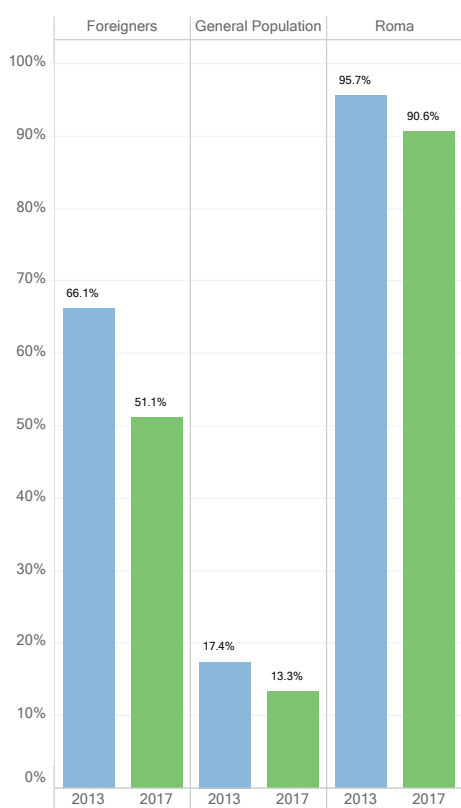
31 Available at: <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=5415>.

32 Information received in official correspondence with the Croatian Employment Agency. Monthly and yearly statistics on registered unemployment are also available at: <https://statistika.hzz.hr/Statistika.aspx?tipzvjestaja=1>.

An exception is the Roma population and foreigners,<sup>33</sup> refugees and persons under subsidiary protection.

The number of registered unemployed Roma (national minority) is a rough estimate based on the place of residence; information regarding the social welfare system specific for the Roma population; and their knowledge of the Roma language. However, it must be noted that these are very rough estimates, in part because most Roma do not register with the Employment Agency, and because some of those who do declare another ethnicity.

**Figure 10: Unemployment rate by origin (2013-2017)**



Source: Information received in official correspondence with the Croatian Employment Agency, 2017.

Although the unemployment rates are lower in 2016 than in 2013, the unemployment rates of Roma and foreigners are higher than the employment rates of the general population, and there seems to have been no significant improvement over the past three years.<sup>34</sup>

## Racial discrimination

Various reports by different state actors show that work, including access to employment, is the area where discrimination is reported most often. 4,031 complaints of discrimination were filed to the Ombudsman Office (2016), a significant increase from 2009 when there were only 202 complaints. In 2016, 30% of discrimination complaints referred to the area of work and working conditions. Race, ethnicity, skin colour or national origin are the most represented grounds of discrimination. Almost one third of discrimination complaints refer to these grounds – 30.2% or a total of 117 complaints.<sup>35</sup>

Discrimination in access to employment is a significant problem in Croatia. Direct discrimination is still a problem and bias occurs in recruitment processes, through names, appearance and (foreign) diplomas and other documents.



In 2016, the Roma Association “Step by Step” of the City of Koprivnica started growing cucumbers and hot peppers, employing 40 individuals from the Roma community, and producing 30 tons of food. The local city council provided three government owned plots of land and gave the association about 20,000EUR as financial support. “Step by Step” entered into a contract with a major Croatian food company Podravka for the sale of 20 tons of food.<sup>36</sup>

33 Stateless persons, Croatian citizens’ family members, persons with temporary or permanent stay.

34 Information received in official correspondence with the Croatian Employment Agency.

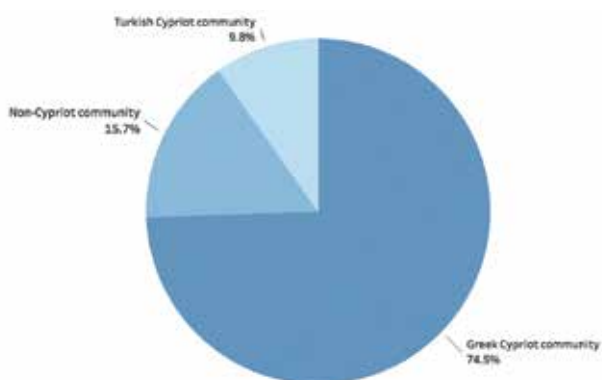
35 Ombudsman Office. *Yearly Report of the Ombudsman Office for 2016*. Available at: <http://ombudsman.hr/hr/component/jdownloads/send/76-izvjesca-2016/849-izvjesce-pucke-pravobraniteljice-za-2016-godinu>.

36 Sonja Barčanec. “Romi proizveli više od 30 tona povrća Franjo Horvat: Nije točno to što se priča da Romi ne žele raditi”. *Drava Info*, 27 September 2017. Available at: <https://drava.info/2017/09/korak-po-korak-okrugli-stol/>.

## CYPRUS

### Population profile

**Figure 11: Population by community and migration background (2014)**



Source: Cyprus Statistical Service (Cystat). Demographic Report 2016 and Demographic report 2013.

- Total population: 948,300 (2016)<sup>37</sup>, not including “illegal settlers from Turkey”<sup>38</sup>
- Greek Cypriot community: 701,000 (74.5%), which also includes the three religious groups, namely Armenians, Maronites and Latins, who comprise 0.4%, 0.7% and 0.1% of the Greek Cypriot community respectively
- Turkish Cypriot community: 91,800 (9.8%), which also includes the Roma minority, comprising some 1,250 people (0.16% of the total population)<sup>39</sup>
- Non-Cypriots: 147,300 (15.7%)

### Legal and policy developments 2013-2017

- The Aliens and Migration (Amendment) Law 129(I)/2014 transposed Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals and on a common set of rights for third-country workers legally residing in a Member State.
- The Refugee (Amended) Law 105(I)/2016 transposed Directive 2013/33/EU on standards for the reception of applicants for international protection (recast).
- Existing legislation related to employment includes the Equal Treatment in Employment and Occupation Law

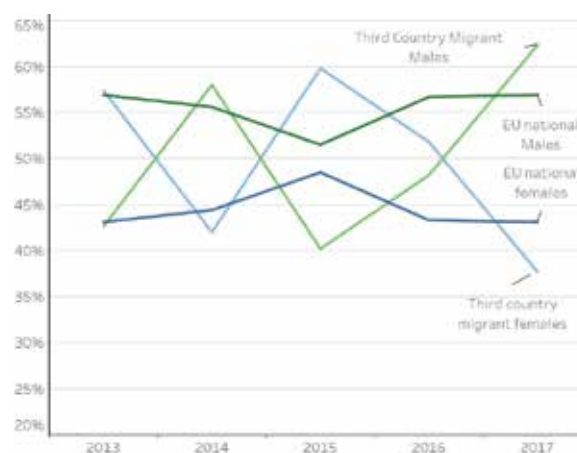
58 (I)/2004, the Equal Treatment of Men and Women in Employment and Vocational Training Law 205(I)/2002, the Combating of Racial and Some Other Forms of Discrimination 42(I)/2004).

### Labour market participation

The main development in the period 2013-2016 was the sharp decrease (22.5%) in the employment of non-EU migrants and refugees. In the first quarter of 2017, this downward trend appears to have stopped, with a small increase of about 2.5% from 2016.

Another significant development is the sharp decrease in the number of employed third-country migrant women, whose share in the total employed third-country migrant population fell from 76.7% in 2013 to 61.8% in the first quarter of 2017. This is more striking in domestic work, where the number of workers, in their greatest majority third-country migrant women, was almost halved (47.3%), from 22,474 in 2013 to 11,852 in the first quarter of 2017.

**Figure 12: Unemployment rate of non-Cypriots by gender and origin (2013-2017)**



Source: Cyprus Statistical Service (Cystat). Labour Force Survey, 1999-2016, and Labour Force Survey, 2nd quarter 2017.

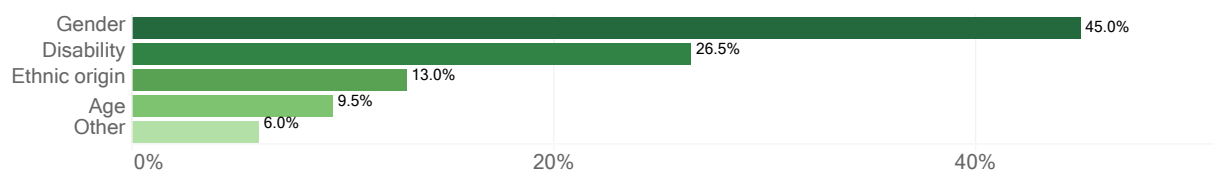
The unemployment rate of third-country migrants in Cyprus was lower than their share of employment, which is explained by the fact that third-country migrants cannot stay in the country if they are unemployed for more than one month because their residence and employment permits are directly interconnected. This is particularly the case in the domestic work sector, where the overwhelming majority of employees are migrant women from third countries, and where unemployment was much lower than any other sector, averaging 3.2% in the period 2013-2016 and no unemployment in the first quarter of 2017.

37 Cyprus Statistical Service (Cystat). Demographic Report 2016 and Demographic report 2013. Available at: [http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/6C25304C1E70C304C2257833003432B3/\\$file/DEMOGRAPHIC\\_REPORT-2015-301116.pdf?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/6C25304C1E70C304C2257833003432B3/$file/DEMOGRAPHIC_REPORT-2015-301116.pdf?OpenElement) and [http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/C887EB26139B7EC3C2257F0A0035EC6D/\\$file/DEMOGRAPHIC\\_REPORT-2013-231214.pdf?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/C887EB26139B7EC3C2257F0A0035EC6D/$file/DEMOGRAPHIC_REPORT-2013-231214.pdf?OpenElement).

38 The term “settlers” refers to people from Turkey who were brought en masse to the occupied northern part of Cyprus after the 1974 Turkish invasion and settled in abandoned Greek Cypriot properties.

39 Council of Europe estimates. 2015. Available at: [http://ec.europa.eu/jus-tice/discrimination/roma-integration/cyprus/index\\_en.htm](http://ec.europa.eu/jus-tice/discrimination/roma-integration/cyprus/index_en.htm).

**Figure 13: Grounds of discrimination reported to the equality body (2017)**



Source: Data provided by the Ombudsman's Office, March 2013-March 2017.

## Racial discrimination

The migration model in place in Cyprus prescribes a strict temporary residence and employment framework for six years, in which migrants from third countries can be employed only in specific occupations and sectors of the economy, almost exclusively in domestic work and agriculture/animal farming. This model perceives migrants as a reserve of cheap labour to be used and disposed of at will, subjects them to discriminatory terms and conditions of work, flagrant violations of basic human and labour rights and encourages exploitation and trafficking.

The systematic discrimination within the migration system in Cyprus is reflected in the terms and conditions of employment of migrants from third countries. The monthly wage of farm workers and domestic workers are the lowest salaries in Cyprus. Also, migrant domestic workers have nine paid public holidays, while migrant farm workers have ten paid public holidays (increased to 13 after the first year with the same employer), in contrast to the 15-16 paid public holidays in all other economic sectors.

Underreporting of discrimination and racism in general and in employment has always been a great challenge in Cyprus. However, since the beginning of the economic and financial crisis, this underreporting has taken new dimensions. While, for example, from 2007 to 2011 there was a steady increase of complaints submitted to the Equality Body of the Office of the Ombudsman from 115 to 144, respectively, in 2014 there were only 62 such complaints and no complaints at all in 2016.<sup>40</sup> The sharp increase in unemployment, part-time work, and the stress of wanting to keep jobs at any cost are all factors contributing to the decrease in complaints.

40 These figures are drawn from the annual reports of the Equality Body for the years 2007 – 2014. Available at: [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page17\\_gr/page17\\_gr?OpenDocument](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page17_gr/page17_gr?OpenDocument), and based also on the written responses of the Ombudsman's Office to the questionnaire for the report.

In September and October 2014, two migrant men from Bangladesh who worked as farm labourers, applied to KISA for advice and support in relation to their working and living conditions. Both had paid large sums of money to agents/middlepersons to find them a job in Cyprus and were promised very different working conditions and pay to the ones they found when they arrived. They had to work 15 hours a day and were not allowed any break time, not even to eat. They lived in sub-standard conditions and were subjected to physical violence. Their employers did not pay them any of their due wages and withheld their travel documents. The workers' freedom of movement was also restricted as they were not allowed to leave the farm and were threatened with the police if they did. KISA referred them to the Police Office for Combating Trafficking in Human Beings, which recognised them as victims of trafficking and prosecuted the employers and agents involved. In September 2017, the court found the defendants guilty of human trafficking, forged documents, impersonation, illegal stay, withholding of travel documents and labour exploitation. The court sentenced one employer to 12 months' imprisonment and two other employers to 18 months' imprisonment with a 3-year suspension.

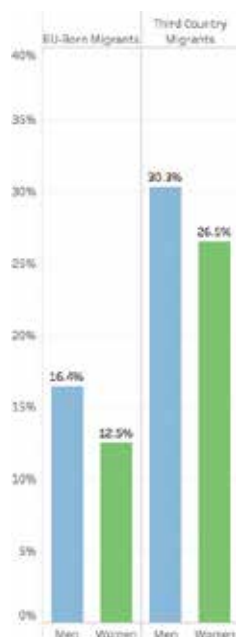
## Wage disparity

Third-country migrants are restricted to working mainly in two sectors, domestic work (mostly women) and agriculture/animal farming/fishing (mostly men). In both of these sectors, wages are fixed by the employment contract<sup>41</sup> and at €309 (net) and €374 (net) respectively, they are the lowest wages in Cyprus and almost half the minimum wage.<sup>42</sup>

41 The employment contract in the sector of agriculture and animal farming is based on a collective agreement.

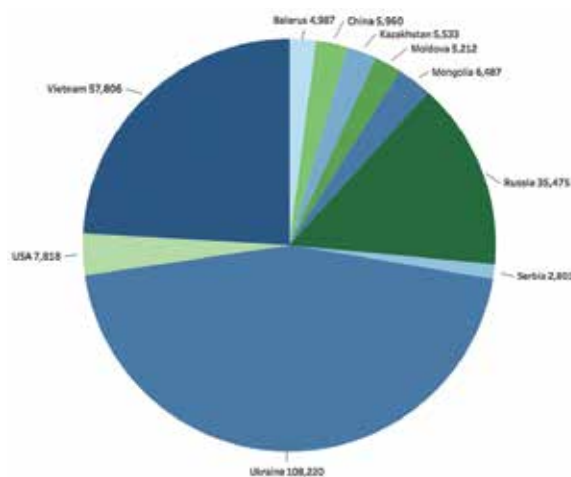
42 There is no universal minimum wage in Cyprus. Instead, as per the zaMinimum Wage Law 180/2012, the minimum wage order issued by the Council of Ministers, last renewed in 2012, applies to nine occupations, in which workers are considered to be especially vulnerable (shop assistants, clerks, child-care workers, personal care workers, security guards and cleaners of business/corporate premises). The minimum monthly wage upon recruitment was revised to €870 and after 6 months to €924.

**Figure 14: Working migrants at risk of poverty and exclusion (2015)**



Source: Eurostat. *Migration integration statistics - at risk of poverty and social exclusion*. February 2017.

**Figure 15: Migrants in the Czech republic (2016)**



Source: Czech Ministry of Interior. 2017.

## CZECH REPUBLIC

### Population profile

- Total population: 10,578,820 (2016)<sup>43</sup>
- Registered migrants (with residence permits for more than 90 days): 496,413 (2016),<sup>44</sup> an increase of 6.2% from the previous year
- Migrants: 4.7% of the total population, more than 70% of which are nationals of six countries: Ukraine (108,220), Slovakia (105,462), Vietnam (57,806), Russia (35,475), Germany (21,060) and Poland (20,170)<sup>45</sup>
- Roma: an estimated 245,800 Roma - 2.6% of the total population (2016)<sup>46</sup>

### Legal and policy developments 2013-2017

- Discrimination in employment is primarily regulated by the Anti-discrimination Act.<sup>47</sup> The most significant amendment to the Anti-discrimination Act in October 2017 provides for a transposition of Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.
- Victims of discrimination face difficulties in accessing legal remedies, and the relatively new remedies introduced under the Anti-discrimination Act are rarely used since the mandate of the Public Defender of Rights is limited and cannot represent victims of discrimination in court proceedings. Free legal aid is granted only to people with proven limited financial resources.
- In 2014, the EU Directive 2011/98/EU regarding the single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and a common set of rights was transposed into Czech legislation.
- The Strategy for Combating Social Exclusion<sup>48</sup> focuses on ways to improve the skills of Roma and to support them when seeking employment. The Roma Strategy 2020<sup>49</sup> identifies tackling possible racial discrimination, especially in access to employment, as a key measure to ensure higher employment rates of Roma.

43 Czech Statistical Office, *Inhabitants*. 2016. Available at: [https://www.czso.cz/csu/czso/obyvatelstvo\\_lide](https://www.czso.cz/csu/czso/obyvatelstvo_lide).

44 Czech Statistical Office. *Foreigners total: by citizenship as on 31 December 2016*. 2016. Available at: [https://vdb.czso.cz/vdbvo2/faces/index.jspx?\\_af=Vystup-objekt&pvo=CIZ08&pvok=&katalog=31032&z=T](https://vdb.czso.cz/vdbvo2/faces/index.jspx?_af=Vystup-objekt&pvo=CIZ08&pvok=&katalog=31032&z=T).

45 Ministry of Interior of the Czech Republic. *Postup při realizaci aktualizované Koncepce integrace cizinců – Ve vzájemném respektu v roce 2017*. 2016. Available at: <http://www.mvcr.cz/clanek/integrace.aspx>.

46 Office of the Government of the Czech Republic. *Zpráva o stavu romské menšiny za rok 2016*. 2016. Available at: [https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-stavu-romske-menšiny-za-rok-2016\\_1.pdf](https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-stavu-romske-menšiny-za-rok-2016_1.pdf).

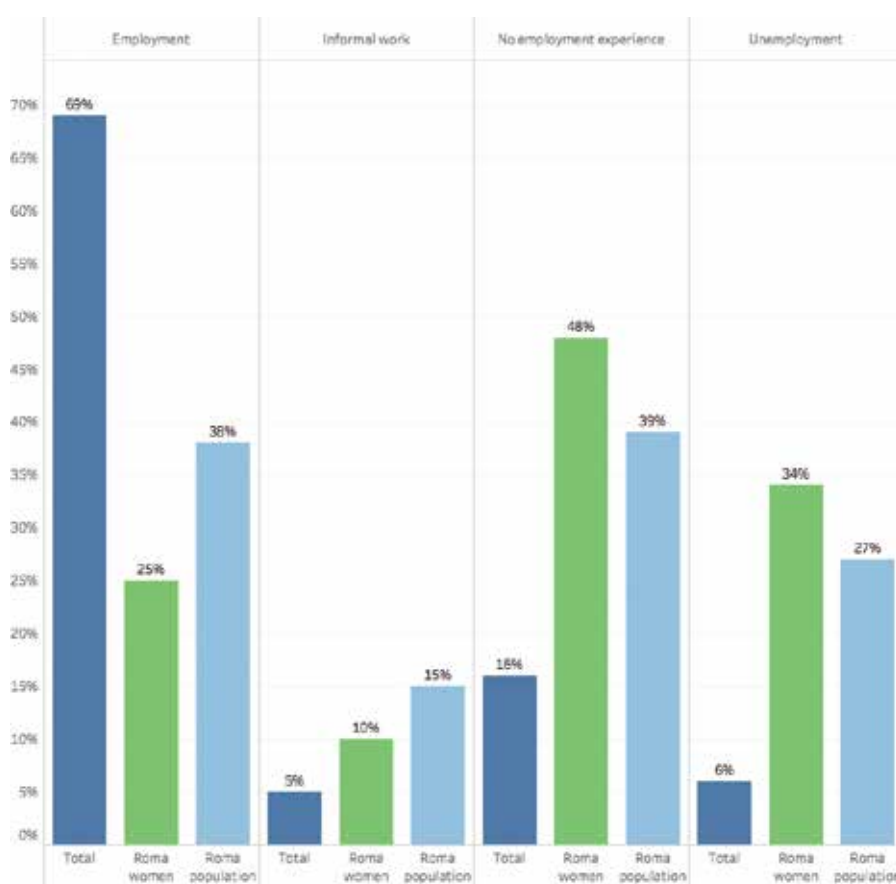
47 Act No. 198/2009 Coll. on equal treatment and on the legal means of protection against discrimination, as amended.

48 Office of the Government of the Czech Republic. *Strategy for Combating Social Exclusion for the Period 2016-2020*. 2016. Available at: [file:///C:/Users/kstudecka/all/Downloads/Strategie\\_2016-2020.pdf](file:///C:/Users/kstudecka/all/Downloads/Strategie_2016-2020.pdf).

49 Office of the Government of the Czech Republic. *Roma Integration Strategy until 2020*. 2015. Available at: <https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/Strategie-romske-integrace-do-roku-2020.pdf>.



Figure 16: Employment of Roma population by gender



Source: Regional Cooperation Council. Roma Inclusion Index 2015, Decade of Roma Inclusion Secretariat Foundation. 2015.

## Labour market participation

Unemployment has, since the beginning of the economic transformation in the 1990s, represented one of the most serious problems for Roma in the Czech Republic. However, since late 2016 the Czech Republic has the lowest unemployment rate in the EU.<sup>50</sup> Even though unemployment rates have decreased overall, the situation has not changed for the Roma population.

According to a 2015 Roma Inclusion Index, the situation of the Roma improved from 2005 to 2014, but progress was limited. The employment rate of Roma has grown from 29% to 38% in the indicated period but still remained significantly lower than for the rest of the population. Moreover, Roma are more likely to work in the informal economy than the majority society and an estimated 27% of Roma were unemployed in 2014 compared to 6% of the total population.<sup>51</sup>

The high unemployment rate among Roma cannot be explained by one single factor, such as ethnic discrimination in the labour market or insufficient skills. While these two factors are important and mutually reinforcing, another aspect is the geographical distribution of Roma, who are concentrated in areas with significant structural problems and older industries, in which Roma were employed during the socialist era.

When it comes to the employment of migrants in the Czech Republic, exact data have not been available since 2012,<sup>52</sup> while unemployment data have been collected on a monthly basis since mid-2014 by the Czech Ministry of Labour and Social Affairs.<sup>53</sup>

It can be estimated that the unemployment rate for third country nationals is lower than the national average, as only the holders of permanent residency and EU family members

50 Czech Statistical Office. *Postavení českého trhu práce v rámci EU*. 2017. Available at: <https://www.czso.cz/documents/10180/46239595/czam073117analyza.pdf/9a156195-c2c8-4a3d-95c9-e2cab8bdd691?version=1.0>.

51 Regional Cooperation Council. *Roma Inclusion Index 2015*. 2015. Decade of Roma Inclusion Secretariat Foundation. Available at: <https://www.rcc.int/roma-integration2020/files/user/docs/Roma%20Inclusion%20Index%202015.pdf>.

52 See for example, Czech Statistical Office. *Employment of Foreigners in the Czech Republic by Status of Employment*. 2015. Available at: [https://www.czso.cz/csu/cizinci/2-ciz\\_zamestnanost](https://www.czso.cz/csu/cizinci/2-ciz_zamestnanost).

53 Ministry of Labour and Social Affairs. *Uchazeči z EU, EHP a třetích zemí*. Available at: <https://portal.mpsv.cz/sz/stat/eu>.

can be registered as 'unemployed'. As of March 2017, only 4,985 third country nationals were registered as job seekers, among which 25% (1,260 people) were receiving unemployment benefits.

In recent years, while the economic activity of EU nationals has increased relatively as both employees and self-employed; the employment of third country nationals declined.

## Racial discrimination

Racism and structural discrimination in employment in the Czech Republic particularly concerns the Roma minority and certain categories of low-skilled migrants, both from EU and non-EU countries. There is, however, a general lack of reliable data on incidents of discrimination.

The number of discrimination complaints received by the Office of the Public Defender of Rights is increasing. In the years 2013 to 2016, it received 1,679 complaints<sup>54</sup> and the majority of complaints related to employment.<sup>55</sup>

The above figures are only a fraction of the actual discrimination that takes place. In 2015, the Public Defender of Rights published research that mapped the outcomes of discrimination disputes, which found that victims of discrimination faced systemic barriers such as lack of jurisprudence, high legal costs, lack of free legal assistance and inconsistent procedural rules. Overall, only a very small proportion of respondents (11%) who felt discriminated against, reported their experience to the authorities, and if so, they would report to the police rather than to the Public Defender of Rights.<sup>56</sup>

The Czech Government acknowledged in November 2014 that Roma continue to be victims of discrimination in access to housing, education, medical care and the labour market. Yet, measures to remedy this situation have not yet been proposed.<sup>57</sup> The discrimination of Roma in the labour market has a clear structural character. Roma are often not able to fulfil requirements of employers due to lack of qualifications resulting from segregated education. The

Czech housing market has resulted in highly segregated Roma enclaves with Roma being moved from economic centres to less developed areas with limited employment potential. In addition, the Czech education system has not integrated Roma children and this perpetuates discrimination in the labour market.<sup>58</sup>

Another particularly vulnerable group are domestic workers, usually migrant women, predominantly performing irregular and undeclared work in Czech households.<sup>59</sup> A recent project on domestic women workers showed that it is extremely difficult to monitor compliance with labour law regulations. The research revealed that domestic workers are often in degrading conditions including unpaid overtime work, unacceptable working conditions, frequently connected with social isolation, harassment, humiliation, psychological or even physical violence. The legal framework does not provide protection of the rights of migrant domestic workers. The possibility to oppose these practices is almost non-existent.<sup>60</sup>

Previously the Czech government refused to ratify the ILO Convention on Decent Work for Domestic Workers.<sup>61</sup> However, in 2017, following significant pressure from civil society organisations and the Council for Gender Equality, a consultative body of the Czech government asked the Ministry of Labour and Social Affairs to develop a legislative proposal to implement the ILO Convention on Decent Work for Domestic Workers, therefore opening a window of opportunity for ratification in future.<sup>62</sup>

54 Office of the Public Defender of Rights. *2016 Annual Report*. Available at: [https://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyrocnni\\_zpravy/2016-DIS-vyrocnni-zprava.pdf](https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocnni_zpravy/2016-DIS-vyrocnni-zprava.pdf).

55 Ibid.

56 Public Defender of Rights. *Diskriminace v ČR: oběť diskriminace a její překážky v přístupu ke spravedlnosti*. 2015. Available at: [http://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyzkum/CZ\\_Diskriminace\\_v\\_CR\\_studie.pdf](http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/CZ_Diskriminace_v_CR_studie.pdf).

57 Czech Women's Lobby. *Shadow Report: Czech Republic, the 63rd CEDAW session*. 2015. Available at: [http://www.czlobby.cz/sites/default/files/news\\_download/2015-cz\\_shadow\\_report\\_cedaw.pdf](http://www.czlobby.cz/sites/default/files/news_download/2015-cz_shadow_report_cedaw.pdf).

58 Office of the Government of the Czech Republic. *Report on the state of the Roma minority in 2016*. 2017. Available at: [https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-stavu-romske-mensiny-za-rok-2016\\_1.pdf](https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-stavu-romske-mensiny-za-rok-2016_1.pdf).

59 Ezzeddine, P. and Semerák, V. "The situation of migrant women on the Czech market of domestic work". In: Ezzeddine, P. et al. *Migrantky a nájemná práce v domácnosti v České republice*. 2014. Available at: <http://www.migrace.com/cs/podpora/publikace>, or the English translation of the research is available at: <http://www.migrace.com/en/support/publications>.

60 Ibid.

61 Redlová, P. and Heřmanová, M. "Why did Czech government refuse to ratify ILO Convention on Decent Work for Domestic Workers?". *MigraceOnline*, 26 March 2013.

62 SIMI (Association for Integration and Migration). *Submission of the Association for Integration and Migration on challenges and best practices in promoting and protecting the human rights of migrant domestic workers, regardless of their migration status*. 2015. Available at: [http://www.migrace.com/docs/150821\\_submission-domestic-workers-in-the-czech-republic.pdf](http://www.migrace.com/docs/150821_submission-domestic-workers-in-the-czech-republic.pdf).



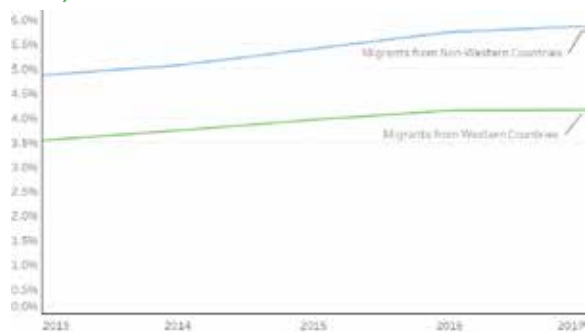
A project helping migrant women to find work has been implemented since 2017 by the NGO Inbáze. These women are offered career counselling and legal advice focused mainly on labour law. In addition, women have the opportunity to take professional Czech language courses, vocational trainings or do paid internships.<sup>63</sup>

## DENMARK

### Population profile

- Total population: 5,760,694 (2017)<sup>64</sup>
- Foreign born: 577,742 (10.03% of the total population, 2017)<sup>65</sup>
- Migrants from non-western countries:<sup>66</sup> 338,214 (5.87% of the total population, 2017)<sup>67</sup>
- Largest ethnic minority groups: Turkey, Syria, Iraq, Lebanon, Pakistan<sup>68</sup>

**Figure 17: Migrant population in Denmark (2013-2017)**



Source: Statistics Denmark. *Population and Origin, 2013-2017*.

63 Inbáze. *Projekt NOVÝ ZÁČÁTEK – Zlepšení postavení žen – migrantek na trhu práce*. 2016. Available at: <http://www.inbaze.cz/2016-2018-opz-novy-zacatek-zlepseni-postaveni-zen-migrantek-na-trhu-prace/>.

64 Statistics Denmark. *Population*. 2017.

65 Statistics Denmark. *Population by age, gender, area, origin and time*.

66 Statistics Denmark defines EU Member States, Iceland, North America, Australia, New Zealand, Andorra, Liechtenstein, Monaco, San Marino, Schweiz and The Vatican City as western and all other countries as non-western. Defence Command Denmark (Forsvaret), *Forsvarskommandoens handlingsplan for ligebehandling og mangfoldighed. Bilag 4: Begrebsafklaring*. 2005. Available at: [https://www2.forsvaret.dk/temaer/mangfoldighed/Documents/Bilag%204.%20Begrebsafklaring%20\[DOK421788\].pdf](https://www2.forsvaret.dk/temaer/mangfoldighed/Documents/Bilag%204.%20Begrebsafklaring%20[DOK421788].pdf).

67 Statistics Denmark. *Population, Origin (2013 – 2017 figures)*. 2017.

68 Statistics Denmark. *Population*. 2017.

## Legal and policy developments 2013-2017

The Discrimination Act has been amended several times (2004 and 2008) and the law now considers a broader range of discrimination prohibited in several contexts, including in recruitment and in the workplace.

### Labour market participation

The latest report on the position of immigrants in the Danish labour market (2015) by the Danish National Centre for Social Research (SFI)<sup>69</sup> analyses whether immigrants and descendants differ from Danes in terms of type of employment (measured by job category and industry) and hourly wage. The SFI report concludes among other things that immigrants and descendants have a job further down the job hierarchy<sup>70</sup> than Danes and receive a lower hourly wage. In addition, immigrants and descendants are overrepresented in sectors such as trade, transport, hotels and restaurants and the service sector. Furthermore, immigrants find it difficult to use their education in high-quality jobs compared with Danes and, in general, have a lower salary return on their education.<sup>71</sup>

### Racial discrimination

The Board of Equal Treatment received 1,491 discrimination complaints from 2013 to 2016: 418 (2013); 358 (2014); 317 (2015); 398 (2016).<sup>72</sup> The Integration Barometer, which carries out research and surveys focusing on ethnic minorities since 2012,<sup>73</sup> shows that 43% of all ethnic minorities say they have experienced racial discrimination – 47% for men and 39% for women. Only about 14% filed a complaint to an authority or organisation. Reasons for the low number of complaints include the fact that 34% of ethnic minorities do not believe it will make a difference to file a complaint and 22% do not believe it is important enough.

69 Danish National Centre for Social Research. *Position of immigrants and descendants of immigrants on the Danish labour market - Importance of education and other characteristics*. 2015. Available at: <https://en.sfi.dk/publications/position-of-immigrants-and-descendants-of-immigrants-on-the-danish-labour-market-3074/>.

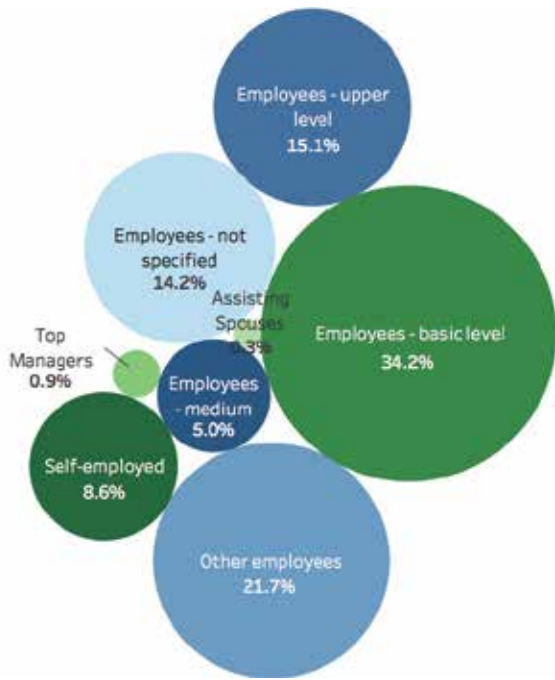
70 Jobs are divided into a hierarchy according to the qualification requirements for the jobs.

71 Danish National Centre for Social Research. *Position of immigrants and descendants of immigrants on the Danish labour market - Importance of education and other characteristics*. 2015, pp.9-10. Available at: <https://en.sfi.dk/publications/position-of-immigrants-and-descendants-of-immigrants-on-the-danish-labour-market-3074/>.

72 The Board of Equal Treatment. Available at: <https://ast.dk/naevn/ligebehandling/naevn/tal-og-statistik-fraligebehandling/naevn>.

73 Ministry of Immigration and Integration. *Integrationbarometer. Medborgerskab, ligebehandling og selvbestemmelse*. 2016. Available at: <https://integrationsbarometer.dk/tal-og-analyser/filer-tal-og-analyser/medborgerskab-ligebehandling-og-selvbestemmelse-i-danmark-2016>.

**Figure 18: Socioeconomic status of immigrants from non-western countries (2015)**



Source: Statistics Denmark, 2015.

In 2015, a study on access to employment for ethnic minorities was conducted.<sup>74</sup> Researchers from the University of Copenhagen sent out 800 fictive applications to 400 actual job postings. 400 of the fictive applicants had Middle Eastern sounding names (male and female) and 400 had Danish sounding names (also male and female). The 400 job postings were in both the private and public sectors.

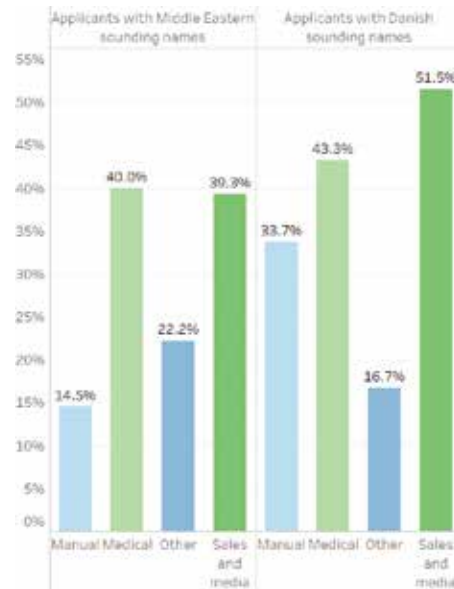
Two applicants, one with a Middle Eastern sounding name and one with a Danish sounding name applied for each of the 400 job postings. The two applicants were made perfectly suitable for that specific job; the only substantial difference was their names. The result of the research was that 33.5% of the applicants with a Danish sounding name were invited to a job interview, compared to only 22% of the applicants with a Middle Eastern sounding name. This indicates that applicants with a Middle Eastern sounding name have to send 52% more job applications to be invited for a job interview.

Racism and discrimination in employment is difficult to measure and prove in Denmark as there is limited data

<sup>74</sup> Dahl, Malte Røkkjær and Krog, Niels. *Experimental Evidence of Discrimination in the Labour Market: Intersections between ethnicity, gender, and socioeconomic status*. 2016. The University of Copenhagen.

collection in this area, however, there are many case studies or incidents that expose racism and discrimination in the labour market. Many who report experiencing racism and discrimination in surveys do not appear to make official complaints.

**Figure 19: Positive call-backs for job applications (2015)**

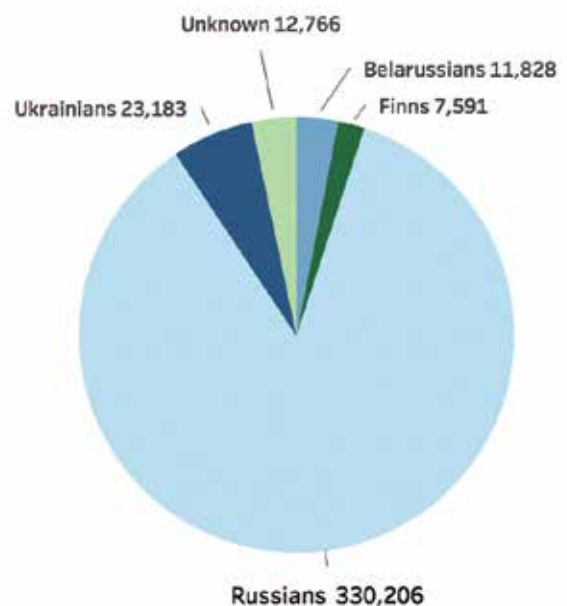


Source: University of Copenhagen, 2016.

## ESTONIA

### Population profile

**Figure 20: Minorities in Estonia (2011)**



Source: National Population and Housing Census, 2013.

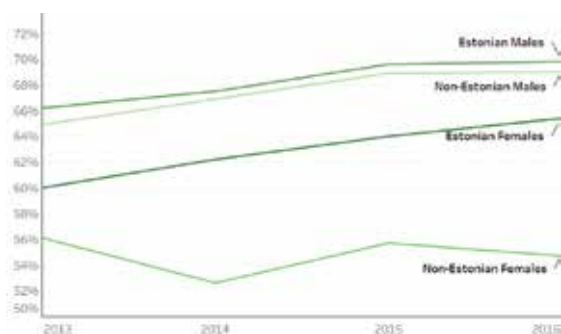
## Legal and policy developments 2013-2017

- The EU Directive 2000/78/EC is implemented in Estonia through three legal acts: the Equal Treatment Act, the Chancellor of Justice Act, and the Employment Act. Employment relations in Estonia are regulated by the Employment Act, which merely refers to the prohibition of discrimination and obligation to follow the principle of equal treatment.
- The Welfare Development Plan 2016-2023<sup>75</sup> and its accompanying Implementation Plan<sup>76</sup> recognises unequal treatment in recruitment and in employment relationships as one of the main challenges, making note of the labour market situation of those whose native tongue is not Estonian and those who arrived in Estonia as receivers of international protection. The plan foresees special measures to include new immigrants in the labour market and to increase employers' awareness of the benefits of diversity.

## Labour market participation

On average, the employment rate of non-Estonians is rising (1.1% since 2013) and the unemployment rate is decreasing (2.7%), which reflects the general trend in the labour market. However, the employment rate of Estonians has always been higher and the difference has now grown from about 3% in 2013 to 6.2% in 2016.<sup>77</sup>

**Figure 21: Employment rates by gender and nationality (2013-2016)**



Source: Statistics Estonia. Dataset: TT3331: Labour status of population aged 15-74 by ethnic nationality and sex. 2017.

75 Ministry of Social Affairs. *Welfare Development Plan 2016-2023*. 2016. Available at: [http://www.sm.ee/sites/default/files/content-editors/eesmargid\\_ja\\_tegevused/welfare\\_development\\_plan\\_2016-2023.pdf](http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/welfare_development_plan_2016-2023.pdf).

76 Ministry of Social Affairs. *Heaolu arengukava 2016-2023 rakendusplaan aastateks 2016-2020*. 2016. Available at: [http://www.sm.ee/sites/default/files/content-editors/eesmargid\\_ja\\_tegevused/rakendusplaan\\_0.xls](http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/rakendusplaan_0.xls).

77 Statistics Estonia. Dataset: TT3331: Labour status of population aged 15-74 by ethnic nationality and sex – Employment and unemployment rates of non-Estonian population aged 15-74 by sex. 2017. Available at <http://andmebaas.stat.ee/Index.aspx?DataSetCode=TT3331>.

Correspondingly, the unemployment rate of non-Estonians has always been higher than that of Estonians, reaching about 4% difference.<sup>78</sup>

The Estonian labour market is ethnically segregated by economic sectors and the division mostly runs between ethnic Estonians and Russian-speakers. Russian-speakers overwhelmingly work in manufacturing, transport and storage – 28% compared to 18% of ethnic Estonians.<sup>79</sup> In the service sector, ethnic differences are minimal – 71% of ethnic Russians and 77% of ethnic Estonians. Non-Estonians from western countries who migrated after 1991 (e.g. EU, USA and Australia) are mostly employed in the same sectors as ethnic Estonians, especially in the service sector (e.g. public administration, education and health care).<sup>80</sup> Non-Estonians from non-western countries are mostly in trade, transportation, hotels and storage (51.9%).

The 2017 Integration Monitoring Report reports that 24% of immigrants who arrived in Estonia within the last five years consider themselves overqualified for the job they are doing.<sup>81</sup> The perceived overqualification for all non-Estonians is 20%, compared to 13% for ethnic Estonians.

## Racial discrimination

The 2015 Eurobarometer on discrimination clearly demonstrated that a person's race and religion are important factors for co-workers. While 65% of the Estonian respondents would feel comfortable working with a Black person, 70% were comfortable in case of an Asian person and only 48% in case of a Roma.<sup>82</sup> When the same was asked about the colleague's religion, only 50% said they would be comfortable working with a Muslim, 68% with a Buddhist and 78% with a Jewish person.<sup>83</sup>

78 Ibid.

79 Kaldur, K., Vetik, R., Kirss, L., Kivistik, K., Seppel, K., Kallas, K., Anniste, K. *Eesti ühiskonna integratsiooni monitoring 2017*. 2017. Balti Uuringute Instituut, Praxis, p. 43. Available at: <https://www.ibs.ee/wp-content/uploads/EIM2017.pdf>. Lees, K., Vahaste-Pruul, S., Sammul, M., Humal, K., Lamesoo, K., Veemaa, J., Varblane, U. *Kellel on Eestis hea, kellel parem? VÕRDÕIGUSLIKKUSE MÕÖTMISE MUDEL*. 2016. Gender Equality and Equal Treatment Commissioner. Available at: [http://www.vordoisusvolinik.ee/wp-content/uploads/2016/03/mudel\\_final.pdf](http://www.vordoisusvolinik.ee/wp-content/uploads/2016/03/mudel_final.pdf).

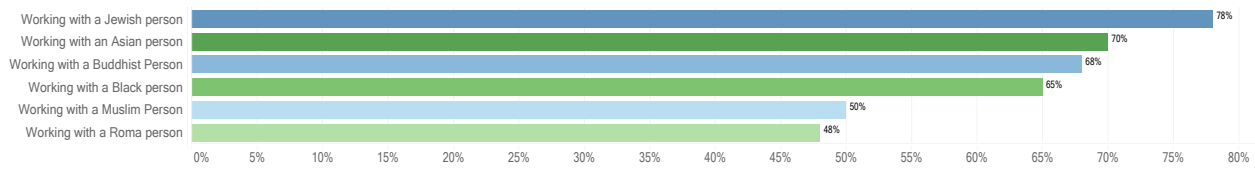
80 Krusell, S., & Statistics Estonia. "Pärast taasiseseisvumist Eestisse elama asunute positsioon tööturul ja seal toimetulek" (Labour Market Position of Those Who Immigrated After Estonia Regained Independence). 2014. *Eesti Statistika Kvartaalikiri*, 3, pp. 31-32.

81 Kaldur, K., Vetik, R., Kirss, L., Kivistik, K., Seppel, K., Kallas, K., Anniste, K. *Eesti ühiskonna integratsiooni monitoring 2017*. 2017. Balti Uuringute Instituut, Praxis, p. 95.

82 European Commission. *Special Eurobarometer 437 - Discrimination in the EU in 2015*. 2015, p. 22. Available at: <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/68004>.

83 European Commission. *Special Eurobarometer 437. 'Discrimination in the EU in 2015'*. 2015. Available at <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/68004>, accessed 19 November 2017, p 34

**Figure 22: Percentage of people saying they are comfortable working with minorities (2015)**



Source: European Commission. Special Eurobarometer 437 - Discrimination in the EU in 2015. 2015.

Research on new immigrant workers and students in 2014 concluded that for them the problem lies not in the workplace (or in place of study) but mostly in the public space.<sup>84</sup> The interviews conducted for this report seem to confirm this.<sup>85</sup> Both the representative of the Estonian Trade Union Confederation<sup>86</sup> and a member of one of the trade unions<sup>87</sup> found it difficult to name specific work-related discrimination cases. The former noted that the few cases of discrimination that were reported to them concern Russian speakers.

A cleaning company had recruited several Nigerian students studying in Tallinn and assigned them cleaning jobs in different schools in Tallinn. In some schools the management told the company that they did not want to see black cleaners in their premises since they “pose a security threat”. The cleaners did not lose their jobs but were given new places to clean, some with locations not convenient for the Nigerian students.

There have not been any employment-related racial discrimination cases in courts or Labour Dispute Committees. According to interviews carried out for this research, refugees from African countries and who can be identified as Muslims (e.g. those wearing a headscarf) have experienced direct racism and exploitation by their employers, colleagues and clients more than other groups. They have been forced to work overtime without being paid. Refugees tolerate these situations since they receive a salary for their normal hours of work and are afraid to lose their job if they do not comply with the employer's demand to do overtime.

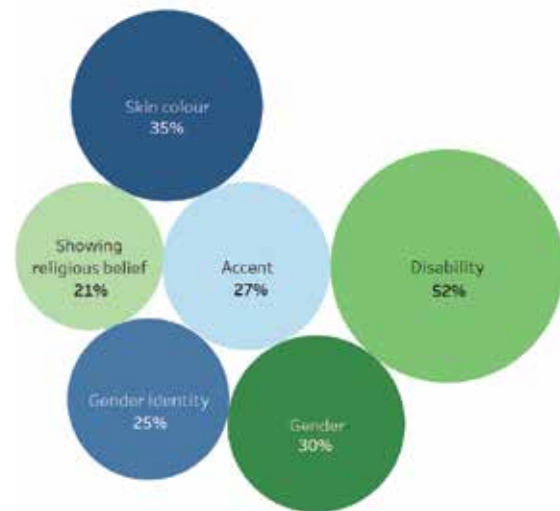
84 Kivistik, K., Ploan, K., Pohla, T., Ortega, L., Mürk, I., & Väljaots, K. *Uussisserändajate kohanemine Eestis: valikud ja poliitikaettepanekud tervikliku ja jätkusuutliku süsteemi kujundamiseks*. 2014. Balti Uuringute Instituut, pp. 60-62. Available at: <https://www.ibs.ee/wp-content/uploads/Uussisserändajate-kohanemine-Eestis.pdf>.

85 Janson, E. Interview on 11 July 2017.

86 Kangilaski, G. Interview on 11 January 2017.

87 Anonymus. Interview on 11 March 2017.

**Figure 23: Perception of discrimination in recruitment (2015)**



Source: European Commission. Special Eurobarometer 437 - Discrimination in the EU in 2015. 2015.

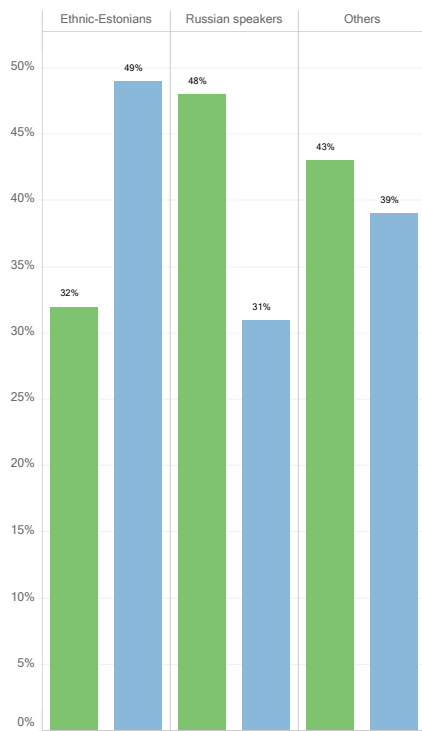
## Wage disparity

There is a considerable wage gap between ethnic Estonians and non-Estonians. In 2015 the gap was 18% and it has remained largely the same since the economic crisis.<sup>88</sup> The main reason is probably the vertical as well as horizontal ethnic segregation in the Estonian labour market. Before the economic crisis, the disparity between the incomes of the two groups was smaller.

The at-risk-of-poverty and absolute poverty rates are considerably higher for ethnic minorities regardless of whether the statistics are aggregated by ethnic identity or citizenship. The increase of at-risk-poverty rate over the last ten years has hit non-Estonians particularly hard, while the absolute poverty rate has decreased for Estonians but increased for non-Estonians.

88 Kaldur, K., Vetik, R., Kirss, L., Kivistik, K., Seppel, K., Kallas, K., Anniste, K. *Eesti ühiskonna integratsiooni monitoring 2017*. 2017. Balti Uuringute Instituut, Praxis, p. 45.

**Figure 24: At-risk-of-poverty rates by origin (2013-2016)**



Source: Statistics Estonia. Dataset LES25: Poverty and material deprivation rate, relative median at-risk-of-poverty gap and indicators of income inequality. 2017.



On 6 September 2016 the members of the Estonian Diversity Charter and other interested employers met on the topic of xenophobia and intolerance in the workplace. Participants took part in various working groups which proposed recommendations for overcoming and preventing xenophobia in the workplace. The main conclusion was that the solution to xenophobia and conflicts lies in managing the organisation in line with core values and reminding people in the organisation regularly of the positive aspects of peaceful coexistence.

## FINLAND

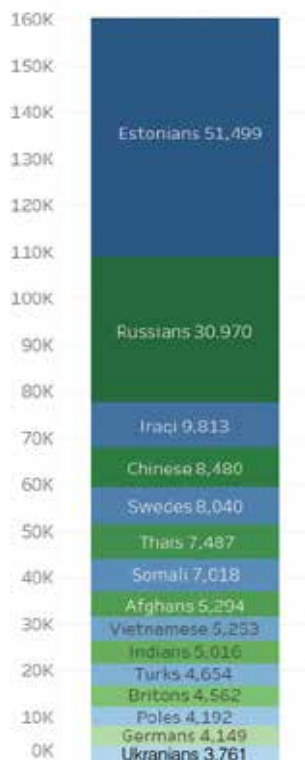
### Population profile

- Total population: 5,503,297 (2016)<sup>89</sup>
- Foreign born: 357,541 (6.95% of the total population)<sup>90</sup>
- People of foreign origin:<sup>91</sup> 364,787 (2016)<sup>92</sup>
- Third country nationals: 235,336 (4.58% of the total population)<sup>93</sup>
- Largest countries of origin: Estonia, Russia and Iraq
- National minorities: Swedish Finns, Sami, Roma, Jews, Tatars, and Old or Native Russians

### Legal and policy developments 2013-2017

- The Non-Discrimination Act (2015) requires companies and institutions that have more than 30 employees to draft a non-discrimination plan.
- The Non-Discrimination Ombudsman and the Occupational Safety and Health Administration bodies were set up to ensure the implementation of the Occupation Safety and Health Law and Non-Discrimination Act. The lack of awareness of these bodies prevents them from fully addressing discrimination.

**Figure 25: Population by country of origin (2016)**



Source: Statistics Finland. Foreign citizens population. 2017.

89 Statistics Finland. *Labour Market*. 2017. Available at: [http://tilastokeskus.fi/tup/suoluk/suoluk\\_tyoelama\\_en.html](http://tilastokeskus.fi/tup/suoluk/suoluk_tyoelama_en.html).

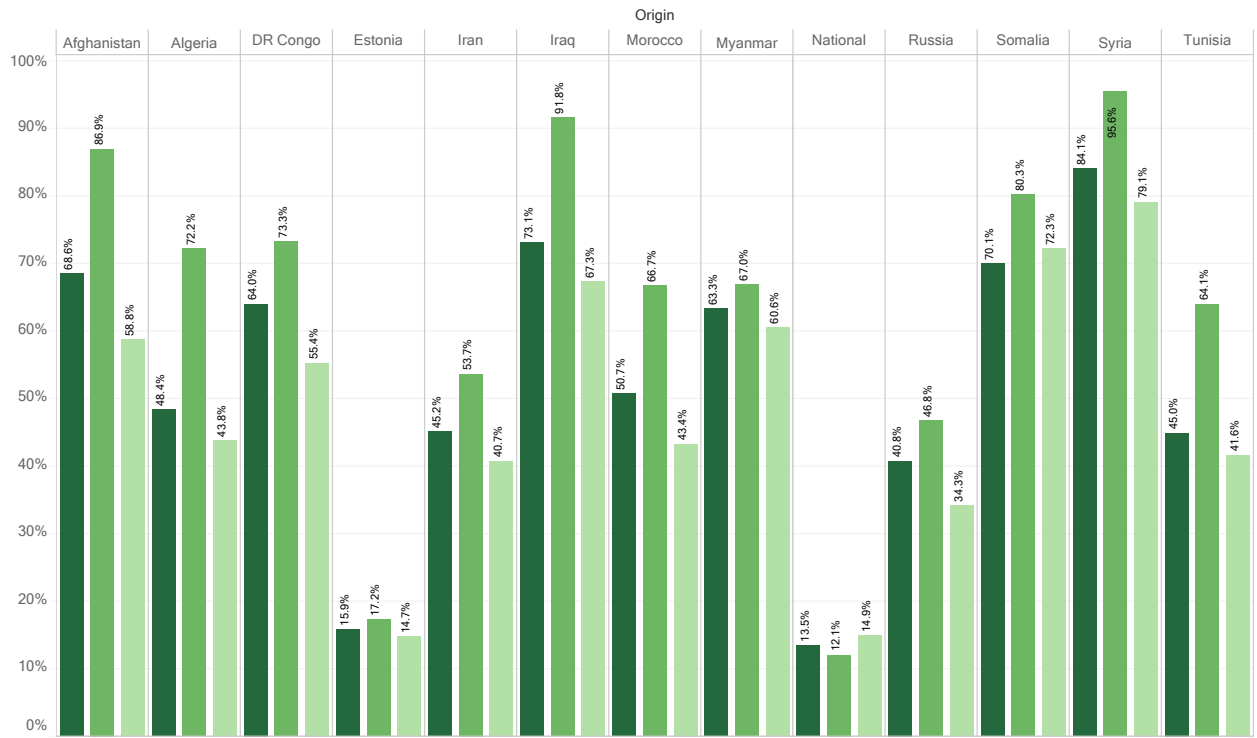
90 Ibid.

91 People of foreign origin refer to people with both parents born abroad.

92 Statistics Finland. *Population*. 2017. Available at: [http://www.tilastokeskus.fi/tup/suoluk/suoluk\\_vaesto.html](http://www.tilastokeskus.fi/tup/suoluk/suoluk_vaesto.html).

93 Ibid.

Figure 26: Groups with the highest unemployment rate (2015)



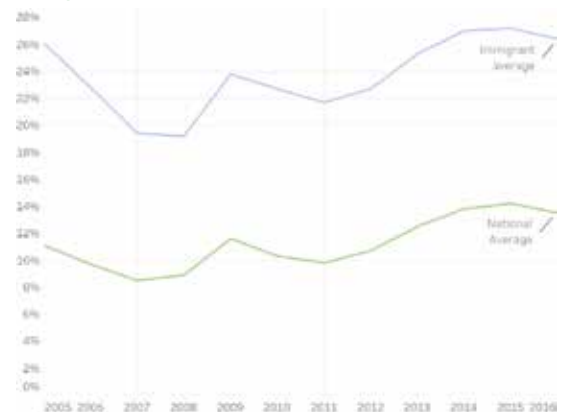
Source: Statistics Finland, 2015.

## Labour market participation

A study published in 2016 by the Finnish Centre for Pensions stated that “[w]orst off in the labour market were immigrants from the Middle East and Somalia”<sup>94</sup> and that the employment situation of male immigrants was clearly better than that of women. Unemployment is also quite high among Russian speaking immigrants, at 42%.<sup>95</sup> The main reason for this is the deep level of mistrust and suspicion that has existed between Finland and Russia for years. Although there is no separate figure, the unemployment rate of Roma is estimated as high as 40%.<sup>96</sup>

There is a distinct difference between the unemployment rate of immigrants and nationals. This is even more acute among certain nationalities.

Figure 27: Unemployment rate by origin (2005-2015)



Source: Statistics Finland, 2015.

## Racial discrimination

Many job vacancies are filled internally within social networks which migrants do not have access to. However, recruitment discrimination has never received proper attention. Finnish employers also frequently require knowledge of the Finnish language from applicants, even though the proficiency is not necessary for the job. Although there are no legal restrictions to wearing religious symbols in Finland, Roma and Muslim women tend to be more vulnerable to suspicion and hostility in the recruitment process. A 2017 survey found that 32% of

94 Eläketurvakeskuksen tutkimuksia. Busk, Henna et al. *Maahanmuuttajat työmarkkinoilla – tutkimus eri vuosina Suomeen muuttaneiden työurista*. 2016, p.10. Available at: [http://www.etk.fi/wp-content/uploads/Maahanmuuttajat\\_tyomarkkinoilla.pdf](http://www.etk.fi/wp-content/uploads/Maahanmuuttajat_tyomarkkinoilla.pdf).

95 Finland Shadow Report questionnaire response.

96 European Commission on Racism and Intolerance of the Council of Europe. *Report on Finland*. 2013. Available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Finland/FIN-CbC-IV-2013-019-ENG.pdf>.




Finnish people interviewed declared being against men and women bus drivers wearing turbans and hijabs.<sup>97</sup>

Racial discrimination in workplaces does happen in Finland but the evidence is hard to find. One major reason is that many are reluctant to complain or file reports: some are afraid to lose their jobs; others do not know their rights or the competent institutions. Another problem is the low credibility and lack of information about the Safety and Health Administration.

## Wage disparities

Wage disparities between Finnish men and women are clearly marked; and are wider still between Finnish nationals and migrants. In 2014, the wage disparity between white Finns and migrants was 27.3%. In Helsinki and greater Helsinki the gap was up to 35.8%.<sup>98</sup> In general, migrants tend to work more on weekends, at night, and part time. These types of low-skilled precarious jobs lead to fragmented labour histories compared with white Finns.<sup>99</sup> The most vulnerable group of migrants in Finland are women from the Middle East, Northern Africa, Somalia and those who came as refugees. According to the EU-Midis II survey,<sup>100</sup> Muslim Sub-Saharan African women faced more discrimination in Finland than men of the same target groups.

 Anonymous job applications have been used by the city of Helsinki and by Turku University to hire people. Since the person's background (name, sex, birthplace, ethnic background, mother tongue, age and family) is not mentioned, this can help prevent discrimination on this basis.

97 "Helsingin Sanomat survey on migrants reveals expectations that adaption in Finland is and will be a one-way process". *Migrant Tales*, 7 July 2017. Available at: <http://www.migranttales.net/helsingin-sanomat-survey-migrants-reveals-expectations-adaption-finland-will-one-way-process/>.

98 Saukkonen, Pasi. *Maahanmuuttajien kotoutuminen Helsingissä, Työllisyys, tulot ja asuminen*. 2016. Helsingin kaupunki Tietokeskus, p. 26.

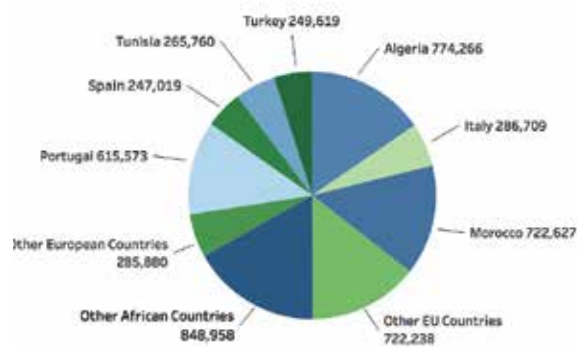
99 See [http://www.stat.fi/tup/julkaisut/tiedostot/julkaisuluettelo/yyti\\_uso\\_201500\\_2015\\_16163\\_net.pdf#\\_ga=2.253694794.27525881.1506792887-795680664.1506792887](http://www.stat.fi/tup/julkaisut/tiedostot/julkaisuluettelo/yyti_uso_201500_2015_16163_net.pdf#_ga=2.253694794.27525881.1506792887-795680664.1506792887).

100 European Union Agency for Fundamental Rights. *Second European Union Minorities and Discrimination Survey (EU-MIDIS II): Muslims - Selected findings*. 2017. Available at: <http://fra.europa.eu/en/publication/2017/eumidis-ii-muslims-selected-findings>.

## FRANCE

### Population profile

Figure 28: Migrant population (2014)



Source: INSEE. *Fiches population: Immigrés et descendants d'immigrés en France*. 2017.

The proportion of immigrants from Europe (mostly from Spain and Italy) is decreasing (36%). 44% of the immigrant population was born on the African continent, with 30% in North Africa (a stable number since the 1980s). Immigration from Sub-Saharan Africa is more recent and involves mostly the former French colonies. 15% of the immigrant population are from Asia and immigration from countries other than Cambodia, Laos and Vietnam is now increasing. Second generation immigrants make up 11% of the total population.<sup>101</sup>

In 2014, 51% of the immigrants were women. Among immigrants from North Africa and Turkey, women are the minority although their share is increasing.

### Legal and policy developments 2013-2017

- The Law 2016-1547 for modernising the justice system of the 21st century aimed among others to bring justice closer to the citizen, improve the functioning of the judiciary, refocus the courts on their essential missions and introduce class action, including with regard to discrimination.
- In 2015, the Law 2015-994 on social dialogue for the promotion of employment and social protection repealed a provision that was introduced in the Equal Opportunity Act of 2006 for the general use of anonymous CVs in companies with more than 50 employees.

101 INSEE Références. *Fiches population: Immigrés et descendants d'immigrés*. 2017. Available at: <https://www.insee.fr/fr/statistiques/3197277?sommaire=3197289>.

- The charter for the promotion of equality and the fight against discrimination in the public service was signed on 17 December 2013 by the State and the Defender of Rights.

## Racial discrimination

Data on the extent and manifestations of racial and religious discrimination in the field of employment in France remain scarce. NGOs offer a vital alternative data source, which comes directly from the experiences of individuals and communities experiencing racism and related discrimination in the field of employment.

A 2017 survey by the *Défenseur des Droits* (the French equality body) and the International Labour Organisation showed that people were most likely to experience discrimination in employment. 34% of the active population declared having experienced discrimination related to sex, age, pregnancy or maternity, origin, religion, disability and health during the past five years (29% in the workplace and 18.5% in access to employment).<sup>102</sup> According to the study, middle-age married white men are the least discriminated group (13%) while women of colour are the most vulnerable group (65%). 48% of men perceived as non-European (Arab, Asian, Black) declared having faced discrimination compared to 24% of men perceived as European (White).<sup>103</sup>

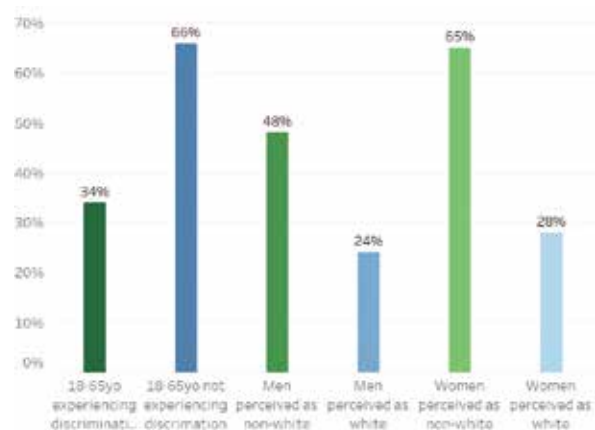
According to this survey, the French labour market is considered extremely discriminatory, as one in two people consider discrimination is common while seeking for a job and one in three during a career. In 2016, 64% of job seekers reported that racial discrimination in the labour market occurred often or very often.<sup>104</sup>

The recruitment practices of 40 companies with more than 1,000 employees were tested between April and July 2016. Job offers were responded to by two candidates with the same professional skills but with their ethnicity identifiable by their first and last names. Each company was tested between 30 and 40 times, to ensure reliable results.

A total of 1,500 tests were completed, i.e. 3,000 applications. The analysis showed that not having a “hexagonal” sounding name is detrimental to candidates – men and women alike, especially when the name is North African sounding.<sup>105</sup>

Gender discrimination in employment intersects with women’s migratory background. According to *France Stratégie* (the national strategy and planning think tank), women with an African background had the lowest activity rates (74%) in the French labour market in 2016. While the unemployment rate of white women drastically decreased in the past 25 years (1990-2014), women of colour often face different challenges in the labour market due to their education and their social and ethnic background.<sup>106</sup>

**Figure 29: 18-64 year-olds experiencing discrimination in the labour market (2016)**



Source: *Défenseur des Droits. Enquête sur l'accès aux droits. Volume 3, 10e Baromètre de la perception des discriminations dans l'emploi. 2017.*

A private company based in Loire-Atlantique was found guilty of racial discrimination by the Labour Court (Prud'Hommes) in August 2014. The plaintiff was denied the position because of his name and his appearance. Despite fulfilling the qualification requirements, he was only asked for an interview after sending the same CV with a headshot and changing his name.<sup>107</sup>

102 National sample of 5,117 individuals representative of French metropolitan population in terms of age, sex, professional category and education level, surveyed between February 18 and May 26 2016.

103 *Défenseur des Droits/OIT. Enquête sur l'accès aux droits. Volume 3, 10e Baromètre de la perception des discriminations dans l'emploi. 2017.* Available at: [https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/enquete-ead\\_vol\\_3\\_oit.pdf](https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/enquete-ead_vol_3_oit.pdf).

104 *Défenseur des Droits. Accès à l'emploi et discriminations liées aux origines. 2016.* Available at: [https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/etudesresultats-acces\\_a\\_emploi\\_et\\_discriminations\\_liees\\_aux\\_origines-20160919.pdf](https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/etudesresultats-acces_a_emploi_et_discriminations_liees_aux_origines-20160919.pdf).

105 Dares Analyses. *Discrimination à l'embauche selon « l'origine »: que nous apprend le testing auprès des grandes entreprises?* 2016. Available at: <http://dares.travail-emploi.gouv.fr/IMG/pdf/2016-076.pdf>.

106 France Stratégie. *Marché du travail : un long chemin vers l'égalité.* 2016. Available at: <http://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/na-42-marche-du-travail-18-02-2016.pdf>.

107 See <http://www.lci.fr/france/le-combat-de-fethi-victime-de-discrimination-raciale-a-l'embauche-1559924.html>.

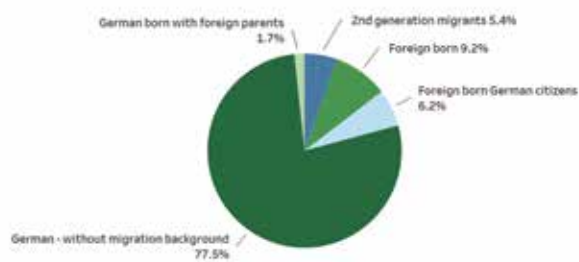


To change attitudes about racial discrimination in employment, an awareness raising campaign was launched in 2016 - #LesCompétencesDabord (#Skills first). For 15 days, nearly 2,000 posters were displayed across France by the Interministerial Committee for Equality in April 2016.

## GERMANY

### Population profile

Figure 30: Population in Germany (2016)



Source: Federal Office of Statistics. 2016.

The population with a migration background reached a new peak for the fifth time in a row in 2016. As reported by the Federal Statistical Office on the basis of the microcensus, around 18.6 million people in Germany had a migration background<sup>108</sup> in 2016. This corresponds to a year-on-year increase of 8.5%. The increase is mainly due to the high level of immigration of foreigners, including those seeking protection in 2015 and 2016.<sup>109</sup>

### Legal and policy developments 2013-2017

- The Residence Act governs access to the German labour market for employees from abroad. Third

108 A person has a migration background if they themselves or at least one parent was not born with German citizenship. Specifically, this definition includes immigrant and non-immigrant foreigners, immigrant and non-immigrant naturalised citizens, and (late) resettlers, as well as German-born children of these groups.

109 Statistics Germany. 2017. Available at: [https://www.destatis.de/DE/Presse-Service/Presse/Pressemitteilungen/2017/08/PD17\\_261\\_12511.html](https://www.destatis.de/DE/Presse-Service/Presse/Pressemitteilungen/2017/08/PD17_261_12511.html).

country nationals require a residence permit to take up employment – applications can be filed with the representation of the Federal Republic of Germany abroad or within Germany at an aliens' authority – and usually need the approval of the Federal Employment Agency.

- The scope of the General Equal Treatment Act is limited as it only includes acts by private stakeholders or by entities ruled by private law. Acts by the state (police, education) are not subjected to prohibition of discrimination under the General Equal Treatment Act.

### Labour market participation

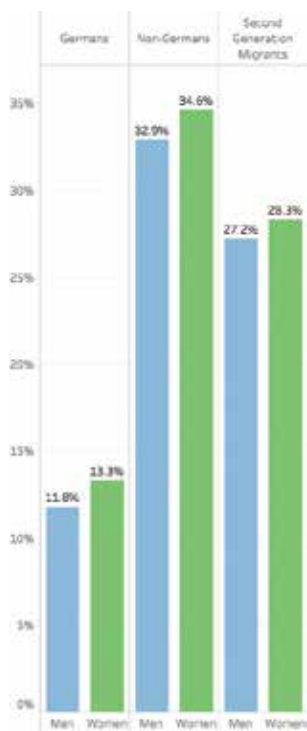
The statistical data of the Federal Employment Agency focus on national immigration (and not on statistics according to race and/or ethnicity). According to the Federal Employment Agency (Bundesagentur für Arbeit, 2014) the share of people with a migration background in the population was 20% in 2012. Of the 2.17 million unemployed (December 2013), 770,000 have a migration background which is more than one-third (36%) of the total number of unemployed.<sup>110</sup> Evidence suggests that the high proportion of unemployed people with a migration background is primarily a result of missing qualifications (which are formal and recognised in Germany). However, in the labour market statistics of the Federal Employment Agency, it is not directly possible to determine whether and to what extent changes in employment, unemployment and the performance reference are based on immigration.

According to an article on the online portal *Migazin*, migrants and people with a migration background have different education, labour market and income outcomes compared to those without a migration background. Between 2005 and 2016, the unemployment rate for those with a migration background fell from 17.9% to 7.15%, and for non-immigrants from 9.8% to 3.4%. The share of employed people at risk of poverty remains unchanged – 6.2% for those without a migration background and 13.6% for those with a migration background in 2016.<sup>111</sup>

110 Statistik der Bundesagentur für Arbeit. *Auswirkungen der Migration auf den deutschen Arbeitsmarkt*. 2018. Available at: <https://statistik.arbeitsagentur.de/Statistischer-Content/Statistische-Analysen/Statistische-Sonderberichte/Generische-Publikationen/Auswirkungen-der-Migration-auf-den-Arbeitsmarkt.pdf>.

111 "Weiter Nachteile für Menschen mit Migrationshintergrund". *Migazin*, 17 November 2017. Available at: <http://www.migazin.de/2017/11/17/statistik-weiter-nachteile-menschen-migrationshintergrund/>.

**Figure 31: Population at-risk-of-poverty (2015)**



Source: Bremer Institut für Arbeitsmarktforschung und Jugendberufshilfe. *Population by income, immigration status, nationality and gender. 2016.*

A report by the Federal Statistical Office indicates that although Germany needs more skilled workers, immigrants from Syria and Iraq have not yet benefited from growth in the labour market. Even skilled refugees with years of experience can feel locked out of opportunities by their limited German and the country's bureaucracy.<sup>112</sup>

## Racial discrimination

According to the report of the UN Working Group (2017), people of African descent face racial discrimination in the area of economic, social, and cultural rights. However, data specific to people of African descent without a migrant background are not readily available. Data provided by the Federal Statistical Office show that a high percentage (44.3%) of people of African descent with a migrant background were at risk of poverty, which is nearly three times the national mean of 15.7%. Their monthly net income (€1,456) was almost 25% less than the national mean monthly net income (€1,921).<sup>113</sup>

The UN Working Group reported that people of African descent continue to be underrepresented in management positions and they are often on the lowest rungs of German society. They end up with the jobs that nobody else wants. Civil society sources reported racial discrimination on the basis of foreign-sounding names, differential treatment faced by people of African descent, with disproportionately lower remuneration for work in comparison with others.

According to the EU Fundamental Rights Agency's EU MIDIS II survey, 32% of respondents with a Sub-Saharan African background and 22% of respondents with a Turkish background said that they felt discriminated against because of skin colour / ethnic origin / religion when looking for work in the past five years.<sup>114</sup>

A teacher requested that her employer pay compensation as her contract was retrospectively withdrawn with reference to the neutrality requirement of § 51, para. 3, NSchG, after the applicant stated that she would wear her headscarf during school lessons. The withdrawal was not considered discrimination as the so-called "neutrality requirement" (the prohibition of wearing religious symbols) was stronger.



In partnership with the city of Erlangen, Siemens AG, an engineering multinational, pilots a training programme for asylum seekers as part of a campaign to counter misconceptions about refugees, and helps bridge the gap between arrival and employment.<sup>115</sup>

112 Mieker, Morgan. "No German, no English — no job for refugees." *Financial Times*, 26 May 2016. Available at: <https://www.ft.com/content/8a2a533c-182a-11e6-b197-a4af20d5575e#axzz4Atmtyx6>.

113 Report of the Working Group of Experts on People of African Descent on its mission to Germany. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/238/67/PDF/G1723867.pdf?OpenElement>

114 European Union Agency for Fundamental Rights. *Second European Union Minorities and Discrimination Survey – Data Explorer*. 2017. Available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-second-eu-minorities-discrimination-survey>.

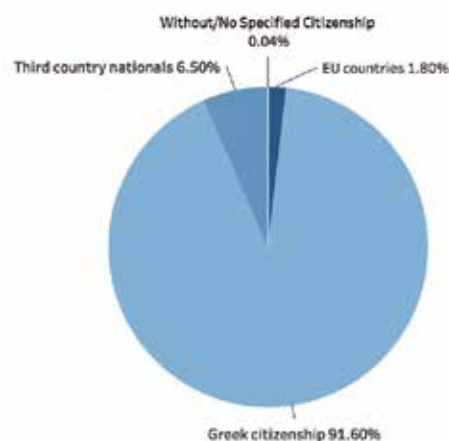
115 See [http://citiesofmigration.ca/good\\_idea/tapping-refugee-talent/](http://citiesofmigration.ca/good_idea/tapping-refugee-talent/).

## GREECE

### Population profile

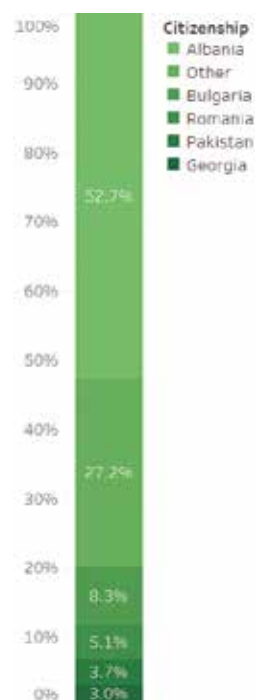
- Minorities: 200,000-300,000 Roma,<sup>116</sup> 33,000-40,000 Armenians,<sup>117</sup> 10,000-30,000 Macedonians of Slavic origin,<sup>118</sup> 4,000 Jews,<sup>119</sup> 120,000 Muslims of Western Thrace<sup>120</sup>
- Third country nationals: 6.5% of the total population (2011)<sup>121</sup>
- Non-Greek nationals: 8.4% of the total population (2011)<sup>122</sup>
- Following the unprecedented rise in people coming to Europe, Greece received more than one million displaced people between January 2015 and March 2016. Despite the relocation mechanism in place, more than 60,000 are stranded in Greece.<sup>123</sup>

Figure 32: Population by citizenship (2012)



Source: Hellenic Statistical Authority EL.STAT. Population Census 2011. 2012.

Figure 33: Foreign residents by citizenship (2012)



Source: Hellenic Statistical Authority EL.STAT. Population Census 2011. 2012.

### Legal and policy developments 2013-2017

- According to Law 4375/2016, asylum seekers have access to the labour market when their asylum application is formally lodged and they receive an asylum seeker's card.
- Law 4356/2015<sup>124</sup> enabled the creation of the "National Council for Racism and Intolerance" (launched in 2016), which aims to design policies to prevent and combat racism and intolerance and monitor implementation of anti-racism legislation.
- Migrant workers are required to have a valid residence and work permit, renewable every two years and allowing the holder to change employer but not occupational sector (Law 4251/2014, Code of Migration and Social Integration, Article 15).<sup>125</sup> The permit's validity is dependent on the social insurance contributions of the holder corresponding to a minimum number of workdays; failure to justify gaps results in the loss of the residence permit.<sup>126</sup>

116 European Commission. *The European Union and Roma – Factsheet Greece*. 2014.

117 Armenians' Community Website: <http://www.armenians.gr/i-armeniki-koinotita-simera/>.

118 Minority Rights Group International. Available at: <http://minorityrights.org/minorities/macedonians-3/>.

119 The Jewish Museum of Greece. Information available at: <http://www.jewishmuseum.gr/en/faqs.html>.

120 [http://www.antigone.gr/files/en/library/research-and-studies-specifically-for-greece/2012/religion\\_descriminations\\_EN.pdf](http://www.antigone.gr/files/en/library/research-and-studies-specifically-for-greece/2012/religion_descriminations_EN.pdf)

121 Hellenic Statistical Authority EL.STAT. *Population Census 2011. 2012*. Hellenic Statistical Authority Publishing. Available at: <http://www.statistics.gr/en/2011-census-pop-hous>.

122 Ibid.

123 United Nations High Commissioner for Refugees (UNHCR). *Factsheet Greece*. November 2017. Available at: <https://data2.unhcr.org/en/documents/download/61158>.

124 Law 4356 on civil partnership, exercise of rights, penal and other provisions, Government Gazette A' 181, 24 December 2015.

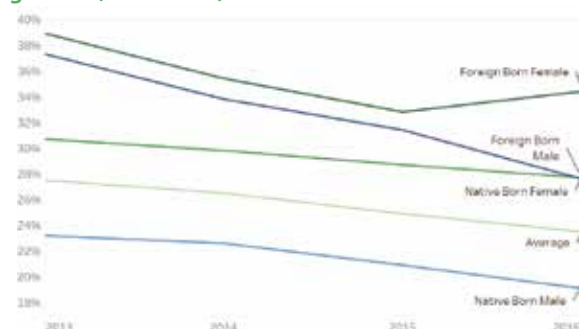
125 Law 4251 on the Code for Migration and Social Integration and other provisions, Government Gazette A' 80, 1 April 2014.

126 Angeli D. *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece*, DemandAT Country Study No.4. June 2016, p.4.

## Labour market participation

There has been a significant rise of the unemployment rate from below 10% (2005-2009) to 25% (2014-2015)<sup>127</sup> which is more acute to for those with a foreign background. The situation for minorities and especially immigrants has been extremely problematic for several years, but it appears to have worsened with Greece's financial crisis. With limited access to asylum procedures, very few work opportunities and no recourse to public services or protection, migrants face destitution and marginalisation.

**Figure 34: Unemployment rate by origin and gender (2013-2016)**



Source: Organisation for Economic Co-operation and Development. Country Statistical Profile: Greece. 2017.

## Racial discrimination

The Pomaks of Thrace and Roma populations are often victims of prejudice and discrimination. The Roma in particular are "almost automatically treated as thieves and suspects of illegal transactions by the general population and by the police"<sup>128</sup> and have severe difficulties accessing the labour market. The discrimination against Roma, in conjunction with exclusion from education, directs them almost exclusively to low-paid and low-skilled jobs.<sup>129</sup> Members of the Muslim minority in Thrace are underrepresented in public sector employment and in state-owned industries and corporations, and no Muslim military personnel has progressed to officer positions.<sup>130</sup>

## Labour exploitation

Labour trafficking has been documented in Greece in the sectors of domestic work, agriculture and animal catering.

One notorious case was in Nea Manolada, a town in western Peloponnese, where a group of Bangladeshi workers were shot when they confronted their employer for unpaid wages on 17 April 2013. Thirty-five men were injured when the guards opened fire against a group of 200 workers at the Nikos Vangelatos strawberry farm. While the Greek courts scandalously cleared the foremen and the farm owner, the European Court of Human Rights issued a landmark judgment in 2017 ordering the Greek state to pay damages up to €16,000 (£13,750) each for having "failed in its obligations to prevent the situation of human trafficking".



The island of Tilos in the South Aegean Sea stands as a unique example of integration of the foreign population in the social and economic life of the community. The Greek NGO Solidarity Now worked with the local population to improve acceptance of refugees, organised Greek language courses for refugees and promoted their employability. The island has integrated 50 refugees who especially during the summer give the much-needed extra hands in hotels and shops. Local employers and business owners found it easier to hire someone already living on the island rather than paying for the accommodation and travel expenses of someone who would come from somewhere else.

127 Eurostat Database. Available at: <http://ec.europa.eu/eurostat/data/database>.

128 Karantinos D., and Manoudi A. *Country Report 2010 on Employment, Ethnicity and Migrants – Greece, drafted for the Network of socio-economic experts in the Anti-discrimination Field*. 2010.

129 Apostolou N. "Breaking News No More: Life for Roma in Greece a Year after 'Maria'". *Open Society Foundations Voices*, 17 October 2014. Available at: <https://www.opensocietyfoundations.org/voices/breaking-news-no-more-life-roma-greece-year-after-maria>.

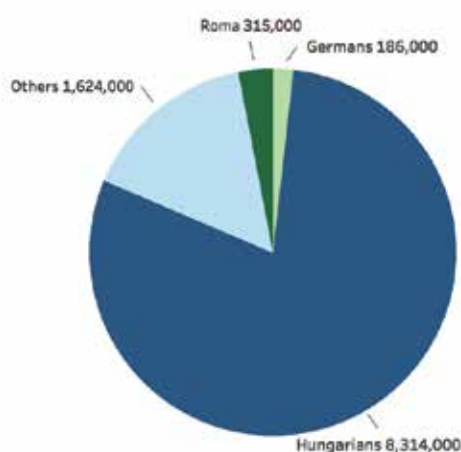
130 Bureau of Democracy, Human Rights and Labor - United States Department of State. *Greece 2012: International Religious Freedom Report*. 2012.

## HUNGARY

### Population profile

- Total population: 9,830,000 people in 2016<sup>131</sup>
- Third country nationals: 0.7%<sup>132</sup>
- Foreign born: 4.5% of the total population (2013)<sup>133</sup>
- National minorities: 315,000 Roma according to the 2011 census; but up to 500,000 - 700,000 according to different estimates.<sup>134</sup> The other recognised minorities are Armenian, Bulgarian, Croatian, German, Greek, Polish, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.<sup>135</sup>

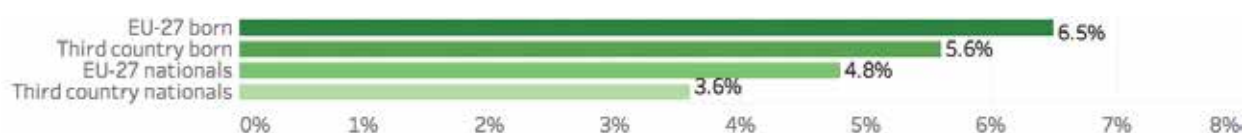
Figure 35: Population by ethnicity (2011)



Source: Hungarian Central Statistical Office. 2011 Annual Census. 2013.

### Labour market participation

Figure 37: Unemployment rate for foreigners aged 15-64 years old (2015)



Source: Gödri, Iren. *International Migration, The Labour Market Integration of Immigrants in Hungary – An Analysis based on population census data. 2016.*

Figure 36: Number of asylum claims between 2012 and 2016



Source: Hungarian Helsinki Committee/AIDA. Gender/age breakdown of the total number of applicants. 2016.

### Legal and policy developments 2013-2017

There have not been any major legal changes since the 2004 Equal treatment Act and the amendment of the labour code in 2012 to implement the “equal pay for equal work” principle. The Equal Treatment Act prohibits direct discrimination on 19 grounds, including racial origin, colour, nationality, origin, national or ethnic minority, mother tongue, religion or belief.<sup>136</sup>

131 European Job Mobility Portal. *Labour Market Information*. 2017. Available at: <https://ec.europa.eu/eures/main.jsp?catId=2768&countryId=HU&acro=Imi&lang=en&regionId=HU0&nuts2Code=%20&nuts3Code=&regionName=National%20Level>.

132 European Migration Network. *Country Factsheet: Hungary*. 2016. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/13a\\_hungary\\_country\\_factsheet\\_2016\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/13a_hungary_country_factsheet_2016_en.pdf).

133 Organisation for Economic Co-operation and Development. *Foreign-born population*. 2013. Available at: <https://data.oecd.org/migration/foreign-born-population.htm>.

134 Demográfia, 2008.Vol 51.No.5.English Edition, 85-123.

135 Article 1, Act CLXXIX of 2011 on the Rights of Nationalities, Annex 1.

136 Article 8 of the Equal Treatment Act.

## Racial discrimination

A study by the Hungarian Central Statistical Office<sup>137</sup> found that there are significant differences between the composition of the Roma and non-Roma populations, which determines the position of Roma in the labour market. Among those who identify as Roma, the proportion of youth is significantly higher than in the non-Roma population, while those of middle age are similar in both groups, and the older age brackets are markedly smaller among the Roma.

In 2015, nearly 16% of Roma aged 15-64 had not finished primary school, and another 63% of them only had basic education, compared to 1% and 19% respectively for the non-Roma population. The category of vocational or technical training showed the least difference between the two populations (15% for Roma and 25% for non-Roma in 2015), and this is also the highest level of training which is achieved by relatively large numbers of Roma. People who identified as Roma were seven times less likely to complete secondary school, and 16 times less likely to obtain a post-secondary diploma than their non-Roma counterparts.

The disadvantages faced by Roma in the labour market are also linked to their geographical distribution. In 2015, 52% of the Roma population lived in Northern Hungary or the Northern Great Plain regions, where the employment situation is at its worst. They are also more likely to live in smaller villages where employment opportunities are much more limited than in large urban centres.

The study also concluded that Roma are the most frequent victims of discrimination, as 52% stated that they had experienced discrimination of some kind in their lives, with 45% saying that they believe that this discrimination was because of their ethnicity. Nearly 50% of Roma surveyed said that they had suffered discrimination when seeking employment, while about one-fifth said that this had also been the case in the workplace.

Immigrants also reported being victims of discrimination (21%). Within this group, origin or ethnicity was cited as a reason for discrimination in 14% of cases. Most reported having experienced discrimination when looking for a job, while 8% of these respondents (double the average figure) reported having experienced discrimination in the workplace.<sup>138</sup>

137 Hungarian Central Statistical Office. *Munkaerőpiaci helyzetkép*, 2015. 2016. Available at: <https://www.ksh.hu/docs/hun/xftp/idoszaki/munkerohelyz/munkerohelyz15.pdf>.

138 Blaksó, Zsuzsa and Fazekas, Károly (eds). *The Hungarian Labour Market*. 2016. Budapest: Institute of Economics, Centre for Economic and Regional Studies, Hungarian Academy of Sciences.

In 2016, three Roma women reported to the Equal Treatment Authority that the mayor of their town had sexually harassed them while they were carrying out their public work assignments. The three women also complained about their working conditions. In the end, they were dismissed from public employment because they refused to accept the mayor's advances. According to the Authority's investigation the mayor had violated the right of the three women to equal treatment, on the basis of their gender, their Roma ethnicity, and their life situations, and that his actions amounted to sexual harassment and (general) harassment. The Authority imposed a fine of 300 000 HUF and ordered him to pay procedural costs as well.



The aim of the Integrom programme was to help educated young Roma to find employment in the private sector. The initiative was born from a partnership of the Boston Consulting Group and Autonomia Foundation. Autonomia helped participants in the recruitment process with trainings and personal coaching, while the partner companies paid special attention during recruitment and provided mentoring.

## IRELAND

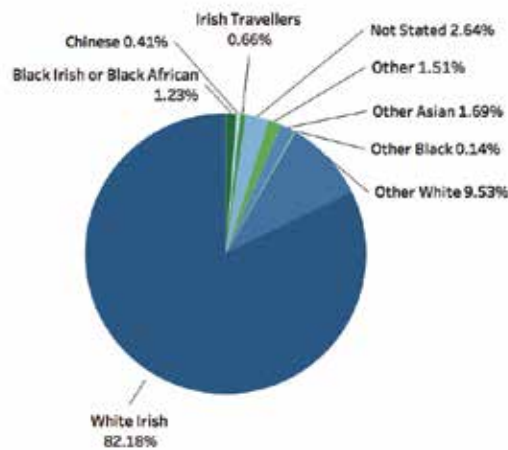
### Population profile<sup>139</sup>

- Total population: 4,761,865
- Third country nationals: 593,900 (12.7% of the total population)
- Foreign born: 810,406 (17.3%)
- Religions: 78% Roman Catholic, 9.8% no religion, 5.5% other Christian, 2.6% not stated, 2.1% other, Muslim 1.3%, Hindu 0.3%
- National ethnic group: 0.66% Traveller

139 Central Statistics Office. *Census 2016*. 2017. Available at: [www.cso.ie](http://www.cso.ie).



**Figure 38: Residents by ethnic or cultural background (2016)**



Source: Central Statistics Office. *Census 2016: 'Profile 8: Religion, Ethnicity and Irish Travellers'*. 2017.

### Legal and policy developments 2013-2017

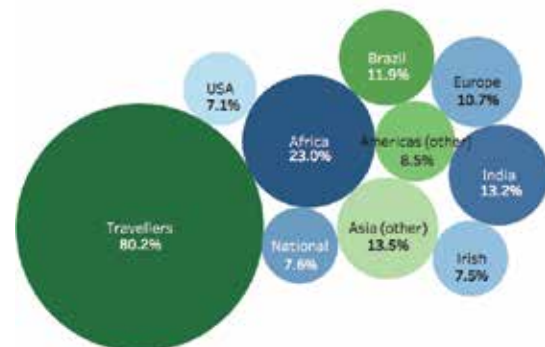
- In 2014, Ireland ratified the International Labour Organisation Domestic Workers Convention, entitling au pairs and domestic workers to benefits and protections of all employment legislation in Ireland.
- In 2014, the Irish Human Rights and Equality Commission Act 2014 established the new equality body, the Irish Human Rights and Equality Commission, with a mandate to promote equality and end discrimination in the Public Sector. A Public Sector Duty is introduced, obliging Public Sector employers to proactively mainstream equality and protect individual rights.
- In 2014, the Employment Permits (Amendment) Act 2014 was adopted, significantly amending the Immigration Act 2004, including the Reactivation Employment Permit Scheme to address employment rights for non-EEA workers whose status had become irregular for reasons beyond their control and the Atypical Working Scheme to provide short-term employment permits for non-EEA workers to work in the fishing fleet and defined highly-skilled positions with identified skills gaps.
- In 2015, Equality (Miscellaneous Provisions) Act 2015 a) introduced proportionality and minor restrictions to permit religious discrimination by publicly funded religious, medical and educational institutions, in access to and conditions of employment, and b) extended the definition of indirect discrimination by introducing a forward-looking hypothetical element to the assessment of indirect discrimination in employment contracts.
- In 2017, Travellers were formally recognised as a distinct national ethnic minority group.

### Labour market participation

Non-Irish nationals account for 14.9% (293,830) of the workforce in April 2016, of which 83% (243,770) are European and 17% (50,060) non-European.<sup>140</sup> Polish and UK nationals account for 42.1% (123,599) of the total non-national workforce. The remaining 57.9% (170,231) is made up of 185 different nationalities, of which 12 countries had only one person working from their respective country. Lithuania (21,674) and Romania (17,134) are the third and fourth largest non-national groups at work in 2016. Latvians, Italians, Spanish and French are the next largest groups. Five nationalities have between 5,000 and 8,000 workers, while a further 19 between 1,000 and 5,000 workers.<sup>141</sup>

Asylum seekers in Ireland are currently prohibited from labour market participation, and endure very long periods, of up to ten years, while their refugee status is determined. Whether asylum seekers currently have a constitutional right to work, or whether they should have a constitutional right to work under international obligations, was being considered in the Supreme Court and by government.<sup>142</sup> In January 2018, the government announced that asylum seekers would be permitted to work under the Employment Permit Process for other non-EEA migrant workers, requiring a person to seek employment with a minimum salary of €30,000 per annum, and only from a restricted list of permitted professions. The Refugee Council of Ireland states that this decision does not meet the 'effective access' test and threatens to provide an illusion of access to the labour market for asylum seekers in Ireland.

**Figure 39: Unemployment rate by origin**



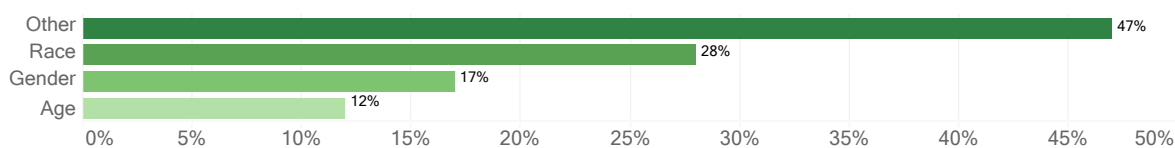
Source: Central Statistics Office. *Nationality and Principle Economic Status, Census 2016*.

140 Central Statistics Office. *Census 2016, Profile 7: Migration and Diversity*. 2017. Stationery Office: Dublin. Available at: <http://www.cso.ie/en/csolat-estnews/presspages/2017/census2016profile7-migrationanddiversity/>.

141 Ibid.

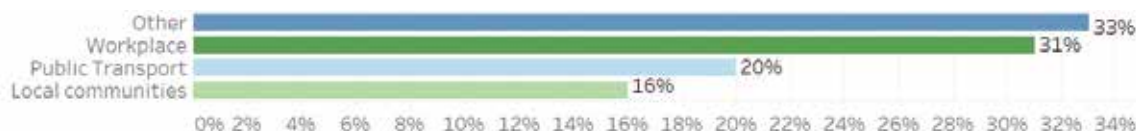
142 *NHV v The Minister for Justice and Equality*, Supreme Court Appeal No. 2016/31. Available at: <http://www.asylumlawdatabase.eu/en/case-law/ireland-nvh-v-minister-justice-equality-and-ors-30-may-2017>.

**Figure 40: Perceived grounds of discrimination in the workplace (2014)**



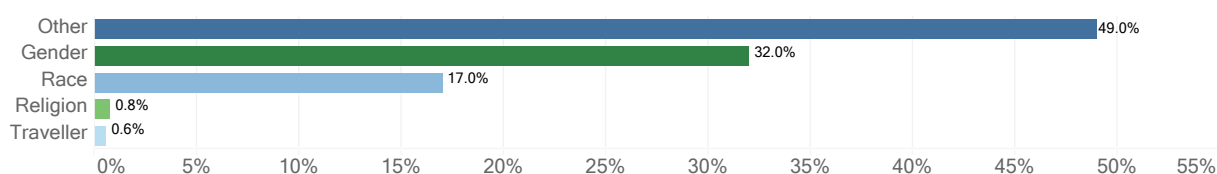
Source: Central Statistics Office. Quarterly National Household Survey. 2014.

**Figure 41: Most frequent locations where racist incidents were reported (2015)**



Source: Immigrant Council Ireland Helpline. 2015.

**Figure 42: Most frequently reported discrimination grounds at the Workplace Relations Commission (2016)**



Source: Workplace Relations Commission. 2016 annual report - Number of Times Each Ground Indicated.

In 2012, unemployment was at 18.5% for non-EEA nationals, 27.1% for Africans, compared to 14.7% for Irish. In 2016, unemployment stood at 10.7% for EEA nationals, and 13.7% for non-EEA nationals, 22.7% for Africans compared to 7.5% for Irish nationals for the same period. Migrants from Africa and Travellers are the most impacted by unemployment. For Travellers unemployment is at a high of 80.2%, partly due to drastic budget cuts (85%) to Travellers' education programmes during the financial crisis.<sup>143</sup>

## Racial discrimination

There is no independent statutory reporting mechanism for racism or discrimination in Ireland and data are fragmented and sparse. There are two non-governmental incident-reporting mechanisms, which provide indicative data on all forms of racism and discrimination. In 2015, one of the largest proportions of racist incidents reported to the Immigrant Council Ireland (ICI) Helpline took place in the workplace (31%), followed by on public transport (20%) and in homes and local communities (16%). The types of racism reported ranged from verbal harassment (33% of reported incidents) to discrimination (23%) and physical violence (13%). In 40% of the cases reported, the victim's

ethnic background was Muslim, followed by African at 33%.<sup>144</sup> Participants in the ICI research on Islamophobia<sup>145</sup> particularly noted that wearing the hijab or bearing a non-Irish sounding name led to discriminatory practices by employers.

The Workplace Relations Commission adjudicated 340 complaint applications under the Employment Equality Acts in 2016, which included 691 specific complaints on 1,113 grounds. The specific complaints indicated the ground of race 189 times, membership of the Traveller community 7 times, religion 9 times and gender 353 times.<sup>146</sup> The annual report of the WRC does not record the number of complaints relating to discrimination in employment that were decided or sanctioned in court.

143 Central Statistics Office. *Nationality and Principle Economic Status, Census 2016*.

144 Immigrant Council Ireland. #Stopracism campaign, statistics from Helpline. 2015. Available at: <http://www.immigrantcouncil.ie/annual-reports>, also published in <https://www.transportforireland.ie/nationwide-anti-racism-campaign-launched/>.

145 Immigrant Council Ireland. *Islamophobia in Dublin: Experiences and How to Respond*. 2016. Available at: <https://www.immigrantcouncil.ie/sites/default/files/2017-10/AR%20INT%202016%20Islamophobia%20in%20Dublin%20-%20Experiences%20%26%20How%20to%20Respond.pdf>.

146 Workplace Relations Commission. *Annual Report 2016*, p17. Available at: [https://www.workplacelrelations.ie/en/Publications\\_Forms/WRC\\_Annual\\_Report\\_2016.pdf](https://www.workplacelrelations.ie/en/Publications_Forms/WRC_Annual_Report_2016.pdf).

In 2011, an undocumented worker was granted compensation in the Labour Court for 8 years' severe exploitation and unpaid work. In 2012, the High Court judicial review overturned the Labour Court decision on the grounds that a worker without an employment permit could not have a legal work contract or recourse to legislative protection, regardless of the reasons why the worker did not hold an employment permit. In 2015, the Supreme Court set aside the High Court decision and upheld the original Labour Court decision. Undocumented workers who have made reasonable efforts to regularise their status will be able to apply for statutory protection against racial discrimination (and other forms of discrimination) under the Employment Equality Acts.<sup>147</sup>

## Wage disparities

Non-Irish people are most likely to be employed in low-paid jobs which are more at risk of non-compliance with labour regulations and exploitation. 28% of minimum wage workers are non-Irish – compared to 5% of all workers in Ireland, while representing about 16% of the total workforce in Ireland.



Migrant Rights Centre Ireland (MRCI) run a Domestic Workers Action Group, which provides domestic workers employed in private homes a safe and empowering space to come together to analyse their experiences and campaign for legal and policy changes. The Domestic Workers Action Group campaigned for Ireland to ratify the International Labour Organisation Convention on Domestic Workers, which protects the rights of domestic childminders, cleaners, carers, au pairs and other workers in private homes, and was ratified in Ireland in 2014.<sup>148</sup>

147 2012 High Court and 2015 Supreme Court decisions *Hussein v The Labour Court & Younis*.

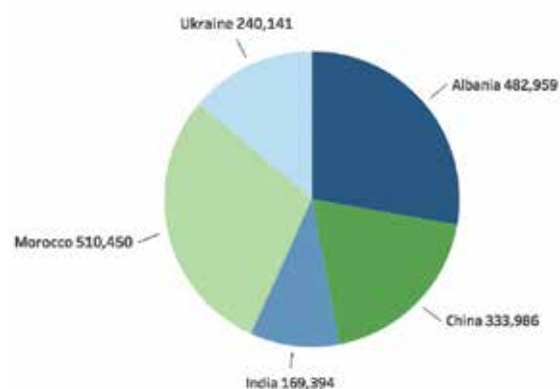
148 See <http://www.mrci.ie/tag/domestic-workers-action-group/>.

## ITALY

### Population profile

- Total population: 60,589,445 (2016)
- Third country nationals: 3,714,137 (2017)<sup>149</sup>
- 28,000 Roma and Sinti live in segregated areas and settlements in housing that falls far below minimum housing standards.<sup>150</sup>

**Figure 43: Largest groups of third country nationals in Italy (2016)**



Source: National statistics Bureau. 2016.

### Legal and policy developments 2013-2017

- In 2014, Legislative Decree No. 24/2014 implemented Directive 2011/36/UE on preventing and combating trafficking in human beings and protecting its victims.
- In 2016, Law No. 199/2016 "Provisions to counter the phenomena of undeclared employment, exploitative labour in agriculture and the realignment of wages in the agricultural sector" was adopted.
- Measures to counter racism and discrimination in the labour market have been inadequate, and there is a lack of implementation of EU anti-discrimination directives. Anti-discrimination litigation is still quite rare although the number of cases is increasing, especially with respect to access to public employment.
- The current legal framework does not protect the rights of foreign workers to equal opportunities and is one of the causes for their vulnerability to discrimination and exploitation in the labour market. The legislative framework links employment to residence permits, which makes foreigners dependent on employers and pushes many foreign workers into irregular status and exploitation.

149 ISTAT, archive. Using the Minister of Interior data on the number of foreigners with residence.

150 Associazione 21 Luglio. *Rapporto Annuale 2016*. 2017.

## Labour market participation

After years of recession, occupation started to increase in 2015 both for Italian nationals and migrants. In 2016, the unemployment rate started to fall more significantly for both EU workers and third country nationals. Within the foreign population there are sharp differences in employment rates between nationalities.

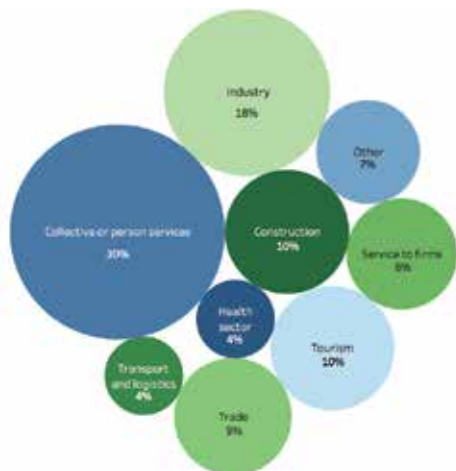
**Figure 44: Unemployment rate of migrants during the financial crisis (2007-2016)**



Source: Ministry of Labour, 7th annual report, 2017.

The economic crisis, already acute in 2012 and 2013, has had a stronger impact in terms of occupation and unemployment on third country nationals, especially on men and those with a higher level of education.

**Figure 45: Foreign workers by sector (2016)**



Source: Galossi, Emanuele and Ferrucci, Giuliano. *The consequences of the crisis on the work of immigrants in Italy*. 2016. Giuseppe Di Vittorio Foundation

The scarce data available clearly point to a segregation of the labour market: foreign workers are overrepresented in a few specific sectors. Foreign workers are usually overqualified for the requirements of their job. Furthermore, they experience no vertical and horizontal mobility.

## Racial discrimination

There is a lack of comprehensive data on racial discrimination in employment due to limited monitoring in both the public and private sectors. In 2016, the Anti-discrimination National Body UNAR (Ufficio Nazionale Anti-discriminazioni Razziali) handled 2,652 reports of discrimination (which do not represent criminal offences). 69% concerned manifestations of ethnic and racial discrimination, 17% concerned Roma and Sinti. In 2016, UNAR also identified 2,100,00 cases of discriminatory content online.<sup>151</sup> Civil society representatives have suggested that the Roma population is the group most vulnerable to discrimination in the job market.

## Labour exploitation of foreign workers

The estimated number of workers affected by severe forms of labour exploitation and strong vulnerability is 100,000.<sup>152</sup> In sectors which are strongly linked to the underground economy, foreigners face severe exploitation. They work in conditions of isolation and marginality, very poor housing and health hazards, with wages under the poverty line and 40% lower than those of Italians.<sup>153</sup>

Harsh, exploitative and inhuman conditions of migrant workers in the agriculture sector result in an unacceptable number of violent accidents and even casualties. In the summer of 2015, nine workers died in the fields because of heat and fatigue. Three were Italians, four from Romania and two from African countries. In 2016, Talla Seck, a 56 year-old Senegalese citizen, died because of the fumes of an old stove in a settlement near the working fields; three more agriculture foreign workers died in a fire their sub-standard accommodation in the same year and in 2017. In 2016, a 24 year-old Indian migrant who worked in the fields of Afro Pontino killed himself, possibly in relation

151 UNAR. *Dati Unar: due casi di discriminazione su 3 sono per razzismo. Circa 2.100.000 potenziali contenuti discriminatori ogni anno su web rilevati dall'Osservatorio*. 2017. Available at: <http://www.unar.it/unar/portal/?p=8483>.

152 Osservatorio Placido Rizzotto-FLAI CGIL. *Terzo Rapporto Agromafie e Caporalato Ediesse*. 2015.

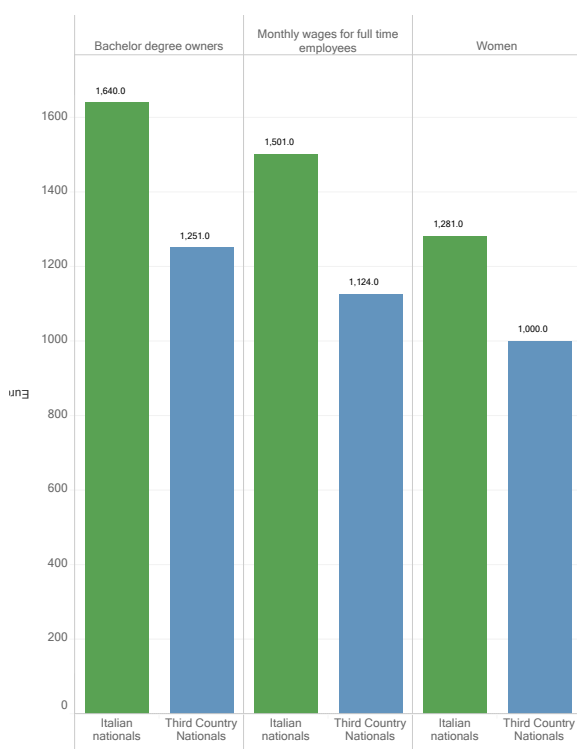
153 The estimated number of workers with an irregular work contract and potential victims of irregular brokerage is between 400,000 and 430,000 workers.

to his substandard working and living conditions.<sup>154</sup> Use of drugs has also been reported among Sikh workers in Lazio as a 'method' to handle extreme fatigue.<sup>155</sup>

## Wage disparities

Estimates for net monthly wages of third country nationals employed full-time are 1,124 Euro, which is less than the 1,203 Euro earned by EU workers and the 1,501 Euro earned by Italian workers. Third country nationals earn on average 25.2% less than native workers, while EU workers earn 19.9% less. This wage gap widens when considering gender: third country women workers earn just over 1,000 Euro, 28.1% less than their Italian counterparts.<sup>156</sup>

**Figure 46: Wage disparities by gender, education and nationality (2016)**



Source: Ministry of Labour. 7th annual report 2017.

154 Andrisani P. "La vita per un melone marcio. L' assurdo omicidio di Sare Mamadou a Lucera". In *Lunaria. Cronache di Ordinario Razzismo Quarto Libro Bianco sul Razzismo in Italia*. 2017.  
 155 Bulfon F. and Sironi F. "Sfruttamento selvaggio, ora gli 'schiavi' d'Italia dicono basta". *L'Espresso*, 18 July 2016.  
 156 Ministero del lavoro e delle politiche sociali. *Settimo Rapporto Annuale Gli stranieri nel mercato del lavoro in Italia 2017*. 2017. Available at: [http://www.lavoro.gov.it/temi-e-priorita/immigrazione/Documents/Settimo\\_RapportoAnnuale\\_Glistranierinelmercato dellavoroinItalia](http://www.lavoro.gov.it/temi-e-priorita/immigrazione/Documents/Settimo_RapportoAnnuale_Glistranierinelmercato dellavoroinItalia).

Young workers were recruited in Bangladesh by a successful co-national in the textile industry who offered a regular well-paid job and accommodation in Italy. He charged between 10,000 and 12,000 Euros for the intermediation. Working conditions in Italy in the textile industry were inhuman. Working hours were from 7.30 am to 9.30 pm Monday to Saturday, 8.00 am to 5 pm on Sunday. Degrading life conditions included 6/8 people sleeping in 50/60 m2 rooms. The monthly salary was between 120 and 300 Euros and workers were victims of violence and verbal aggression. In July 2017, charges were filed against four employers and included exploitation and illegal brokerage.

## LUXEMBOURG

### Population profile

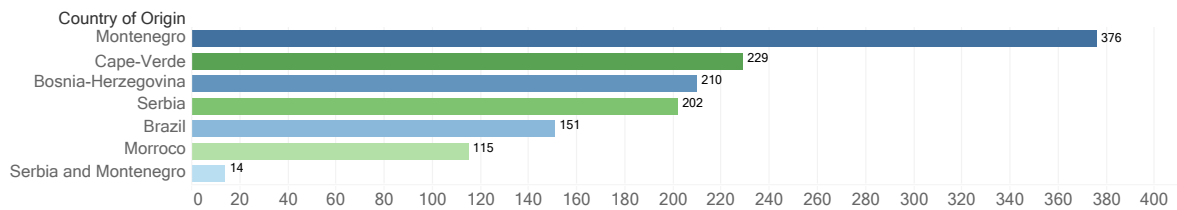
- Total population: 590,667 (2017)<sup>157</sup>
- Foreign born: 42.4% of the total population (2013)<sup>158</sup>
- Foreign nationals: 47.7% of the total population (EU citizens and third country nationals, 2017)<sup>159</sup>
- Third country nationals: 281,497 (6.98% of the total population, 2017)<sup>160</sup>
- Population with a migrant background: 61.2% of the total population (2011)<sup>161</sup>
- Religious groups: An estimated 18,000 Muslims<sup>162</sup> and 1,200 Jews<sup>163</sup>

### Labour market participation

The labour market in Luxembourg cannot be analysed without considering non-resident workers. 45% of employees in Luxembourg are cross-border workers mostly from France, Belgium and Germany.<sup>164</sup> Both the total number of employees and cross-border workers are increasing.

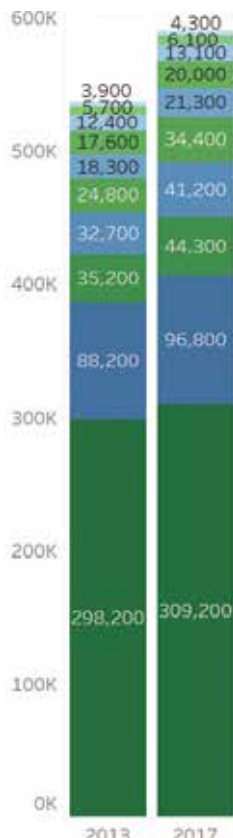
157 Statistics Portal of the Grand Duchy of Luxembourg. *Population structure*. 2017. Available at: [http://www.statistiques.public.lu/stat/TableViewer/tableView.aspx?ReportId=12858&IF\\_Language=eng&MainTheme=2&FldrName=1](http://www.statistiques.public.lu/stat/TableViewer/tableView.aspx?ReportId=12858&IF_Language=eng&MainTheme=2&FldrName=1).  
 158 Eurostat. *People in the EU, statistics on demographic changes*. Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/People\\_in\\_the\\_EU\\_-\\_statistics\\_on\\_demographic\\_changes#Foreigners\\_and\\_foreign-born\\_populations](http://ec.europa.eu/eurostat/statistics-explained/index.php/People_in_the_EU_-_statistics_on_demographic_changes#Foreigners_and_foreign-born_populations).  
 159 Statistics Portal of the Grand Duchy of Luxembourg. *Population structure*. 2017.  
 160 Ibid.  
 161 STATEC (National Statistics Institute). September 2012. pp. 1-4  
 162 Estimate by Shoura in 2015. Available at: <http://www.lequotidien.lu/politique-et-societe/lislam-deuxieme-religion-du-luxembourg/>.  
 163 Fick M. "Pour les juifs, la cohésion sociale s'écrit en majuscules". *Luxemburger Wort*, 1 March 2015. Available at: <https://www.wort.lu/fr/politique/vivre-sa-religion-au-luxembourg-pour-les-juifs-la-cohesion-sociale-s-ecrit-en-majuscules-54f267c10c88b46a8ce54761#>.  
 164 STATEC. *Domestic payroll employment by citizenship and country of residence – seasonally adjusted data 1995 – 2017*. Available at: [http://www.statistiques.public.lu/stat/TableViewer/tableView.aspx?ReportId=12919&IF\\_Language=eng&MainTheme=2&FldrName=3&RFPath=92](http://www.statistiques.public.lu/stat/TableViewer/tableView.aspx?ReportId=12919&IF_Language=eng&MainTheme=2&FldrName=3&RFPath=92).

**Figure 47: Third country nationals registered at the employment agency (2017)**



Numbers provided on request by Jean Ries, Head of Unit Statistics and Studies at ADEM (Agency for the Development of Employment). 2017.

**Figure 48: Population by nationality (2013 and 2017)**



Source: Population by sex and nationality on 1st January (x 1 000) 1981, 1991, 2001 – 2017

Although there are no comprehensive data on the breakdown of third country nationals in the labour force, the number of third country nationals registered with the employment agency, ADEM (Agency for the development of employment) gives some indication.

### Racial discrimination

Racial discrimination is not very visible in Luxembourg with few cases reported. The relatively good economic situation in Luxembourg, and the growth of the population through migratory flows may serve as explanations for the lack of data and few cases of discrimination in employment.



In May 2017, the Agency for the Development of Employment held a conference entitled 'How to hire a refugee?' ("*Comment embaucher un réfugié?*") to inform employers and refugees as well as to share experiences.<sup>165</sup>

## MALTA

### Population profile

- Total population: 440,433 (January 2017)<sup>166</sup>
- 12,831 immigrants arrived in Malta in 2015, more than three times as much as a decade earlier<sup>167</sup>

The National Statistics Office (NSO), service providers or more generally employers do not collect data on ethnicity or how this affects employment, education, income, health or other life outcomes in Malta.

### Legal and policy developments 2013-2017

- In 2015, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties launched a discussion to develop a Bill towards an Equality Act. The bill aims to bring existing equality legislation together into a single act and to establish a general framework for equal treatment in employment and occupation, as well as access to goods and services. The debates around the new bill are ongoing.<sup>168</sup>

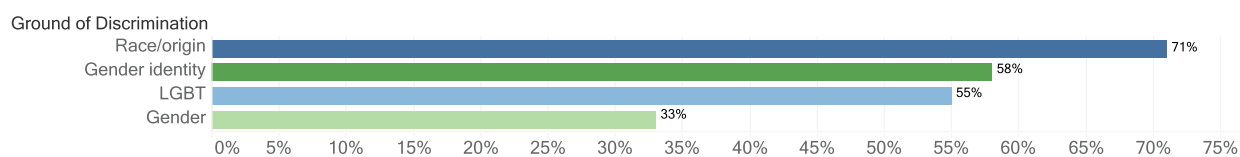
<sup>165</sup> See <http://www.chartediversite.lu/node/2500>.

<sup>166</sup> National Statistics Office Malta. *News Release: 11 July 2017*.

<sup>167</sup> National Statistics Office Malta. *Trends in Malta 2016*.

<sup>168</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. *A Bill towards an Equality Act*. 2015. Available at: [http://socialdialogue.gov.mt/en/Public\\_Consultations/MSDC/Documents/2015%20HREC%20Final/Bill%20-%20Equality%20Act.pdf](http://socialdialogue.gov.mt/en/Public_Consultations/MSDC/Documents/2015%20HREC%20Final/Bill%20-%20Equality%20Act.pdf).

**Figure 49: Perceptions of discrimination in employment (2015)**

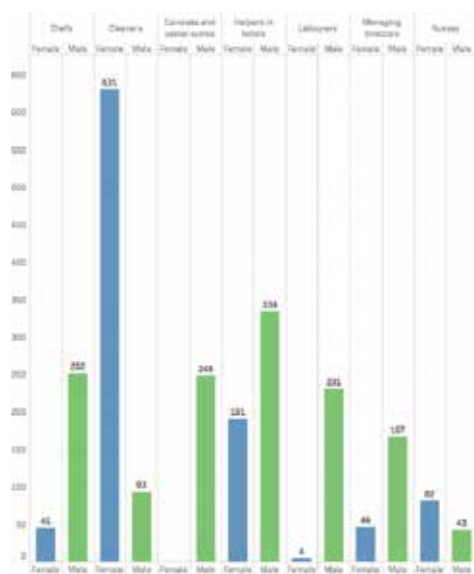


Source: European Commission. Special Eurobarometer 437 - Discrimination in the EU. 2015.

■ In 2016, Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms on non-discrimination came into effect in Malta. However, the protocol has not been incorporated into the Maltese European Convention Act and hence cannot be enforced.<sup>169</sup>

### Labour market participation

**Figure 50: Occupation in the informal labour market among third country nationals by gender (2013)**



Source: ASSESS Malta annual report. 2014.

Since the 2000s, a number of third country nationals have officially taken up employment in Malta by being granted work permits. At the end of September 2016, 25,000 EU nationals, and 9,042 third country nationals (of which 3,445 female and 5,597 male) were working in Malta. The highest number of third country nationals working on the islands came from the Philippines (1,625) and Serbia (1,380). However, the number of third country nationals working in the informal labour market are not available or the statistics are unreliable. Many are forced to seek employment in the informal economy owing

to bureaucratic delays in the issuance of permits, which also results in significant loss of revenue in terms of individual and corporate taxes.<sup>170</sup> There is also a striking overrepresentation of men in informal employment.

An unemployment rate of 45.8% identified among asylum seekers by the study *Struggling to survive* (October 2016) confirms the evidence provided by the Office of the Refugee Commissioner (2013) that lack of employment is prevalent among asylum seekers.<sup>171</sup> In this regard, it is relevant to note that the unemployment rate for the general population stood at 5.2% in the fourth quarter of 2015 (NSO, 2016). This high unemployment for heads of households, coupled with the very low work intensity rate of 38.9%, points towards unexploited resources in terms of adults' potential working time not being utilised as being a strong factor behind this population's low income generating capacity.

### Racial discrimination

The 2015 Eurobarometer on Discrimination found that 71% of the Maltese respondents thought that discrimination on the basis of ethnic origin was widespread. This compares to 55% for LGBT, 33% for gender and 58% for gender identity.<sup>172</sup> 48% noted that given equivalent qualifications, one's ethnic origin would place an individual at a disadvantage. On a more positive note, 80% of respondents support monitoring the composition of the workforce to evaluate the representation of groups at risk of discrimination, whilst 83% support the monitoring of recruitment procedures.

More recent statistics emerge from the EU MIDIS II report published by the European Union Agency for Fundamental Rights. This survey among immigrants in

169 Aquilina, Kevin. "General prohibition of discrimination". *Malta Today*, 12 August 2016. Available at: [http://www.maltatoday.com.mt/comment/blogs/68354/general\\_prohibition\\_of\\_discrimination#.WakffcgjHIU](http://www.maltatoday.com.mt/comment/blogs/68354/general_prohibition_of_discrimination#.WakffcgjHIU).

170 The People for Change Foundation. *ASSESS: Assessing the Integration of Vulnerable Migrant Groups in Malta, National report Malta*. 2014, p. 6.

171 Jesuit Refugee Service Malta and Aditus Foundation. *Struggling to survive: an investigation into the risk of poverty among asylum seekers in Malta*. 2016.

172 European Commission. Special Eurobarometer 437 - *Discrimination in the EU in 2015*. 2015. Available at: <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077>.

Malta found that 33% of Sub-Saharan African immigrants feel discriminated on the basis of their skin colour. When it comes to employment in Malta, 20% of immigrant respondents declared having experienced discrimination on the basis of ethnicity or background when looking for work in the 12 months preceding the survey. Another 15% declared having experienced discrimination in the workplace.<sup>173</sup>

## Wage disparities

According to the 2014 report on the Integration of third country nationals in the workplace conducted by the Government Department of Industrial Relations, out of the 101 respondents, a worrying 88.3% (53 respondents) of the Sub-Saharan African workers, observed that their wage was lower than that paid to Maltese employees, whilst half of the Asians and Middle Eastern/North Africans third country workers believed that their wage was lower than that paid to their Maltese counterparts. None of the respondents believed that their wages were higher than those of Maltese employees engaged in the same or similar position.<sup>174</sup>

 The African Media Association Malta has a programme known as the “Migrant Skills Register”. This database aims to identify and record skills of migrants, as well as to help employers search for needed skills. The organisation also provides workshops / personal development training for migrants to nurture their skills.<sup>175</sup>

173 European Union Agency for Fundamental Rights. *Second European Union Minorities and Discrimination Survey*. 2017. Available at: <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>.

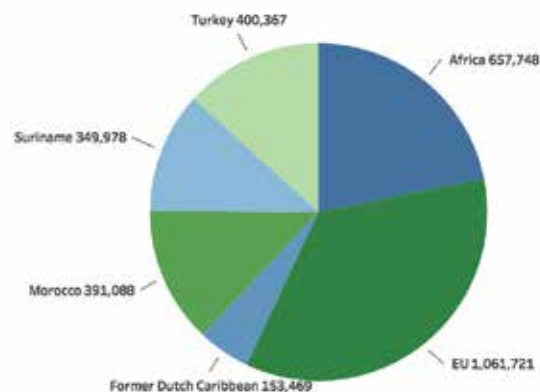
174 Department of Industrial and Employment Relations. *The Conditions and Employment and the Level of Integration of Third Country Nationals at Their Place of Work*. 2014. Available at: <http://dier.gov.mt/en/About-DIER/Publications-and-Archives/Other%20Publications/Documents/Integration%20of%20TCNs%20at%20their%20Place%20of%20Work%20-%20A%20Qualitative%20Research%20Study.pdf>.

175 See <http://africanmediamalta.com/migrant-skills-register/>.

## NETHERLANDS

### Population profile

**Figure 51: First and second generation migrant population in the Netherlands (2017)**



Source: Statistics Netherlands. *Bevolking; generatie, geslacht, leeftijd en migratieachtergrond*. 2017.

### Legal and policy developments 2013-2017

- In 2015, the Sham Employment Arrangement Act entered into force, which aims at preventing underpayment of workers, including temporary foreign workers. Under this law, a number of previously existing employment schemes that were deemed potentially exploitative are now banned.
- There is no national strategy to combat racial discrimination in the labour market. The Minister of Social Affairs and Employment developed an action plan against discrimination in the labour market but it does not address ethnic minorities specifically.<sup>176</sup>
- There have been significant government funding cuts for institutions and organisations that monitor discrimination.

### Labour market participation

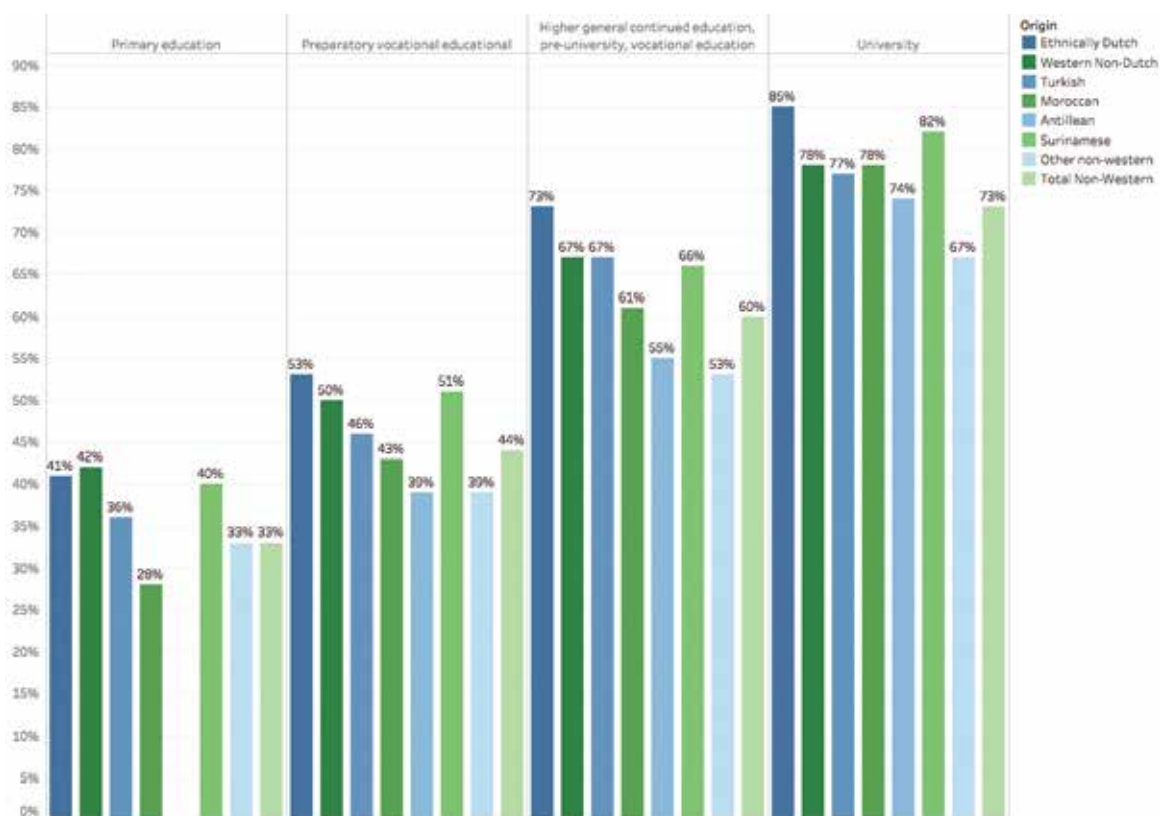
Research in 2016 showed that despite their educational background (high or low educated), ethnic minorities are more likely to be unemployed.<sup>177</sup>

176 See [https://www.ser.nl/~media/db\\_deeladviezen/2010\\_2019/2014/discriminatie-werkt-niet/discriminatie-werkt-niet-samenvatting.ashx](https://www.ser.nl/~media/db_deeladviezen/2010_2019/2014/discriminatie-werkt-niet/discriminatie-werkt-niet-samenvatting.ashx).

177 Centraal Bureau voor de Statistiek. *Onder hoogopgeleiden vinden autochtonen sneller werk dan allochtonen*. 2016. Available at: <https://www.cbs.nl/nl-nl/nieuws/2016/09/onder-hoogopgeleiden-vinden-autochtonen-snel-werk-dan-allochtonen>.



Figure 52: Level of education by ethnicity (2013)



Source: Statistics Netherlands (CBS). Labour Force Survey, 2013.

Another Sociaal en Cultureel Planbureau (SCP) report in 2016 shows that, despite high levels of education, improvement in educational performances and better Dutch language proficiency, non-Western migrants still face unequal opportunities in the labour market. The unemployment rate among people with a vocational education diploma (mbo) was 6.2% among native Dutch people while it was 11.5% among people with a non-western migrant background in 2015. The unemployment rate was lower among people with a university of applied sciences diploma (hbo). Moreover, the weak labour market position of migrants is also reflected in a high proportion of flexible jobs (or no permanent contract) – 37% of migrants compared to 24% of native Dutch people.<sup>178</sup>

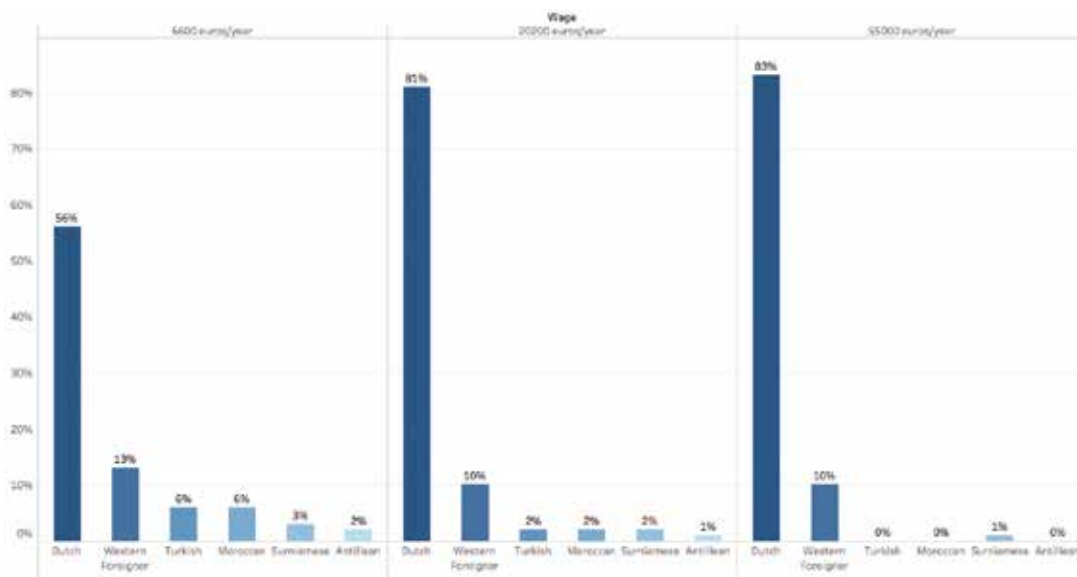
The SCP report also underlines youth unemployment among ethnic minorities which is three times higher (15.2%) than among native Dutch youths (5.6%). The average unemployment rate for youth with a 'non-western' background was 22% whilst it is 9% for native Dutch youth. The unemployment rate was the highest for Dutch Caribbean youth (26%) followed by Moroccan and Turkish youth (22%).

Despite economic growth after the crisis, unemployment rates have remained structurally higher among people with a migrant background in comparison to native Dutch people. The average market labour participation rate among people with a non-western background decreased from 61% to 55% between 2008 and 2015. Although Surinamese and Dutch Caribbean people have the highest market labour participation rate, it has decreased the most with a rate of 8% showing that they have been hit hard by the crisis. In July 2015, the UN Working Group of Experts on People of African Descent published a report on the Netherlands which stated: "people of African descent experience disproportionate rates of poverty and unemployment. Poverty is the main challenge faced by people of African descent in the Netherlands, compounded by wage gaps, high unemployment, lack of political participation and lack of effective national institutions to change the situation."<sup>179</sup>

178 Huijnk, W. and Andriessen, I. *Integratie in zicht? De integratie van migranten in Nederland op acht terreinen nader bekeken*. 2016. The Hague: The Netherlands Institute for Social Research (SCP).

179 United Nations. *Report of the Working Group of Experts on People of African Descent on its sixteenth session. Mission to the Netherlands*. 2015. Available at: <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/NLIndex.aspx>.

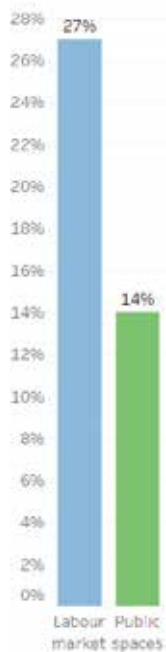
Figure 53: Annual income disparities by origin (2014)



Source: Central statistics Bureau. 2014.

## Racial discrimination

Figure 54: Reported areas where discrimination took place (2016)



Source: Anti-discrimination Bureau. 2016.

The groups most vulnerable to discrimination are young people (15-24 years old), Moroccan men and Muslim women wearing a headscarf.<sup>180</sup>

The report of the UN Working Group of Experts on People of African Descent on the Netherlands stated:

180 Huijnk, W. and Andriessen, I. *Integratie in zicht? De integratie van migranten in Nederland op acht terreinen nader bekeken*. 2016. The Hague: The Netherlands Institute for Social Research (SCP).

"Discrimination against people of African descent in the area of access to employment remains a concern. The workforce does not reflect the true diversity of society. Surinamese and Dutch Antillean people face rates of unemployment three times higher than that of white Dutch people. Reports have shown that employment agencies discriminate in the selection of applicants, in the different levels of pay, and other distinctions in the labour market".<sup>181</sup>

Discrimination testing research was commissioned by the Minister of Social Affairs and Employment in 2015. Similar CVs of fictional candidates from different ethnic groups were posted in an online CV database and the research looked at how employers/recruiters reacted to the CVs by clicks, e-mail/voicemails and missed calls. The conclusions pointed to discrimination by employers/recruiters in the online recruitment and selection phase on the grounds of ethnicity and age. Online CVs of native Dutch citizens of lower or middle age were twice more likely to be viewed by employers/recruiters than those of older candidates with a migrant background. For emails/voicemails and missed calls, the difference was even greater, between two and four times more for native Dutch than for other ethnic groups.<sup>182</sup>

181 United Nations. *Report of the Working Group of Experts on People of African Descent on its sixteenth session. Mission to the Netherlands*. 2015..


182 Ministry of Social Affairs and Employment. *Discriminatie in de wervings- en selectiefase - Resultaten van 'virtuele' praktijktests*. 2015. Available at: [https://www.rijksoverheid.nl/ministeries/ministerie-van-sociale-zaken-en-werkgelegenheid/documenten/rapporten/2015/09/01/discriminatie-in-de-wervings-en-selectiefase-resultaten-van-virtuele-praktijktests?utm\\_source=persbericht&utm\\_medium=email&utm\\_campaign=Ministerie+van+Sociale+Zaken+en+Werkgelegenheid](https://www.rijksoverheid.nl/ministeries/ministerie-van-sociale-zaken-en-werkgelegenheid/documenten/rapporten/2015/09/01/discriminatie-in-de-wervings-en-selectiefase-resultaten-van-virtuele-praktijktests?utm_source=persbericht&utm_medium=email&utm_campaign=Ministerie+van+Sociale+Zaken+en+Werkgelegenheid)

In 2017, a youth action group named “Doetank PEER” published research examining to what extent recruitment agencies would cooperate with discriminatory requests by employers. Among thirty recruitment agencies, three in four agreed to recruit only white employees for their fictive festival named “Holland Dances”.<sup>183</sup>

## Wage disparities

People with a migration background make up the larger part of the lowest income groups. In the highest income groups, people with a non-western background<sup>184</sup> are underrepresented.

According to a 2014 SCP report, “[A] quarter of the migrants from Central and Eastern Europe reported discrimination in the workplace. This group identifies discrimination in working conditions in particular: 15% of employed migrants from Central and Eastern Europe experienced discrimination in this area in the past year, especially in relation to the pay gap: colleagues are paid more for the same work”.<sup>185</sup>

 The Public Prosecutor developed a policy to increase diversity within the organisation. The organisation has developed a partnership with “Ongekende Talenten” (Hidden Talents) to recruit young diverse candidates for its traineeship programme.<sup>186</sup>

183 See <http://doetankpeer.nl/expose-the-racism/>.

184 Persons with a migration background in countries in Africa, Latin America and Asia (excluding Japan and Indonesia) or Turkey. See <https://www.cbs.nl/nl-nl/onze-diensten/methoden/begrippen?tab=p#id=persoon-met-een-niet-westerse-migratieachtergrond>.

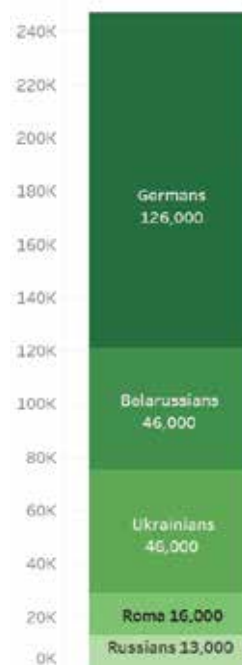
185 Sociaal en Cultureel Planbureau. *Ervaren discriminatie in Nederland*. 2014. Available at: <https://www.rijksoverheid.nl/documenten/rapporten/2014/01/24/ervaren-discriminatie-in-nederland>.

186 See <https://www.nu.nl/binnenland/4622268/openbaar-ministerie-wil-meer-diversiteit-aanklagers.html>.

## POLAND

### Population profile

Figure 55: Minorities among Polish citizens (2011)



Source: National Census of Population and Housing. 2011.

### Legal and policy and developments 2013-2017

- The existing anti-discrimination law is criticised by the Human Rights Defender and civil society organisations as ineffective and failing to ensure equal protection to all vulnerable groups.
- The provisions in the Labour Code, including on prohibition of discrimination and equal treatment, do not apply to employees with civil law contracts (i.e. contract for services, contract for a specific task) but only to employees with regular employment contracts. Most migrant workers have civil law contracts, which means that in practice they are less protected against discrimination than domestic workers.
- The new Act of 12 December 2013 on Aliens introduced the possibility of applying for a single permit for residence and work in Poland, which is an important simplification in the procedure.

### Labour market participation

Of all the national and ethnic minorities (defined as Polish citizens of non-Polish origin traditionally living in Poland and recognised as such by the law), only the Roma population has a very low employment rate. Depending on the source, the unemployment rate in this group

ranges from 80 up to over 90 %. In the period 2013-2017, the employment rate within the Roma population did not change significantly, despite a number of specific programmes/projects. Roma who find employment thanks to these programmes most often (75%) perform a job which may be described as “a specialist on Roma issues” or are responsible for facilitating education of Roma children (i.e. they work as Roma assistants in schools). They rarely move to the ‘mainstream’ labour market.<sup>187</sup>

A woman from Bangladesh worked in a window company. Even though she had the same range of duties as Polish employees she was paid almost half less: Polish people were paid PLN 15 per hour while she earned only PLN 8 net per hour. The manager explained the difference by the fact that she was a foreigner and she did not deserve more. When she became pregnant, she was fired despite the fact that it was against the law. She was not paid her last salary. Moreover, because she was fired before she gave birth, she did not have rights to maternity allowance.

In the years 2013-2016, the official number of unemployed migrants has remained very low. The Ministry of Family, Labour and Social Policy recorded 3,500 foreigners at the end of 2016, which makes up 0.24% of the total number of all registered unemployed persons. Third country nationals constitute 84% of all unemployed foreigners. It must be mentioned, however, that not all categories of migrants can be registered as unemployed.<sup>188</sup>

## Racial discrimination

The employment situation is the most difficult for Roma, who encounter discrimination at the stage of recruitment – they are simply refused employment.<sup>189</sup> Measures to improve employment rates are foreseen in the Programme for integration of the Roma community 2014-2020 and in the Programme “Knowledge, Education, Development 2016-2020” – in December 2016, 12 initiatives received co-funding from this Programme.

187 Ministry of Interior and Administration. Sprawozdanie z realizacji Programu integracji społeczności romskiej w Polsce na lata 2014-2020 w 2015 r. 2016, pp.8-9. Available at: <http://mniejszosci.narodowe.mswia.gov.pl/mne/romowie/program-integracji-spol/program-integracji-spol/9928,Sprawozdanie-z-realizacji-Programu-integracji-spoeczności-romskiej-w-Polsce-na-.html>.

188 Ministerstwo Rodziny, Pracy i Polityki Społecznej, Departament Rynku Pracy, Informacja nt. zatrudnienia cudzoziemców. 2017. Available at: [https://www.mpips.gov.pl/gfx/mpips/userfiles/\\_public/1\\_NOWA%20STRONA/Analizy%20i%20raporty/cudzoziemcy%20pracujacy%20w%20polsce/Inf%20zatrudnianie%20cudzoziemcow%2003.17.pdf](https://www.mpips.gov.pl/gfx/mpips/userfiles/_public/1_NOWA%20STRONA/Analizy%20i%20raporty/cudzoziemcy%20pracujacy%20w%20polsce/Inf%20zatrudnianie%20cudzoziemcow%2003.17.pdf).

189 Mikulska-Jolles, A. “Privileged but excluded: the situation of Roma in Poland”. In: Alietti A., Olivera M., Rinolo V. (eds). *Virtual citizenship? Roma communities, Inclusion Policies, Participation and ICT Tools*. 2015. Milan: McGraw-Hill Education, pp.81-82.

In the years 2013-2017, the issue of foreign workers has more often appeared in the public discourse, mainly due to the larger numbers of migrants. The discourse usually focuses on the lack of workforce in certain economic sectors or the possibility of maintaining the social security system by receiving and hiring migrants. Discussions are usually limited to Ukrainians given that they are the main group of foreign workers. Instances of severe exploitation of migrants are sometimes recounted by the press. Nevertheless, general acceptance of the cheap labour force of migrants seems to be widespread.

## Wage disparities

There are no data on the wage gap, earnings or income disparities between different ethnic groups, however, according to the analysis of the National Bank of Poland, the wage gap between Polish citizens and migrants is around 30% within the Warsaw agglomeration. This proportion is even higher when the rate per hour is compared. Migrants, especially those circulating between Poland and their country of origin, usually work 60 hours per week to maximise their income. They earn around 10 PLN net per hour (approximately 2.5 euro), while Poles earn approximately 16 PLN net per hour (approximately 4 euro).

It must be noted, however, that income differences between Poles and migrants are especially high in the Warsaw agglomeration, where a relatively high number of Poles have particularly high incomes. The comparison of earnings of migrants and Poles living outside the capital shows that the wage gap is lower and amounts to around 15%. Moreover, the lower incomes of migrants are also affected by other factors, such as profession, economic sector and age.

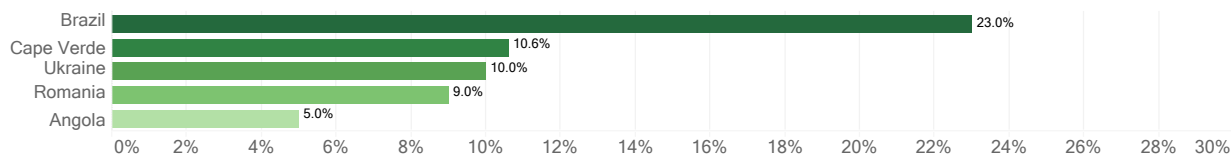


The Polish Migration Forum supports migrants in the area of employment through both individual and group consultations. A career advisor helps individuals to diagnose their work competences, prepare their CV and supporting documents while a small business specialist explains how to establish one's own company.

## PORTUGAL

### Population profile

**Figure 56: Nationalities of the foreign population in Portugal (2013)**



Source: Portugal Borders and Foreigners Service. Foreign population settled. 2013.

### Legal and policy developments 2013-2017

- In 2015, the Portuguese Parliament changed article 24 of the Labour Code, approved by Law no. 7/2009, which refers to equal opportunities and non-discrimination in access to employment, vocational training and promotion or working conditions.
- In 2016, Ordinance no. 265/2016 was approved, which refers to training for the inclusion of potentially vulnerable groups.
- In 2017, the Council of Ministers presented to Parliament a law proposal to combat racial discrimination and xenophobia.

The rise in unemployment has affected young people in particular, whose unemployment rate rose to over 42% in the first quarter of 2013.<sup>190</sup> According to the Serviço de Estrangeiros et Fronteiras (SEF) foreigners are generally younger than the Portuguese population, with a majority in the 35-44 (28.3%) and 45-54 (25.6%) age groups. The unemployed population of foreign nationality was estimated at 21,900 people in 2016, of which 11,700 were women (53.4%) and 10,200 were men (46.6%), representing 3.8 % of the unemployed population in Portugal. Compared to 2015, this population decreased by 16.1%, a variation greater than that observed for the Portuguese unemployed (-11.2%).<sup>191</sup>

### Labour market participation

**Figure 57: Unemployment rate among non-EU migrants (2016)**



Source: Rodrigues Farinha. The impact of the adjustment programme on inequality and poverty. 2015.

**Figure 58: Employment rate among non-EU migrants (2016)**



Source: Rodrigues Farinha. The impact of the adjustment programme on inequality and poverty. 2015.

The employed population of foreign nationality was estimated at 103,500 in 2016 – 2.2 % of the employed population in Portugal, of which 56,800 were women (54.9%) and 46,700 were men (45.1%).<sup>192</sup> In relation to 2015, this population decreased by 0.5%, mainly because of the reduction of the male population (-3.9%), since the female employed population increased by 2.3%.<sup>193</sup>

### Racial discrimination

According to the 2014 National Study on Roma Communities, discrimination and racism against Roma occur both at institutional and individual levels.<sup>194</sup> The RSI (Social Integration Income) is the most common source of income for Roma communities. The majority of Roma of working age are formally unemployed. Many Roma continue to be excluded from the labour market because they do not have the necessary academic qualifications and/or professional skills.

190 Portugal Borders and Foreigners Service. *Frontiers and Asylum Migration Report*. 2013. Available at: [http://sefstat.sef.pt/docs/rifa\\_2013.pdf](http://sefstat.sef.pt/docs/rifa_2013.pdf).

191 Portugal Borders and Foreigners Service. *Frontiers and Asylum Migration Report*. 2016. Available at: <https://sefstat.sef.pt/Docs/Rifa2016.pdf>.

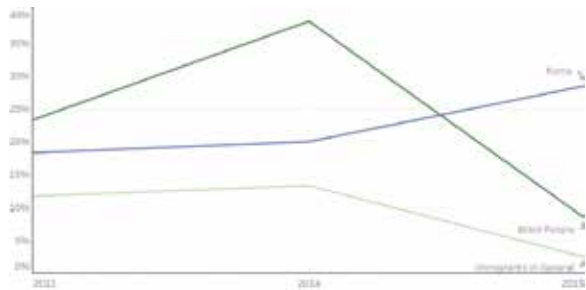
192 High Commission for Migration. *Annual Statistical Report*. 2017. Available at: <http://www.acm.gov.pt/-/indicadores-de-integracao-de-imigrantes-om-lanca-relatorio-estatistico-anual-2017>.

193 High Commission for Migration. *Annual Statistical Report*. 2016. Available at: [http://www.om.acm.gov.pt/documents/58428/383402/Relat%C3%B3rio+Estat%C3%ADstico+Anual+2016\\_.pdf/f276bae0-d128-43b5-8558-cdb410249fd2](http://www.om.acm.gov.pt/documents/58428/383402/Relat%C3%B3rio+Estat%C3%ADstico+Anual+2016_.pdf/f276bae0-d128-43b5-8558-cdb410249fd2).

194 High Commission for Migration. *National Study on Roma Communities*. 2014. Available at: [http://www.poaatse.qren.pt/upload/docs/Documentos/estudo\\_ennic.pdf](http://www.poaatse.qren.pt/upload/docs/Documentos/estudo_ennic.pdf).

Even if they meet the qualifications required by the employer there is a generalised prejudice about their supposed lack of commitment and ability to work. This judgment leads to situations of discrimination that hinder the hiring of Roma workers.

**Figure 59: Discrimination complaints reported to the Commission for equality and against**



**discrimination (2013-2015)**

Source: High Commission for Migration. Complaints received by the Commission for equality and against racial discrimination - by ethnic, cultural or other group. 2016.

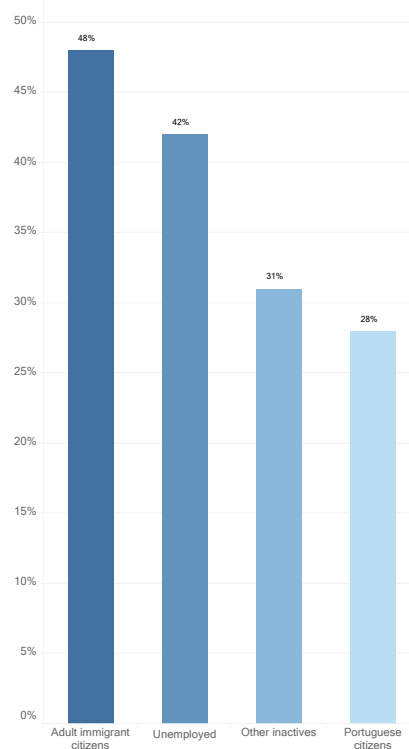
The labour insertion of both men and women from the Portuguese-speaking African countries has been characterised by "a disadvantageous pattern, consisting of low-skilled jobs, low wages, few opportunities for salary increase and promotions, job insecurity and often absence of social assistance, mostly concentrated in the service sectors".<sup>195</sup>

Amelia Costa, a Black woman originally from Guinea-Bissau, has a Portuguese sounding name. When she applied for a job in a bank she did not put her photograph in the CV. She was called for interviews and hired as a commercial manager. The human resources director later confessed that she would probably not have hired her if she had seen the photograph. Amelia believes that companies prefer to lose a good Black employee than expose themselves to customer prejudices because of skin colour.<sup>196</sup>

**Wage disparities**

According to the Annual Statistical Report 2016 and 2017, non-EU workers tend to receive lower average remuneration for their work. The workers from Portuguese-speaking African countries (PALOP) were those with the lowest levels of qualifications.<sup>197</sup> In 2013, the PALOP nationalities were among those with the lowest salaries: Guineans (-36.5% of average remuneration compared to the total number of workers), São Toméans (-36.4%) and Cape Verdeans (-34.6%), in 2015, São Toméans (-35.8%), Guineans (-35.5%) and Cape Verdeans (-34.4%). In addition, the largest foreign beneficiaries of unemployment benefits were PALOP nationals, namely 8,162 in 2013, 6,534 in 2014, 5,139 in 2015 and 4,647 in 2016.<sup>198</sup>

**Figure 60: Population at-risk-of-poverty by origin and activity (2015)**



Source: Eurostat. 2015.

195 Bastos, José Gabriel Pereira. *Portugueses Ciganos e Ciganofobia em Portugal*. 2012.

196 Gorjão Henriques Joana, Lind Sibila, Batista Frederico. "Vemos as cores, não vemos as competências". *Publico*, 2 September 2017. Available at: <https://www.publico.pt/2017/09/02/video/nos-vemos-as-cores-nao-vemos-as-competencias-20170831-084631>.

197 High Commission for Migration. *Annual Statistical Report*. 2017. Available at: <http://www.acm.gov.pt/-/indicadores-de-integracao-de-imigrantes-om-lanca-relatorio-estatistico-anual-2017>.

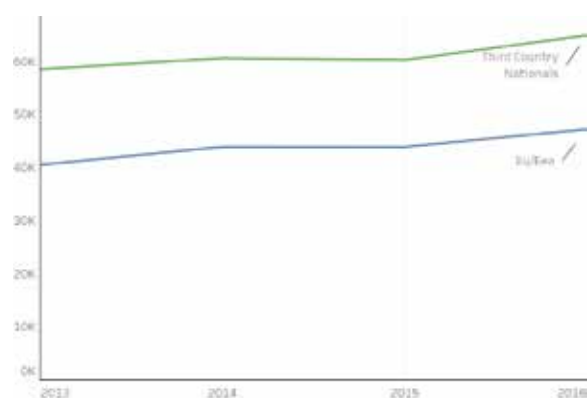
198 High Commission for Migration. *Annual Statistical Report*. 2016. Available at: [http://www.om.acm.gov.pt/documents/58428/383402/Relat%C3%B3rio+Estat%C3%ADstico+Anual+2016\\_.pdf/f276bae0-d128-43b5-8558-cdb410249fd2](http://www.om.acm.gov.pt/documents/58428/383402/Relat%C3%B3rio+Estat%C3%ADstico+Anual+2016_.pdf/f276bae0-d128-43b5-8558-cdb410249fd2).

## ROMANIA

### Population profile

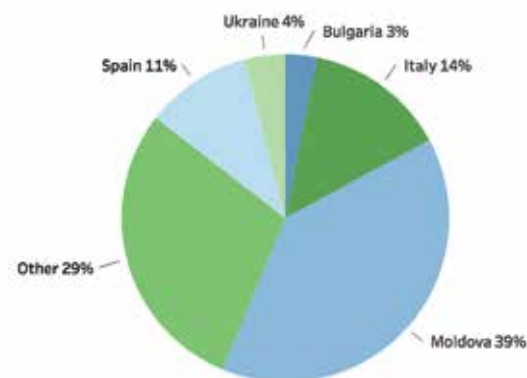
- Total population: 19,760,300 (2016)<sup>199</sup>
- Foreign born: 350,800 (1.8% of the total population, 2016)<sup>200</sup>
- Third country nationals: 64,903 (2016)<sup>201</sup>
- Total immigrants: 112,114 (2016)<sup>202</sup>
- Ethnic minorities (three largest): Hungarians (6.1%), Roma (3.08%), Ukrainians (0.25%) - however experts estimate the number of Roma to be much higher, between 1,200,000 and 2,500,000 (between 6.5% and 13.5% of the total population).<sup>203</sup>
- National minorities (represented in the Council of National Minorities): Hungarians, Roma, Albanians, Armenians, Bulgarians, Croats, Greeks, Germans, Jews, Italians, Polish, Lipovan Russians, Serb, Tatars, Turks, Macedonians, Rutens, Czechs and Slovaks.

**Figure 61: Number of foreign nationals with a residence permit (2013-2016)**



Source: General Inspectorate for Immigration. Activity analysis. 2016.

**Figure 62: Foreign born population by country of origin (2016)**



Source: Eurostat. Foreign born population by country of birth. 2016.

### Legal and policy developments 2013-2017

- The anti-discrimination legislative framework is covered by Governmental Ordinance No. 137/20000, and relevant provisions are also found in the Criminal Code, Civil Code and Labour Code.
- In December 2015, Law No. 331/2015 regarding asylum seekers' access to the labour market was adopted.
- Policies to address and combat structural discrimination in employment are inadequate and there is a lack of a comprehensive data collection system and commitment from public authorities.
- The new Labour Code set new regulations regarding temporary workers' wages, stating the salary of a temporary agency employee shall not be lower than that of any employee of the client company who is doing the same work. Law No. 331/2015 for the amendment and supplementation of certain normative acts on aliens added a new paragraph stating that "asylum-seekers have access to the labour market in the same conditions as Romanian citizens three months after their application has been submitted".<sup>204</sup>

199 Eurostat. *Demographic balance*. 2016. Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Demographic\\_balance\\_2016\\_\(thousands\).png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Demographic_balance_2016_(thousands).png).

200 Eurostat. *Foreign-born population by country of birth*. 1 January 2016. Available at: [http://ec.europa.eu/eurostat/statistics-explained/images/1/10/Foreign-born\\_population\\_by\\_country\\_of\\_birth%2C\\_1\\_January\\_2016\\_%28%C2%B9%29.png](http://ec.europa.eu/eurostat/statistics-explained/images/1/10/Foreign-born_population_by_country_of_birth%2C_1_January_2016_%28%C2%B9%29.png).

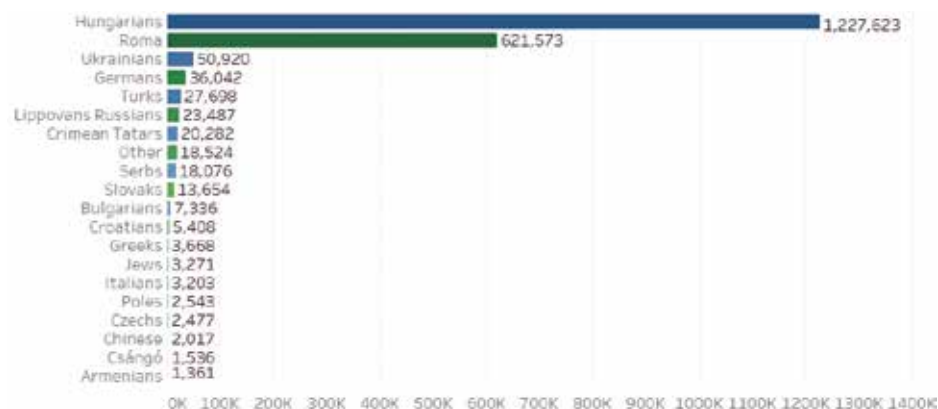
201 General Inspectorate for Immigration. *Activity analysis*. 2017. Available at: <http://igi.mai.gov.ro/content/analiza-activitatii>.

202 Ibid.

203 *Evaluation of the Council of Europe and European Union Joint Programme 'ROMED': Country Findings Romania*. 2016. Available at: [http://www.anr.gov.ro/docs/Site2016/Transparenta/Rapoarte/ROMED/Country%20findings\\_Romania.pdf](http://www.anr.gov.ro/docs/Site2016/Transparenta/Rapoarte/ROMED/Country%20findings_Romania.pdf).

204 Article 17(1) of Law no 331/2015 for the amendment and supplementation of certain normative acts on aliens (Legea 331/2015 pentru modificarea si completarea unor acte normative in domeniul strainilor). Available at: <http://lege5.ro/Gratuit/ha4danzqhe/legea-nr-331-2015-pentru-modificarea-si-completarea-unor-acte-normative-in-domeniul-strainilor>.

Figure 63: Ethnic minorities in Romania (2011)



Source: National Institute of Statistics. 2011 Census results, Part III. 2013

## Labour market participation

There are no official data regarding employment and unemployment rates for non-EU immigrants in Romania. Eurostat statistics on activity and employment rates for non-EU immigrants also stopped in 2009. The level of foreign workers was so low in Romania that it fell below the publication threshold of Eurostat. Quantitative assessment of immigrants' participation in the labour market is difficult, as official statistics collect insufficient and often contradictory data in this field. Data on immigrants' activity and employment rates are not calculated by the National Institute for Statistics (INS), while Eurostat provides incomplete data.

As a whole, the labour market is characterised by a significant shortage in the workforce and continuing shrinking of the labour force in Romania.<sup>205</sup>

Romania sets annual quotas for work authorisations issued to foreign workers, with a contingent set at 5,500 employment approvals per year during the reference period. The distribution of employment approvals by occupation indicates that most immigrants come to work as nannies, professional football players and other sportspeople, welders, cooks, laundresses etc. However, during the last years there has been an increase in incoming specialists in computers and software systems, as a result of the increasing emigration of highly qualified workers.

205 National Institute for Statistics. *Labour force in Romania: Employment and Unemployment*. 2016, p. 30. Available at: [http://www.insse.ro/cms/sites/default/files/field/publicatii/labour\\_force\\_in\\_romania\\_employment\\_and\\_unemployment\\_2016.pdf](http://www.insse.ro/cms/sites/default/files/field/publicatii/labour_force_in_romania_employment_and_unemployment_2016.pdf).

## Racial discrimination

Roma continue to be the most disadvantaged ethnic group when it comes to employment, a situation which is compounded by poverty, social exclusion and racial stereotyping in political and media discourses. Prejudice and ethnic discrimination are key factors hindering labour market integration for Roma people. According to a 2014 European Union Agency for Fundamental Rights report around 38-40% of Roma survey respondents from Romania<sup>206</sup> said that they have experienced unequal treatment when looking for work in the last five years. Romania registered also high proportions of women who were full-time homemakers (35%). The percentage of self-declared full-time housekeeping for women may partly reflect traditional gender roles but it can also indicate women's withdrawal from the labour market.

Regarding employed Roma, a World Bank study of Roma in Romania stated that 20% of the gap in employment between Roma and non-Roma neighbours cannot be explained by measured factors such as age, gender, education level, and geographic location. This gap reflects 'unmeasured' factors, which may include unobserved skills or factors such as discrimination, norms, beliefs, and values.<sup>207</sup> An earlier World Bank study also showed that labour earnings for individual employed Roma in Romania were a mere 39% of the labour earnings for employed non-Roma.<sup>208</sup>

206 European Union Agency for Fundamental Rights. *Poverty and employment: the situation of Roma in 11 EU Member States*. 2014. Available at: <http://fra.europa.eu/en/publication/2014/poverty-and-employment-situation-roma-11-eu-member-states>.

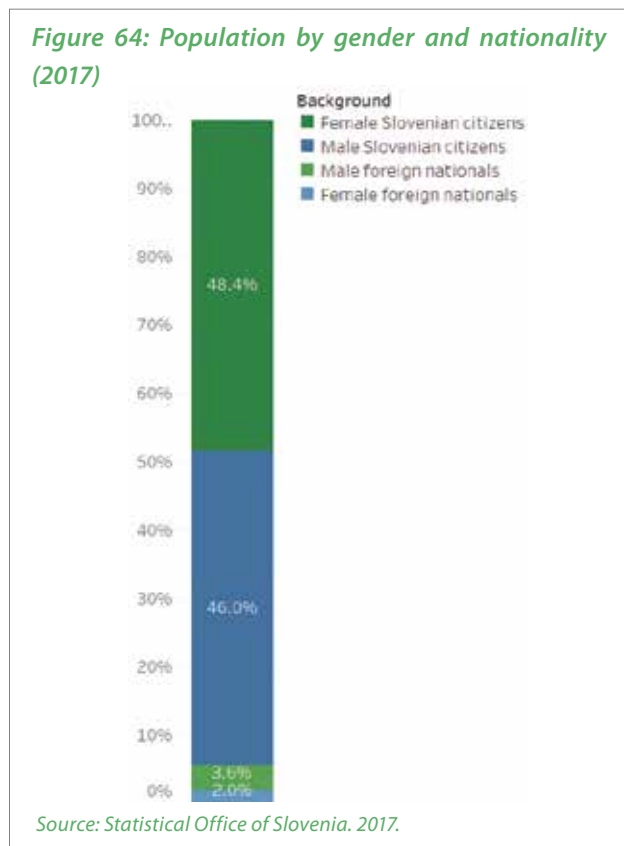
207 World Bank. *Achieving Roma inclusion in Romania: what does it take? : Summary report*. 2014. Available at: <http://documents.worldbank.org/curated/en/965951468093575739/Summary-report>.

208 World Bank. *Roma Inclusion: An Economic Opportunity for Bulgaria, Czech Republic, Romania and Serbia Policy Note*. September 2010. Available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/12905/696550ESW0P1180EconomicOpportunity.pdf?sequence=1>.



## SLOVENIA

### Population profile



- Total population: 2,064,836 persons (April 2017)
- Foreign nationals: 115,841 (75,222 male and 40,619 female) - 5.6% of the population.<sup>209</sup> The majority of foreign citizens residing in Slovenia are from the former Republic of Yugoslavia (76%), followed by EU nationals (16.4%) and citizens of other countries (7.6%).<sup>210</sup>

### Legal and policy developments 2013-2017

- In 2013, the National Assembly adopted the new Employment Relationships Act, which includes some stronger equal treatment provisions compared to the 2002 Act.
- In 2014, amendments to the Aliens Act were passed in the National Assembly, allowing for the issuance of a single work and residence permit in accordance with EU legislation. These changes also resulted in the adoption of the Employment, Self-Employment and Work of

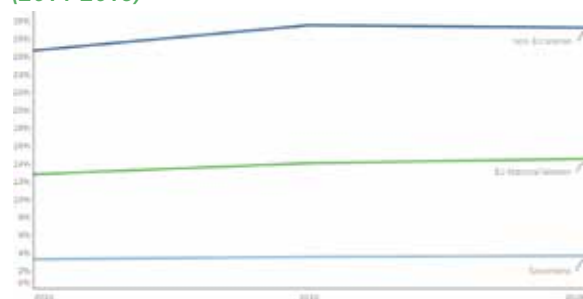
Aliens Act in 2015, which sets out the general framework regulating employment of foreigners in Slovenia.

- In 2016, the National Assembly adopted a new Protection against Discrimination Act, following infringement proceedings by the European Commission in 2014 for failure to properly transpose the EU Racial Equality Directive. The new Act strengthens the role of the national equality body, defines more serious forms of discrimination (e.g. multiple discrimination), obliges the Advocate and competent inspectorates to collect data on discrimination cases, and introduces a specific provision granting victims of discrimination the right to compensation.

### Labour market participation

While there are no specific records on the number of unemployed Roma, since there is no legal basis for employment services to collect data disaggregated by ethnic origin, only those who explicitly identified themselves as Roma in procedures at the employment services are available. In 2016, for example, there were 2,547 Roma registered at the Employment Service of Slovenia (*Zavod za zaposlovanje Republike Slovenije*), which is about 2.5% of all 99,615 registered unemployed persons in Slovenia.<sup>211</sup> In general, the number of registered unemployed Roma is fairly similar over time and their share among unemployed persons is higher than their share in the general population.

**Figure 65: Overrepresentation of the women migrant workforce in administrative support service activities, including cleaning services (2014-2016)**



Source: Statistical Office of the Republic of Slovenia. SI-STAT Data portal, Activities, 2017.

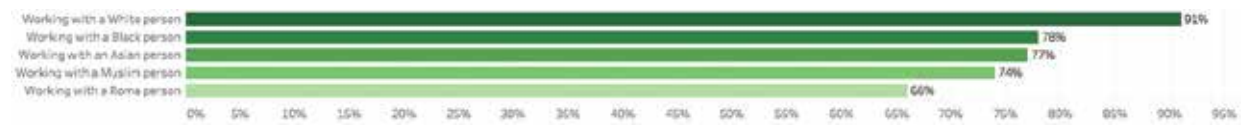
The existing data disaggregated by citizenship show that migrant workers take up jobs that are not taken up by nationals and are overrepresented in certain sectors characterised by less favourable working conditions.

209 Statistical Office of the Republic of Slovenia (Statistični urad Republike Slovenije). *Population*. 2017. Available at: <http://www.stat.si/StatWeb/en/News/Index/6822>.

210 Statistical Office of the Republic of Slovenia (Statistični urad Republike Slovenije). *Foreigners by groups of citizenship, Slovenia, annually (data extracted from the SI-STAT Data Portal)*. 2017. Available at: [http://pxweb.stat.si/pxweb/Dialog/varval.asp?ma=05E1014E&ti=&path=../Database/Demographics/05\\_population/15\\_Population\\_structure/05\\_05E10\\_Citizenship/&lang=1](http://pxweb.stat.si/pxweb/Dialog/varval.asp?ma=05E1014E&ti=&path=../Database/Demographics/05_population/15_Population_structure/05_05E10_Citizenship/&lang=1).

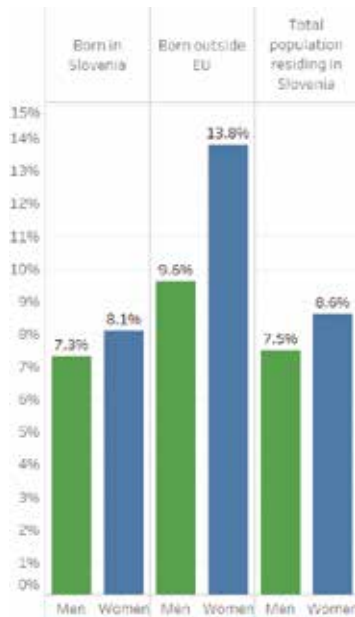
211 Government of the Republic of Slovenia (Vlada Republike Slovenije). *Priloga k Nacionalnemu programu ukrepov Vlade Republike Slovenije za Rome za obdobje 2017-2021*. 2017. Ljubljana: Vlada Republike Slovenije.

**Figure 66: Percentage of people saying they are comfortable working with minorities (2015)**



Source: European Commission. Special Eurobarometer 437: Discrimination in the EU in 2015. 2015.

**Figure 67: Unemployment rate by gender and country of birth (2016)**

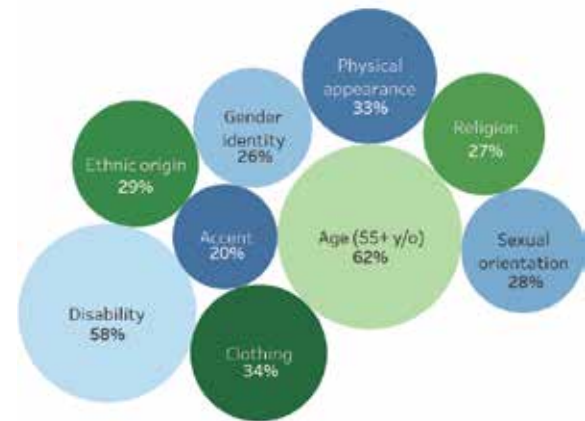


Source: Statistical Office of the Republic of Slovenia. SI-STAT Data portal. 2016.

Data broken down along ethnic lines or by religion available in Slovenia are fairly outdated. The last data on labour force participation rates, employment and unemployment rates within the minority population are from the 2002 Population Census carried out by the Statistical Office of the Republic of Slovenia (*Statistični urad Republike Slovenije*). The data collected showed higher unemployment rates within ethnic minority groups in comparison to the majority population (e.g. 8.1% for Slovenians, 16.7% for Albanians, 14% for Bosniacs, 10% for Croats, 11.3% for Macedonians, 13.3% for Montenegrins).<sup>212</sup>

## Racial discrimination

**Figure 68: Perceptions of discrimination in employment (2015)**



Source: European Commission. Special Eurobarometer 437: Discrimination in the EU in 2015. 2015.

Research studies and surveys dealing with perception and experiences of discrimination on the grounds of race, ethnic origin or religion are virtually non-existent in Slovenia.

Similarly, discrimination cases are rarely reported to relevant bodies. For example, the Advocate of the Principle of Equality, the Slovenian equality body, received 15 discrimination complaints on the grounds of race or ethnic origin and 5 complaints on the ground of religion from 2013 to 2016. Only one of these complaints, lodged in 2015, was related to employment and working conditions.<sup>213</sup> The Labour Inspectorate does not record the number of discrimination-related complaints received, but only keeps data on cases where it established violations of the relevant anti-discrimination provisions. In 2016, no cases of discrimination were related to race, ethnic origin or religion.<sup>214</sup>

Some data are available from the European Union Agency for Fundamental Rights European Union Minorities and Discrimination Survey (EU-MIDIS II). In Slovenia, the

212 Šircelj, M. Verska, *jezikovna in narodna sestava prebivalstva Slovenije: Popisi 1921 – 2002*. 2003. Ljubljana: Statistični urad Republike Slovenije, p. 131.

213 Information provided by the Advocate of the Principle of Equality upon request.

214 Information provided by the Labour Inspectorate of the Republic of Slovenia upon request.

survey captured recent immigrants, namely individuals who immigrated to Slovenia from non-EU countries in the past ten years. According to the survey, 11% of recent immigrants faced discrimination when looking for work in the five years preceding the survey (1% in the 12 months preceding the survey), while 9% experienced discrimination at work in the five years before the survey (3% in the 12 months preceding the survey).<sup>215</sup>

EU-wide research reveals that 91% of respondents in Slovenia would be comfortable or indifferent if one of their colleagues at work was a white person, 78% if the colleague was a black person, 77% if the colleague was an Asian person and 66% if the person was Roma. In terms of religion, 89% of respondents would be comfortable or indifferent if one of their colleagues at work was a Christian person, 81% if the colleague was an atheist person, 78% if the colleague was a Jewish person, 77% if a Buddhist person and 74% if a Muslim person.<sup>216</sup>

## Labour exploitation

While cases of workplace discrimination on the grounds of race, ethnic origin and religion are virtually absent in official records and are rarely reported, the difficult working conditions of migrant workers were much more publicised. While types of violations have not changed considerably over time, it seems that there is now a higher number of violations, particularly in the construction sector.

Migrant workers in the catering industry reported that they paid more than 10,000 EUR to an intermediary to arrange work permits in Slovenia. The intermediary promised them excellent working conditions, normal working hours, accommodation and salary in the amount of 800 EUR net. In Slovenia, however, they were accommodated in a warehouse paying rent to the employer, working more than 400 hours per month and only receiving minimum wages. They were prevented from communicating with customers. They were told that they had no rights in Slovenia and that the employer could send them back home at any time.<sup>217</sup>

215 European Union Agency for Fundamental Rights. *Second European Union Minorities and Discrimination Survey*. 2017. Available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-second-eu-minorities-discrimination-survey>. Please note that the data on instances of discrimination experienced by respondents in 12 months before the survey are statistically less reliable because of a small number of responses.

216 European Commission. *Special Eurobarometer 437: Discrimination in the EU in 2015 – Report*. 2015.

217 Košak, Klemen. "Sužnji v moji deželi". *Mladina*, 25 March 2016. Available at: <http://www.mladina.si/173302/suznji-v-moji-dezeli/>.

## SPAIN

### Population profile

- Total population: 46,528,966 (2017)<sup>218</sup>
- Migrant<sup>219</sup> population: 4,424,409 (9.51% of the total population, 2017)<sup>220</sup>
- Third country nationals: 2,483,000 (5.3% of the total population, 2016)<sup>221</sup>
- Foreign born (born in another EU Member State): 1,957,000 (4.2% of the total population, 2016)<sup>222</sup>
- Foreign born (born in a non-EU country): 3,962,200 (8.5% of the total population, 2016)<sup>223</sup>
- Recognised minorities: The concept of 'national minority' does not exist but Roma are considered as a specific minority that may benefit from certain protections. Estimates range from 500,000 to 1,000,000, probably around 725,000-750,000,<sup>224</sup> constituting around 1.5% of the total population.
- Recognised religious groups: Catholic (69.9% of the total population),<sup>225</sup> Evangelical, Jewish (40,000, 0.09%),<sup>226</sup> and Muslim (1,191,141, 4%).<sup>227</sup> 42% of the Muslim community are Spanish while 39% are Moroccan citizens.<sup>228</sup>

### Labour market participation

Spain still has one of the highest unemployment rates in Europe, although it decreased significantly between 2013 and 2017. There is a constant disparity between nationals' and migrants' employment rate after the financial crisis. Currently, the unemployment rate of non-EU nationals is 33.5% while their in-work at-risk-of-poverty rate is 45.1% of the Council for the Elimination of Discrimination in 2013 also highlighted that most employed migrants

218 Instituto Nacional de Estadística. *Cifras de Población a 1 de enero de 2017 – Estadística de Migraciones 2016*. 2017, p.1 and 6. Available at: [http://www.ine.es/prensa/cp\\_2017\\_p.pdf](http://www.ine.es/prensa/cp_2017_p.pdf).

219 Migrant refers to those who do not hold Spanish citizenship.

220 Instituto Nacional de Estadística. 2017.

221 Eurostat. *Non-national population by group of citizenship, 1 January 2016*. 2016. Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Non-national\\_population\\_by\\_group\\_of\\_citizenship,\\_1\\_January\\_2016\\_\(%C2%B9\).png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Non-national_population_by_group_of_citizenship,_1_January_2016_(%C2%B9).png).

222 Eurostat. *Foreign-born population by country of birth, 1 January 2016*. 2016. Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Foreign-born\\_population\\_by\\_country\\_of\\_birth,\\_1\\_January\\_2016\\_\(%C2%B9\).png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Foreign-born_population_by_country_of_birth,_1_January_2016_(%C2%B9).png).

223 Ibid.

224 Giménez, S. and Sáez, J. *NET-KARD Project. Discrimination of Roma Communities, Spain National Report*. 2013. Fundación Secretariado Gitano, p.5. Available at: [http://www.gitanos.org/upload/16/68/Discrimination\\_of\\_Roma\\_National\\_Report\\_SPAIN\\_Net\\_Kard.pdf](http://www.gitanos.org/upload/16/68/Discrimination_of_Roma_National_Report_SPAIN_Net_Kard.pdf).


225 CIE. *Barómetro de marzo*. Estudio nº 3170. 2017, p.18. Available at: [http://datos.cis.es/pdf/Es3170mar\\_A.pdf](http://datos.cis.es/pdf/Es3170mar_A.pdf).

226 Federation of Jewish Communities of Spain. Available at: <http://www.fcje.org>.

227 Unión de Comunidades Islámicas de España. Observatorio Andalús. *Estudio demográfico de la población musulmana*. 2017, p.9.

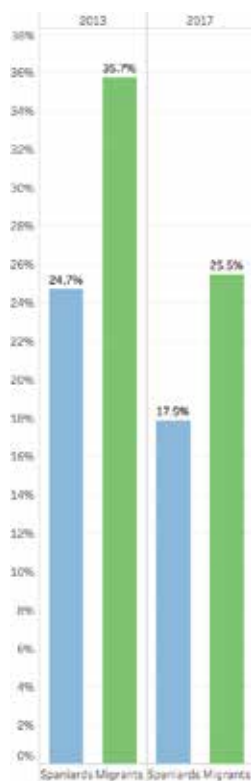
228 Ibid, p.2.

hold precarious jobs (33.5%) which makes them more vulnerable to poverty (45.1% of them being at-risk-of-poverty in 2013).<sup>229</sup>

 The ACCEDER network, gathering several social businesses, helps Roma integrate the labour market through positive action.

The economic crisis also hit the Roma community hard as more non-Roma people are engaged in jobs which were historically occupied by Roma workers, creating competition in the market. Roma are particularly affected by unemployment and poverty as they are highly marginalised in Spanish society. They often have no choice but to work in family businesses or occupy traditional professions like itinerant trade or waste collection, which does not ensure a decent living.

**Figure 69: Unemployment rate (2013-2017)**



Source: Instituto Nacional de Estadística EPA 2013 and Instituto Nacional de Estadística EPA 2017.

229 Unión General de Trabajadores. *Población extranjera: paro y pobreza*. March 2017, p.3. Available at: <http://www.ugt.es/Publicaciones/Informe%20Poblaci%C3%B3n%20extranjera%20paro%20y%20pobreza.pdf>.

## Racial discrimination

According to a 2013 NGO survey on discrimination in the labour market, 'being Roma' and 'being foreign' were the difficulties most cited by respondents when finding a job.<sup>230</sup> 38.2% of Roma and 18.4% of Sub-Saharan surveyed declared being rejected on racist grounds in job interviews. It seems that 'visible' working positions are harder to get for these groups.

According to surveys, there is a high level of prejudice and stigma towards Muslim people, and Muslim women (migrant or nationals) are the most discriminated in recruitment processes and in the workplace.

The Labour and Social Security Inspectorate revealed in 2015 several types of discriminatory behaviours towards migrant workers: they tend to face racist comments, tasks below their qualifications and disrespect of their labour contract among other irregularities.<sup>231</sup> Even though 28% of migrant women hold a university degree (same rate as Spanish women - 28.3%), they are overrepresented in low-skilled jobs, due to prejudices about their qualifications, their race and/or their country of origin.<sup>232</sup>

## Wage disparities

There are large wage gaps between those with Spanish citizenship and those without, particularly female migrants. According to a report by the IOM, 50.4% of non-EU migrant women have a lower minimum wage salary (649 EUR per month) and 83% of them earn less than 999 EUR (while Spanish women earn 1,621 EUR on average). Only 3.6% earn more than 1,500 EUR per month despite 28% of them holding a university degree.<sup>233</sup>

In 2016, research by the EU Agency for Fundamental Rights found that in Spain, almost the entire Roma population (98%) covered by the survey has income below the national income poverty threshold.<sup>234</sup> Spain has the

230 Centro de Investigaciones Sociológicas. *Percepción de la discriminación en España, Estudio nº 3000*. 2013, p.9. Available at: [http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/3000\\_3019/3000/es3000mar.pdf](http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/3000_3019/3000/es3000mar.pdf).

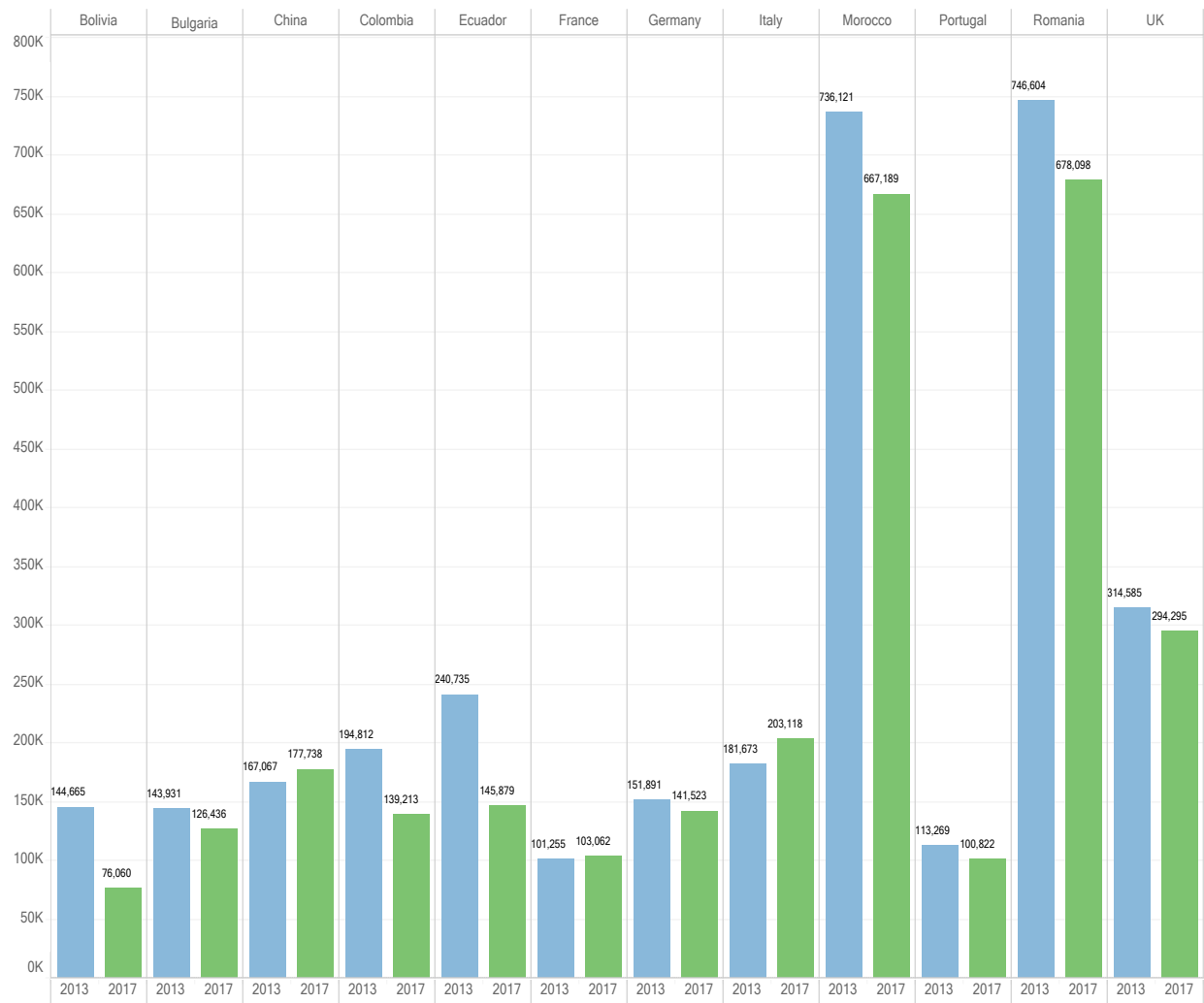
231 Council for the Elimination of Racial or Ethnic Discrimination. *Percepción de la discriminación por el origen racial o étnico por parte de las potenciales víctimas*. 2013, p.127.

232 Migrant Women Survey OIM-IUEM 2015. Cited in: International Migrant Organisation. *Estudio sobre la situación laboral de la mujer inmigrante en España*. 2015, p.49. Available at: <http://www.spain.iom.int/sites/default/files/Estudio%20Sobre%20la%20Situaci%C3%B3n%20Laboral%20de%20la%20Mujer%20Inmigrante.%20OIM%202015.pdf>.

233 International Organisation for Migration. *Estudio sobre la situación laboral de la mujer inmigrante en España*. 2015, pp.34-35.

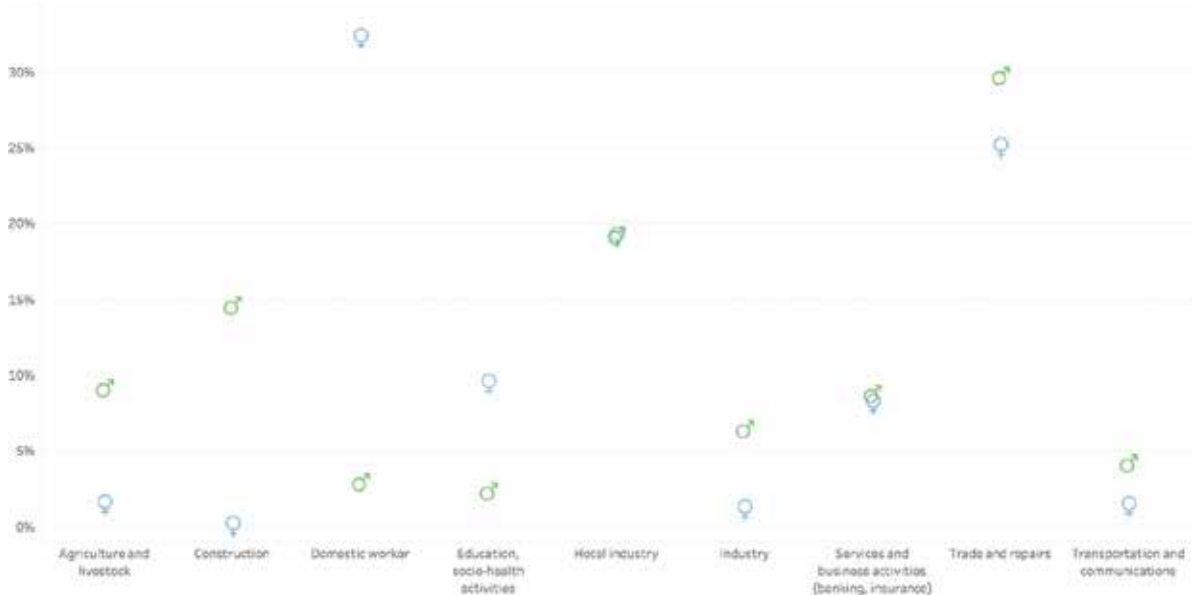
234 European Union Agency for Fundamental Rights. *Second European Union Minorities and Discrimination Surveys, Roma – Selected Findings*. 2016, p.14.

**Figure 70: Migrant population in Spain (2013-2017)**



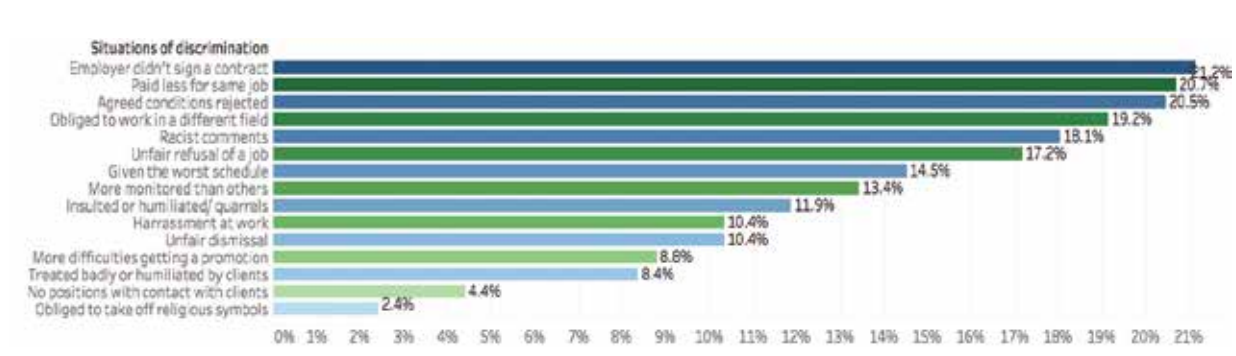
Source: Instituto Nacional de Estadística. Cifras de Población a 1 de julio de 2013 – Estadística de Migraciones. 2013 and Instituto Nacional de Estadística. Cifras de Población a 1 de enero de 2017 – Estadística de Migraciones. 2017.

**Figure 71: Migrant workers by sector and by gender (2013-2014)**



Source: Instituto Nacional de Estadística. 2013.

Figure 72: Discrimination experienced by migrant women (2015)



Source: International Organisation for Migration. 2015.

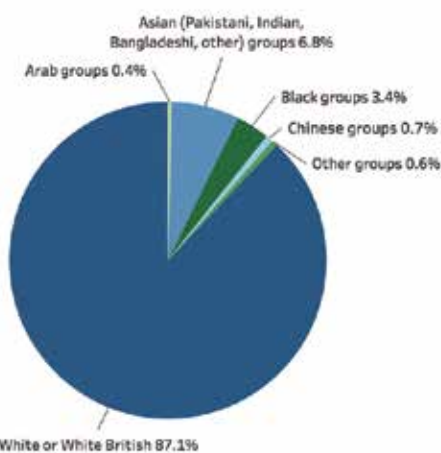
lowest self-declared employment rate of Roma among the surveyed countries. The unemployment rate remains very high among Roma: more than half of the surveyed Roma household members (57%) declared themselves 'unemployed'.<sup>235</sup>

## UNITED KINGDOM

### Population profile

- Total population: 65.64 million people (2016)
- Third country nationals: 8.7%
- Foreign born: 13%
- 46% White
- 33% Asian
- 13% Black

Figure 73: Population by ethnicity (2015)



Source: Office for National Statistics. Population of the UK by Country of Birth and Nationality. 2015.

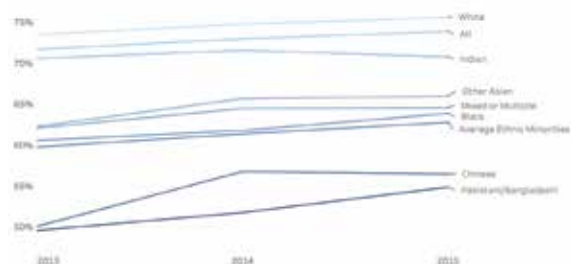
### Legal and policy developments 2013-2017

- The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society, and outlines how discrimination, harassment and victimisation are unlawful across nine 'protected characteristics': disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and age, marriage and civil partnership, and sexual orientation. While 'nationality' is considered as part of 'race' in the Act, until recently there remained a question whether discrimination on the ground of immigration status amounted to discrimination on grounds of nationality. In 2016, the Supreme Court held that the mistreatment of migrants workers as a result of their vulnerable immigration status did not amount to discrimination on grounds of nationality.
- The Immigration Act 2016 introduced new powers likely to impact Black and minority ethnic communities disproportionately and which carry the risk of increasing the vulnerability of migrant workers to exploitation by unscrupulous employers. In particular the Act created a new offence of 'illegal working', under which prosecutors can apply to confiscate anything that might be considered the proceeds of that 'crime'. It also introduced an English Language requirement for public sector workers, which might further marginalise migrant workers.

235 Ibid, p.17.

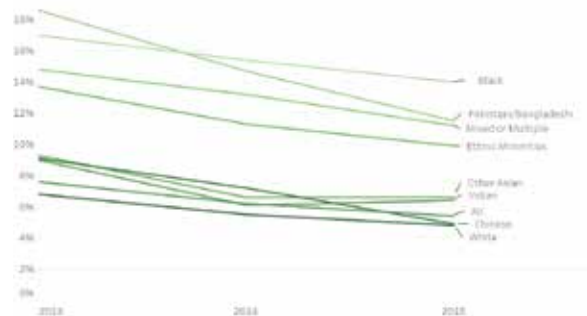
## Labour market participation

**Figure 74: Employment rate by ethnic minority (2013-2015)**



Source: Department for Work and Pensions. *Labour Market Status by Ethnic Group Statistics*. 2016.

**Figure 75: Unemployment rate by ethnic minority (2013-2015)**



Source: Department for Work and Pensions. *Labour Market Status by Ethnic Group Statistics*. 2016.

Both employment and unemployment figures point to a decreasing although persistent employment gap between Black and Minority Ethnic (BME) groups and the White population. These figures mark differences that are at times stark between male and female employment and unemployment within ethnic groups. In particular it is important to note that employment for Pakistani/Bangladeshi males in 2015 was 72.1% compared to Pakistani/Bangladeshi women at 36.4%. Unemployment for Black women stood at 12.9% in 2015 compared to Black men at 15.2%.

These figures also mark differences in the types of jobs held and wages earned by different ethnic groups. In particular, the current climate of increased precariat is important to bear in mind especially regarding its impact on women of colour.<sup>236</sup>

In 2017, Britain's unemployment rate hit a new 42-year low.<sup>237</sup> Conservative politicians and commentators have praised the government's ability to "help people find work". Yet, behind these figures, lies the reality of people being pushed into precarious part-time jobs and the rise of the infamous 'zero-hour contracts'.



The National Health Service (NHS) Equality and Diversity

Council has for the first time in the history of the NHS supported a contractual requirement to drive race equality in the employment of NHS staff. As of 1 April 2015, the Workforce Race Equality Standard is written into the NHS Standard Contract and requires all NHS providers, except the very smallest, to collect, analyse and publish workforce data on the proportions of NHS staff from BME backgrounds across all professions in every grade.

## Racial discrimination

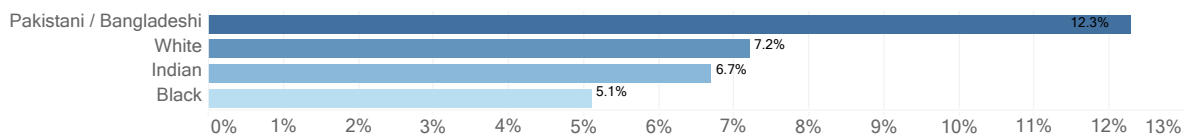
In 2014, a Business in the Community study found that BME employees were less likely to be rated in the top two performance rating categories (27% compared to 35% of White employees) and were less likely to be identified as 'high potential' (10% compared to 20% of White employees). The study which set out to look at trends in performance and appraisals at work also found that appraisal mechanisms feeding into leadership were more likely to rate BME employees less favourably and that White employees were more likely to be promoted overall compared with all other groups. It also found that BME women were more likely to be promoted than BME men (BME women overall promotion rate is 7.3% compared to 6.4% for BME men).<sup>238</sup>

236 Department for Work and Pensions. *Labour Market Status by Ethnic Group Statistics*. 2016. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/515622/labour-market-status-by-ethnic-group-april-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/515622/labour-market-status-by-ethnic-group-april-2016.pdf).

237 "UK unemployment falls to new 42-year low". *BBC News*, 16 August 2017. Available at: <http://www.bbc.co.uk/news/business-40947087>.

238 Business in the Community. *Benchmarking 2014 Analysis and Top Ten Organisations*. 2014.

**Figure 76: Ethnic groups earning minimum wage**



Source: Low Pay Commission. *National Minimum Wage: Low Pay Commission Report. 2013.*

The Race at Work 2015 review found that ethnic minorities struggle to achieve the same progression opportunities as their White counterparts. While BME individuals account for 12.5% of the working age population, they represent only 6.25% of top management positions.<sup>239</sup> Such findings pointing to underrepresentation of BME staff in companies, echo previous findings in the Race at the Top survey published by Race for Opportunity which found that “in the UK today, one in 10 employed people are BAME, yet only one in 16 of top management positions and one in 13 management positions are held by BAME people”.<sup>240</sup>

In 2015, the Joseph Rowntree Foundation found that BME groups tend to have unequal access to opportunities for development, often because of a lack of clear information on training opportunities or progression routes within their workplaces. This can be made worse if progression relies on opaque or informal processes, if there is a lack of BME role models or mentors at higher levels within their workplaces to provide support and advice, or if there is a gap between equality and diversity policies and practice in the workplace.<sup>241</sup>

This confirms findings from 2014 reporting that 35% of Pakistani, 33% of Indian and 29% of Black Caribbean employees report feeling that they have been overlooked for promotion because of their ethnicity.<sup>242</sup>

The most recent large-scale study, the McGregor-Smith Review, found that two thirds of BME individuals who responded to the call for evidence reported that they had experienced racial harassment or bullying in the workplace in the last five years.<sup>243</sup>

## Wage disparities

A 2017 report by the Trade Union Congress (TUC) looking at insecurity in work and the relationship with ethnicity found that the growth of insecure work, notably people working on a contract that does not guarantee decent employment rights (including zero-hour contracts, agency and casual work) has exacerbated the inequalities that Black and Minority Ethnic workers already face. The TUC found that 1 in 13 minority ethnic employees are in insecure work compared to 1 in 17 on average. This is particularly striking for Black employees, with 1 in 8 currently in insecure work. The Black community (Caribbean and African) are also twice more likely to be in temporary work than the average.<sup>244</sup>

**Figure 77: Paid less than the living wage in occupations with few low-paying jobs**



Source: Byrnie, M. and Longhi, S. *The Effect of Occupation on Poverty Among Ethnic Minority Groups. 2015. Joseph Rowntree Foundation.*

239 Business in the Community. *Race at Work. 2015.*

240 Race for Opportunity. *Race at the Top. 2014.*

241 Wood, C. and Wybron, I. *Entry To, and Progression in, Work. 2015. Joseph Rowntree Foundation.*

242 Business in the Community. *Benchmarking 2014 Analysis and Top Ten Analysis. 2014.*

243 McGregor-Smith, R. *Race in the workplace: The McGregor-Smith Review. 2017. Department for Business, Energy & Strategy, p.18.*

244 Trade Union Congress. *Insecure Work and Ethnicity. 2017. London: TUC. Available at: [https://www.tuc.org.uk/sites/default/files/Insecure%20work%20and%20ethnicity\\_0.pdf](https://www.tuc.org.uk/sites/default/files/Insecure%20work%20and%20ethnicity_0.pdf).*



# WOMEN OF COLOUR

As is highlighted throughout this report, very limited data regarding racial discrimination in employment are available. Data looking at discrimination of women of colour in the labour market are even more scant. There may be gender specific statistics on labour market participation in some Member States but those reports often do not include an intersectional approach.<sup>245</sup> Statistics on migrant women – based on their nationality, place of birth or citizenship – can often be available and whilst this information is useful to our analysis we are also aware that women of colour are not always migrant women and vice versa.

Our starting point for this last section of the report is that race, gender and class are socially constructed and create a “matrix of domination” – a social system of oppression that impacts on women of colour.<sup>246</sup> An ever-increasing body of academic work explores and tests the influence of both race and gender on the outcomes of women in employment, however here, we do not seek to deconstruct the power dynamics and systems of oppression that simultaneously create specific conditions of inequality in the labour market for women of colour. Instead, this section will document the evidence of disadvantage and discrimination where women of colour in Europe ‘face a multiple jeopardy’ as a result of the intersection of race, gender and class.

## Labour market participation

Many studies across Europe have found that ethnic minority women face discrimination at every stage of the recruitment process and therefore are more likely to have lower employment rates.

- In **Finland**, the disparity between the employment rate of women who were born abroad and native Finns was 17.4% in 2014, while for men it totalled 2.6%.<sup>247</sup>
- In **Estonia**, non-Estonian women have a significantly lower employment rate than men irrespective of their ethnicity and than Estonian women.<sup>248</sup>

- In the **United Kingdom**, the unemployment rates of Black, Pakistani and Bangladeshi heritage women have remained consistently higher than those of White women since the early 1980s. 20.5% of Pakistani and Bangladeshi women, and 17.7 % of Black women are unemployed compared to 6.8 % of White women.<sup>249</sup>
- In **Malta**, a 2016 survey of female asylum seekers found that 85.7% of the surveyed individuals (making up a sample size of 91 women who came from Syria, Libya, Eritrea and Somalia after 2012 - total research population estimated at 1,065) were unemployed. While half of them did not occupy a job for personal reasons (33.3% due to childcare responsibilities or dependents, 5.6% due to studies or professional training), 45.8% stated that they were in fact unable to find a job in the country. 45.5% of those in employment had held their current job for less than six months and 36.4% had done so for less than a year. Women reported that discrimination was the main obstacle to employment (78.6%).<sup>250</sup>
- In **Belgium**, surprisingly, the position of women slightly improved during the financial crisis between 2008 and 2012. Especially the employment rate of women of non-Belgian descent increased. The employment rate of women from EU-12 countries even improved by 8.6%. The employment rate of women from candidate EU countries (mainly Turkey) rose by 3.3%.<sup>251</sup>

## Access to employment

It can often be at the point of application that certain minorities are restricted from entering into the labour market. Whilst there are studies and situation tests at application stage there are fewer examples of how discrimination may affect women of colour. Discrimination in access to employment, however, has been reported in some EU Member States:

- In **Austria**, it was reported that a German teacher called the head office of a flower shop and asked about

245 See [http://www.enar-eu.org/IMG/pdf/2018\\_intersectionality\\_enar\\_briefing\\_for\\_online\\_final.pdf](http://www.enar-eu.org/IMG/pdf/2018_intersectionality_enar_briefing_for_online_final.pdf).

246 Browne, Irene and Misra, Joya. “The intersection of Gender and Race in the Labor Market”. *Annual Review of Sociology* 29. 2003. p. 487 and 492.

247 See [http://www.stat.fi/tup/julkaisut/tiedostot/julkaisu-uettelo/yyti\\_uso\\_201500\\_2015\\_16163\\_net.pdf](http://www.stat.fi/tup/julkaisut/tiedostot/julkaisu-uettelo/yyti_uso_201500_2015_16163_net.pdf).

248 Espenberg, K., Ainsaar, M., Kasearu, K., Lilleoja, L., Nahkur, O., Roots, A., Vihalemm, T. *Vähemusrahvustest inimeste töö- ja pereelu ühitamise võimaluste analüüs. Raport*. 2013. Tarty Ülikooli sotsiaalteaduslike rakendusuringute keskus RAKE, Tartu Ülikooli sotsioloogia ja sotsiaalpoliitika instituut. Available at: [https://www.sm.ee/sites/default/files/content-editors/Ministeerium\\_kontaktid/Uuringu\\_ja\\_analuusid/Sotsiaalvaldkond/vahemusrahvuste\\_raport\\_loplik.pdf](https://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Uuringu_ja_analuusid/Sotsiaalvaldkond/vahemusrahvuste_raport_loplik.pdf)

249 All Party Parliamentary Group on Race and Community. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women*. 2012. London: APPG c/o Runnymede Trust. Available at: <https://www.runnymedetrust.org/uploads/publications/pdfs/APPGfemaleunemploymentReport-2012.pdf>.

250 Migrant Women Association Malta. *Stepping up: An Investigation of Female Asylum Seekers and Employment in Malta*. 2017. Available at: <http://migrantwomenmalta.org/wp-content/uploads/2017/03/stepping-up.pdf>.

251 Deseure, Sandy & Wagner, Anne-Cécile. *Monitoring volgens origine bevestigd grote verschillen op de Belgische arbeidsmarkt – Complexe oorzaken, grote gevolgen*. November 2015. Available at: [www.presscenter.org/nl/pressrelease/20151117/monitoring-volgens-origine-bevestigd-grote-verschillen-op-de-belgische-arbeids](http://www.presscenter.org/nl/pressrelease/20151117/monitoring-volgens-origine-bevestigd-grote-verschillen-op-de-belgische-arbeids).

application possibilities for one of her students. When she mentioned that her student was from Turkey, the women replied: "I tell you one thing, a headscarf is not possible here", and added that perfect knowledge of German and completed schooling were mandatory requirements.<sup>252</sup>

- In **Ireland**, compensation was awarded in 2017 to an Irish citizen of Thai origin, who was asked racially discriminatory questions during her interview for a sales assistant job, including where she "came from", "how she got an Irish passport" and "how she became Irish".<sup>253</sup>
- In **the Netherlands**, a young Black Surinamese woman in the final phase of her Master's degree in fiscal law was completing an internship with a consulting firm. In a discussion with her supervisor, she expressed her interest for a permanent appointment. The supervisor said that the company already had a "token negro" and a "cuddly Moroccan".<sup>254</sup>

## Wage disparities

Academic studies over time have found that there are distinct patterns of wage determination for women (and men) of colour.<sup>255</sup> In July 2017, the BBC in the **United Kingdom** was compelled to reveal information about the pay of its staff, and the revelations led to an uproar about the clear gender inequalities, with 25 men on the Top 96 talent list receiving more than £250,000 compared to just nine women, and only one woman making it to the top ten. However, fewer commentators showed outrage at the equally blatant racial pay gap, with not a single ethnic minority person making it to the top 24. Writing for the Metro, Jasmine Dotiwala notes that "you had to scroll way down the salary list to come across its first Black women – actresses Tameka Epsom and Diane Parish", thus pointing to the fact that all too often it is Black women who fall at the bottom of the ladder.<sup>256</sup>

Minderhedenforum in **Belgium** reports that female migration correlates with a higher prevalence of poverty among migrant women and the 'feminisation' of migration leads to a feminisation of poverty. More (irregular) migrants tend to be female, partly due to the

increasing demand for domestic workers and employees in the care sector.<sup>257</sup>

In **Germany**, according to the Bremer Institute for Labour Market Research the so-called "poverty risks" for migratory status (without or with migration background), nationality (with or without German nationality) and sex differed considerably in 2015. The poverty rate, which is differentiated according to migratory status, nationality and gender, ranges from 11.8 % of the male population without a migration background to 34.6 % of the female population without German nationality. In all status groups the poverty risk of the female population is higher than that of the male population.<sup>258</sup>

Research conducted in the **United Kingdom** by the Runnymede Trust with Women's Budget Group (2016) found that individuals in the poorest households lose the most from tax and benefit changes. Specifically, in every income group, Black and minority ethnic women lose the greatest proportion of their individual income. In particular, the study found that poor Black and Asian women lose around twice as much money as low income White men following the most recent changes in government policy. The report confirms that working class women of colour experience triple discrimination along the lines of class, gender and race.<sup>259</sup>

## Domestic work: race - gender - class - nationality

An intersectional approach has been used to study how race and gender may lead to stratification of the labour market, particularly in the United States. In Europe, the evidence of discrimination of women of colour can be most clearly seen in the stratification of the labour market where women of colour are reportedly siphoned into domestic work (Greece, Cyprus, Czech Republic, Italy, Ireland, Poland, Slovenia). Domestic work is where the intersectionality of race, gender, class and nationality; and the matrix of oppression is most visible. Not only is domestic work traditionally seen as gendered work but also class and the stereotypes of nationality come into full effect with migration forces creating ever deepening lines of stratification, discrimination and exploitation.

252 ZARA. *Rassismus Bericht 2012, Case 55*. Available at: [http://www.zara.or.at/wp/wpcontent/uploads/2013/03/ZARA\\_Rassismus\\_Report\\_2012\\_Web.pdf](http://www.zara.or.at/wp/wpcontent/uploads/2013/03/ZARA_Rassismus_Report_2012_Web.pdf).

253 Workplace Relations Commission case: A job applicant v A Retail Outlet [09/02/2017] ADJ-00003650.

254 Netherlands Shadow Report questionnaire response.

255 Browne, Irene and Misra, Joya. "The intersection of Gender and Race in the Labor Market". *Annual Review of Sociology* 29. 2003, p. 487.

256 Dotiwala, J. "Black women are the least valued people in society". *Metro*, 3 August 2017. Available at: <http://metro.co.uk/2017/08/03/black-women-are-the-least-valued-people-in-society-6808199/>.

257 Kanmaz, Meryem. *Give her a break: over armoede en uitsluiting bij vrouwen*. 2016. Minderhedenforum, p. 25.

258 Germany Shadow Report questionnaire response.

259 Women's Budget Group. *New research shows that poverty, ethnicity and gender magnify the impact of austerity on BME women*. 2016. Available at: <http://wbg.org.uk/news/new-research-shows-poverty-ethnicity-gender-magnify-impact-austerity-bme-women/>.

- In **Greece**, it is reported that Filipinas are estimated at 25,000 and they almost exclusively work in the domestic sector. Their presence in Greece dates back to the 1970s and their profile as “Christians, English speakers, passive and soft spoken” made them more appealing to the wealthy society of the country, which absorbed them as live-in nannies or housekeepers. Filipinas are not protected by any collective agreement employment contract, but work on the basis of individual contracts or even oral agreements and are not covered by labour inspection mechanisms. They are expected to be on standby to respond to the needs of families, and they usually sleep five to six hours. They can also be accused of stealing by their employees, as an excuse to be fired or even deported.<sup>260</sup>
- Wide-scale exploitation of female domestic workers from Africa has been reported in **Greece**. According to the Union of African Women, women end up in middle-class households, working for long hours with no days off while being promised the equivalent of the minimum wage in their home countries. This equivalent might be translated to 50€ per month.<sup>261</sup>
- Three separate pieces of research by Migrant Rights Centre **Ireland** explore the consequences of the lack of any agency or body responsible for monitoring or inspecting the domestic worker sector under Irish legislation.<sup>262</sup> This sector is highly gendered and includes cleaners, child care and elder care in the home (individual employers), and the home and child care industries (private agency employers). This policy gap allows employers to employ migrants without regulation or inspection. Childminders, domestic workers and elder carers report racism and discrimination from both employers and clients, and denial of basic labour rights (including denial of contracts, leave, holiday pay and overtime).
- There is a particularly interesting dynamic in **Italy** as within the non-EU population, female employment rates range from 93.6% for Filipino women (despite the large presence of women with children) to 10% for Egyptian women. Gender dynamics interplay with nationality in a segregated labour market. On the one hand the gender variable results in the phenomenon of ethnicisation of work, on the other hand, considering the total number of foreign employees, the percentage of female employment is much higher compared to Italian women.<sup>263</sup>

## Sexual abuse, harassment and pregnancy

Within domestic work in particular, there have been several reports of sexual abuse and harassment. An investigation by *L'Espresso* magazine published in June 2017 documents horrendous and worsening conditions affecting Romanian women working in the countryside surrounding Ragusa in **Italy**. There are 5,000 Romanian women working in the region, with an extraordinary number of abortions (111 in 2016, 199 in 2015) reported. The number of abortions is disproportionately high compared to Italian women and indicates an institutionalised system of rape carried out against them by employers as well job brokers.<sup>264</sup>

According to a position paper by the Commissioner for Administration (Ombudsperson) and Human Rights in **Cyprus**, “the overwhelming majority of female migrant domestic workers, who constitute a particularly vulnerable group, are subjected to multiple discrimination, unequal, unfair and abusive treatment, violence and/or sexual abuse”.<sup>265</sup>

Across the EU, the experiences of NGOs working with migrants show that migrant women encounter work difficulties related to pregnancy and motherhood. In **Poland** specifically, the law prohibits firing pregnant women but there is no law which automatically prolongs the work permit for pregnant women. This means that an employer can easily dismiss a pregnant employee simply by not prolonging her work permit. Consequently, migrant women are not equally protected as Polish citizens in the case of pregnancy and motherhood.

## Black women

Gender discrimination in employment intersects with women’s migratory background and according to *France Stratégie*, women with an African background in **France** had the lowest activity rates (74%) in the French labour market in 2016. While the unemployment rates of White women drastically decreased in the past 25 years (1990-2014), women of colour often face different challenges in the labour market due to their education and social background.<sup>266</sup>

260 Greece Shadow Report questionnaire response.

261 Greece Shadow Report questionnaire response.

262 Migrant Rights Centre Ireland. *Ireland is Home, An analysis of the current situation of undocumented migrants in Ireland*. 2014; *Childcare in the Domestic Work Sector: Who’s minding the children?*. May 2015; *Migrant Workers in the Home Care Sector: Preparing for the elder boom in Ireland*. 2015. Available at <https://www.mrci.ie/category/resources/publications/>.

263 Fondazione ISMU. *The Twenty-second Italian Report on Migrations 2016*. 2017. Available at: [http://www.ismu.org/wp-content/uploads/2017/06/XXII-italian-report-on-migrations\\_01-06-17.pdf](http://www.ismu.org/wp-content/uploads/2017/06/XXII-italian-report-on-migrations_01-06-17.pdf).

264 See [http://espresso.repubblica.it/inchieste/2017/06/30/news/sfruttamento-stupri-e-aborti-le-braccianti-rumene-in-sicilia-continuano-a-vivere-come-schiave-1.305380?refresh\\_ce](http://espresso.repubblica.it/inchieste/2017/06/30/news/sfruttamento-stupri-e-aborti-le-braccianti-rumene-in-sicilia-continuano-a-vivere-come-schiave-1.305380?refresh_ce).

265 Position of the Ombudsperson in her capacity as National Human Rights Institution on the regime of domestic workers in Cyprus. *Τοποθέτηση Επιτρόπου Διοικήσεως ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων αναφορικά με το καθεστώς των οικιακών εργαζομένων στην Κύπρο*. 2013. Available at: [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index\\_new/index\\_new?OpenForm](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_new/index_new?OpenForm).

266 France Stratégie. *Marché du travail : un long chemin vers l'égalité*. 2016. Available at: <http://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/na-42-marche-du-travail-18-02-2016.pdf>.

People of African descent in **Ireland** are offered far fewer employment opportunities commensurate with their education, despite having much higher qualifications than other migrants statistically, and are disproportionately employed in sectors where they may be vulnerable to discrimination from customers and clients as well as colleagues during their normal working activities. Lack of employment opportunities makes it less likely that they will make a complaint or seek statutory remedy.<sup>267</sup>

## Roma women

Data are more available on the employment rates of Roma women across the EU. The high unemployment rate among Roma women cannot be explained by one single factor, such as ethnic discrimination, gender discrimination or insufficient skills. Gender, ethnicity and class are important factors that are mutually reinforcing. Class plays a significant role here as in some EU Member States Roma live in areas with significant structural problems. The EU Agency for Fundamental Rights has published detailed discrimination surveys on this group and the findings include, for example:

- Roma women in **Italy** are more likely to take care of the home fulltime, whereas the labour participation of Roma men is higher.
- In **Hungary**, Roma women are in a situation where they experience multiple disadvantages – compared to Roma men and to non-Roma women, Roma women respondents systematically had higher rates of complaints of discrimination because of factors related to both their ethnicity and gender.<sup>268</sup>

## Muslim women

A report commissioned by the Women and Equalities Committee in the **United Kingdom** found that Muslim women are the most economically disadvantaged group in British society. The study found that Muslim women are three times more likely to be unemployed than women generally. The report pointed to a 'triple penalty' impacting their job prospects: being women, being from an ethnic minority group and being Muslim. The findings are bolstered by news stories reporting young Muslim women being fired from their job for refusing to take off

their headscarf.<sup>269</sup> This British example of Muslim women is echoed across the EU with reports of discrimination of women wearing the headscarf in Austria, Finland, Germany and Poland.

In **France**, a CV testing survey was conducted in 2014 to measure the impact of wearing Muslim religious symbols on access to employment. Only the names and the photos changed, using French or Arabic sounding names and pictures with or without a headscarf. The difference in positive responses could go up to 10 points between the applicants with a French sounding name and those with an Arabic sounding name, and was multiplied by 7 with 71 points difference when the headscarf parameter was added.<sup>270</sup> In **Belgium**, according to the national equality body UNIA's data, 50% of discrimination complaints by women on the ground of religion (Islam) in 2014 concerned employment.<sup>271</sup>

A survey in **Poland** highlighted that Muslim women in particular complained about the deterioration of Poles' attitudes toward Muslim people during the last year.<sup>272</sup>

The UN Working Group on People of African Descent studied the intersectionality of the different forms of discrimination faced by people of African descent in **Germany** and heard experiences of discrimination based on ethnicity, religion, socioeconomic status, sex and gender identity. Muslim women of African descent face further discrimination when it comes to access to the labour market as their experiences of Islamophobia and Afrophobia are compounded by their gender.<sup>273</sup>

267 ENAR Ireland. *Afrophobia in Ireland – Racism against people of African descent*. November 2015. Available at: <http://enarireland.org/afrophobia-in-ireland-racism-against-people-of-african-descent/>.

268 European Union Agency for Fundamental Rights. *Discrimination against and living conditions of Roma women in 11 EU Member States*. 2014. Available at: <http://fra.europa.eu/en/publication/2014/discrimination-against-and-living-conditions-roma-women-11-eu-member-states>.

269 House of Commons, Women and Equalities Committee. *Employment opportunities for Muslims in the UK*. 2016. Available at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/89/89.pdf>.

270 Tisserant P. *Discrimination à l'embauche liée au port de voile: les résultats d'un testing sur CV réalisé en France*. 2014.

271 Collectif contre l'Islamophobie en Belgique (CCIB). *Droits des femmes et dimension sexiste de l'Islamophobie: factsheet*. 2015.

272 Poland Shadow Report questionnaire response.

273 Germany Shadow Report questionnaire response.

# ANNEX

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## Terminology

**Ethnicity and race.** EU law does not define these concepts, which have not always been distinguished. Race is a social construct, implying deep historical roots that reflect the groundless belief that certain 'racial' groups are biologically and/or culturally inferior to others. Some of the criteria by which ethnic groups are identified are ethnic nationality (i.e. country or area of origin, as distinct from citizenship or country of legal nationality), race, colour, language, religion, customs of dress or eating, tribe or various combinations of these characteristics. By the nature of this topic, these categories and their definitions will vary widely from country to country; therefore, no internationally accepted criteria are possible.

**Discrimination.** European law makes the distinction between two types of discrimination: direct and indirect. Direct discrimination occurs where one person is treated less favourably than another, in a comparable situation, on ground of protected characteristics. Indirect discrimination applies when people belonging to the same groups suffer from different consequences as the result of apparently neutral provisions, criteria or practices. The EU Race Equality Directive regulates some specific forms of discrimination, such as harassment, instruction to discriminate and victimisation but does not specifically address structural discrimination based on racial or ethnic origin.

**Equality data.** Equality data refers to all types of disaggregated data used to assess the comparative situation of a specific group at risk of discrimination, which are collected through public statistics, ad hoc surveys, internal monitoring by enterprises or public administrations, judicial system data and data from equality bodies.

**Intersectionality.** The concept of intersectionality originates in Black feminist thought. US critical legal scholar Kimberlé Crenshaw coined the term to reflect the complexity of the experience of violence and discrimination of Black women. Crenshaw showed that this experience could not be adequately captured using a 'single-axis' framework based on race or sex. Instead, the intersection of racism and sexism factors into Black women's lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately. Crenshaw's concept enabled studies of discrimination to better capture the experience of the most marginalised within marginalised groups and show the more severe impact of compounded forms of discrimination.

**Third country national.** A person with citizenship from outside of the European Union.

**A person with a migrant background** may be born within the European Union with one or both parents/grandparents with a different nationality; and/or migrated into their present country of residence.

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# RACISM AND DISCRIMINATION IN EMPLOYMENT IN EUROPE

## ENAR Shadow Report 2013 - 2017

ENAR's yearly Shadow Reports provide a unique monitoring tool on racism and related discrimination in Europe. The 2013-2017 report focuses on racism and discrimination in employment in 23 EU Member States. It does not base itself solely on hard data but builds on the compilation of the experiences and analysis of those experiencing racism and discrimination on the ground.

The report shows that despite anti-discrimination laws, ethnic minorities and migrants continue to face racial discrimination when looking for a job and in the workplace. It also includes a specific section on women of colour in employment, which finds that they face multiple obstacles in the labour market, as a result of the intersection of race, gender and class.

The European Network Against Racism (ENAR) stands against racism and discrimination and advocates equality and solidarity for all in Europe. We connect local and national anti-racist NGOs throughout Europe and act as an interface between our member organisations and the European institutions. We voice the concerns of ethnic and religious minorities in European and national policy debates.



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